

NOT CONFIRMED BY COUNCIL

## SHIRE OF JERRAMUNGUP



## MINUTES

## COUNCIL ORDINARY MEETING

18<sup>th</sup> JULY 2012

**ORDINARY MINUTES –18<sup>th</sup> JULY 2012****INDEX**

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SHIRE OF JERRAMUNGUP

ORDINARY MEETING OF COUNCIL HELD IN THE TOWN HALL, BREMER BAY ON  
WEDNESDAY 18<sup>th</sup> JULY 2012, COMMENCING AT 1.30PM.

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

The President declared the meeting open at 1.30pm.

2. **RECORD OF ATTENDANCE**

Cr B Trevaskis	President
Cr R Lester	Deputy President
Cr J Iffla	Member
Cr R Parsons	Member
Cr C Daniel	Member
Cr B Atkin	Member
Mr W Parker	Chief Executive Officer
Mr G Edwards	Executive Manager Infrastructure Services
Mr C Pursey	Planning Officer
Mrs C Solomon	Coordinator of Governance & Land Administration
Mr Nathan McQuoid	Member of the public
Ms Julie Leenhouders	Member of the public
Mrs Tara Pittard	Member of the public
Mrs Gail Hiilinen	Member of the public

3. **APOLOGIES**

Cr W Bailey                      Member

4. **LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

5. **PUBLIC QUESTION TIME**

Nil

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

OC120701    Moved Cr Lester / Seconded Cr Daniel

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

Carried 6-0

## **7. PETITIONS / DEPUTATIONS / PRESENTATIONS**

Mr Nathan McQuoid advised Council on the Fitzgerald Biosphere renomination process that is currently underway.

Mr McQuoid provided Councillors with a brief history. A 2003 review by UNESCO on the Fitzgerald Biosphere found that it did not meet the accepted Biosphere Reserve criteria. The UNESCO review recommendations were;

- Formally recognise a buffer zone and transition area in the areas where the local land care group of farmers and landowners were currently working in cooperation with the National Park administration.
- Consider extending the marine component, so that the whole Biosphere Reserve could serve to illustrate the Ecosystem Approach (CBD 2010) for the entire Fitzgerald River catchment basin.
- Provide more information on the process of measures to rehabilitate degraded lands in the areas corresponding to the potential future transition area.

To address these issues a Biosphere Implementation Group (BIG) was formed consisting of Friends of Fitzgerald River National Park, Fitzgerald Biosphere Group, Ravensthorpe Agriculture Initiative Network, Department of Environment and Conservation, South West Aboriginal Land and Sea Council and the Shires of Jerramungup and Ravensthorpe.

Mr McQuoid has developed a document which he will be sending to UNESCO for comment. One of the recommendations is that the boundary be adjusted to include all the Shire of Jerramungup and Ravensthorpe, west of the Rabbit Proof Fence. It has also been recommended by DEC that the renomination includes state waters.

Mr McQuoid advised that as part of the renomination process, Council was required to sign off on the renomination once finalised.

Mr Parker thanked Mr McQuoid for his presentation and advised Councillors that the renomination will be presented to Council at the August Ordinary Meeting.

Mr McQuoid advised that the UNESCO board meets in November. The renomination needs to be submitted by September.

1.45pm Mr McQuoid left the meeting.

Mrs Gail Hiilinen informed Council that she is attending the meeting to show support for her tea room application and answer questions or concerns the Council may have.

Mrs Hiilinen advised Council that her patronage has increased quite considerably and that there is a demand to provide light meals to her customers.

The caravan park is hoping to offer tourists special deals to come to Jerramungup to make it an attractive place to visit.

Mrs Hiilinen explained that she is not interested in taking business from established local businesses and that the tearooms proposal is purely for the comfort of their clients.

Cr Trevaskis thanked Mrs Hiilinen for her comments.

**8. DECLARATIONS OF FINANCIAL INTEREST**

Cr Daniel declared an impartiality interest Item 10.4.3 – Proposed tennis court project Reserve 25568. The nature of the interest is she is a committee member of the Jerramungup Sports Club.

**9. CONFIRMATION OF MINUTES**

9.1 Ordinary Council Meeting held 20<sup>th</sup> June 2012

**OC120702 Moved Cr Parsons / Seconded Cr Iffla**

**That the Minutes of the Ordinary Meeting of Council held 20<sup>th</sup> June 2012 be confirmed.**

**Carried 6-0**

# **W O R K S**

<b>SUBMISSION TO:</b>	<b>Works</b>
<b>AGENDA REFERENCE:</b>	10.1.1
<b>SUBJECT:</b>	Works Report
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Graham Edwards
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	9 July 2012

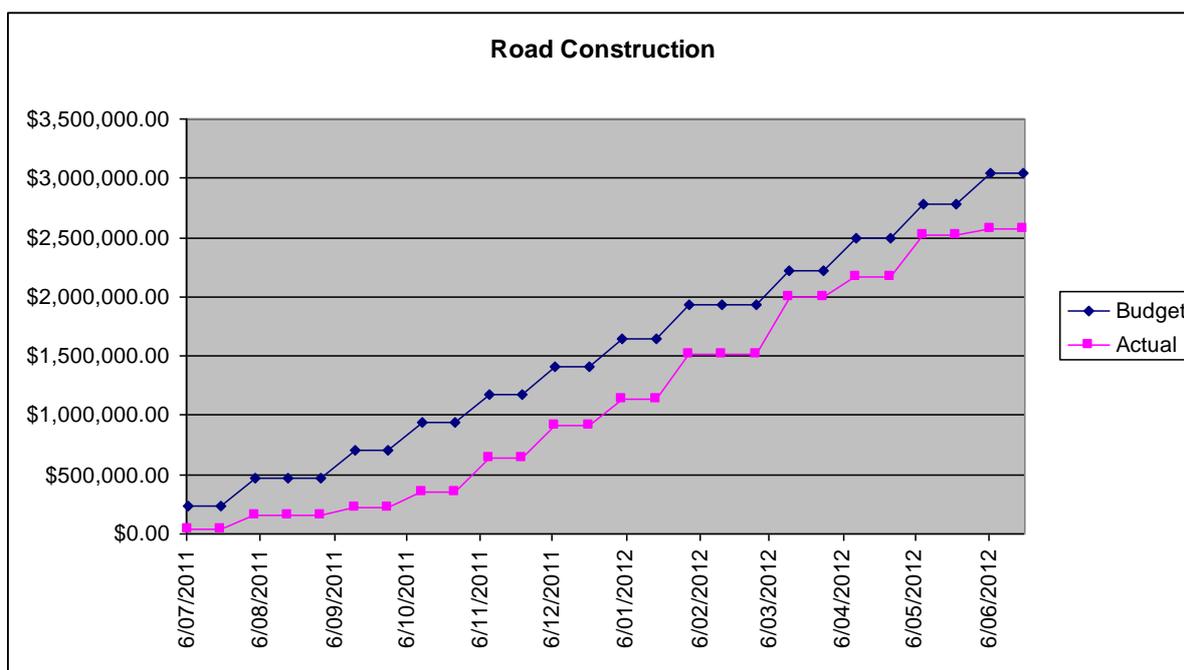
**ATTACHMENT**

Attachment 10.1.1(a) – Jerramungup maintenance report  
 Attachment 10.1.1(b) – Bremer Bay maintenance report  
 Attachment 10.1.1(c) – Rural road maintenance report  
 Attachment 10.1.1(d) - 2011/12 Road Construction Programme

**ROAD CONSTRUCTION**

A project summary of the 2011/12 Road Construction Programme towards the end of the financial year is attached 10.1.1 (d).

Expenditure compared to programme schedule is indicated below.



**ROAD MAINTENANCE**

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

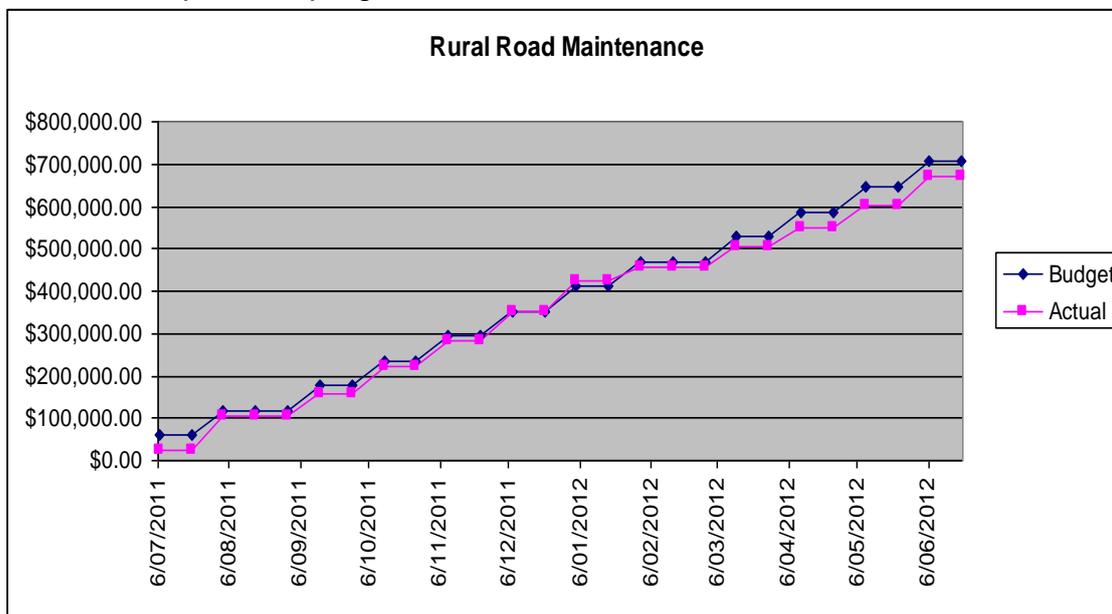
SIGNED BY PRESIDENT

15<sup>th</sup> August 2012

National disaster declared storms during early June demanded a reassessment of priorities. Workforce attention was diverted to repair damage, which was comparatively moderate, with roads in the Bremer Bay and Gairdner localities being most affected.

The damage has been assessed at \$135,000 and an application has been prepared and submitted to Main Roads Western Australia for Special Funding Assistance.

Expenditure compared to programme schedule is indicated below.

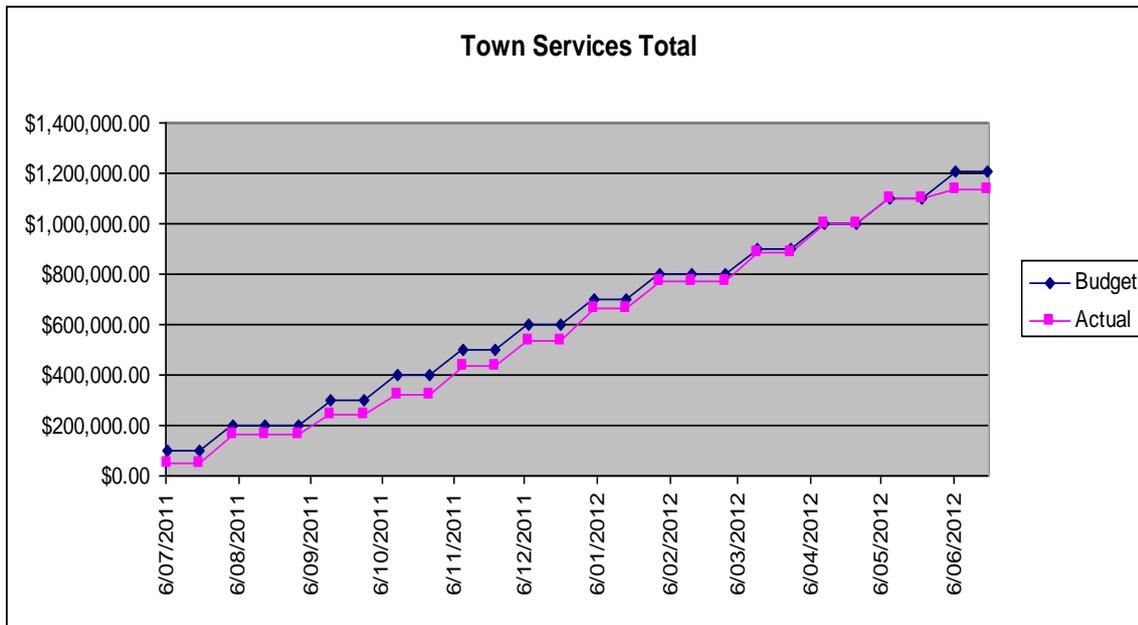


## **TOWN SERVICES**

Town Services activity has been routine and low profile during June following:

- a) Leave by the Manager throughout June to mid July, resignation of the Ranger and departure of a casual employee and leave by another employee.
- b) The redeployment of one employee to rural maintenance.

The remaining full time employee and part time employees at Jerramungup and Bremer Bay have managed well in the interim with overall expenditure indicated below.



**RECOMMENDATION**

That the Works Report be received.

**OC120703 Moved Cr Lester / Seconded Cr Atkin**

That the Works Report be received.

**Carried 6-0**

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<b>SUBMISSION TO:</b>	<b>Works</b>
<b>AGENDA REFERENCE:</b>	10.1.2
<b>SUBJECT:</b>	Plant Replacement - Grader
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	12.11.3
<b>AUTHOR:</b>	Graham Edwards
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	9 July 2012

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## **SUMMARY**

The purpose of this report is to consider the replacing of two (2) graders with one (1) in the 2012 / 2013 Adopted Annual Budget.

## **ATTACHMENT**

Nil

## **BACKGROUND**

The Jerramungup Shire Council previously considered the replacing of two (2) graders with one (1) in March 2009.

Three (3) graders have since been retained as described below.

<b>Grader</b>		<b>Purchased / Disposed</b>	<b>Hour Meter</b>	
<b>Fleet N<sup>o</sup></b>	<b>Make</b>		<b>March 2009</b>	<b>June 2012</b>
PG1	Cat 120H	Oct 98 / May 09	13256	n/a
PG2	Volvo G710	April 2002	7150	9393
PG3	Cat 120H	Feb 2000	12050	14857
PG4	Cat 12M	May 2009	0	2973

Hour meters indicate that, over the last three (3) years Shire graders have a combined annual average use of approximately 2500 hours.

The variation between hour meters and plant allocation hours reflects required presence at the job.

The Group Operation history since 2001/02 is summarised as follows.

Year	Recorded Hours		Group Operating Costs		
	Group	Average Per Grader	Total	Hourly Rate	Costs Allocated
2001/02	1,884	628	\$112,517	\$59.74	\$96,059
2002/03	2,955	985	\$79,714	\$26.98	\$114,794
2003/04	3,020	1,007	\$128,701	\$42.62	\$104,958
2004/05	1,542	514	\$119,501	\$77.50	\$56,952
2005/06	3,313	1,104	\$175,304	\$52.91	\$166,358
2006/07	2,827	942	\$190,455	\$67.37	\$190,476
2007/08	1,690	563	\$180,822	\$107.00	\$111,430
2008/09	3429	1,143	\$189,088	\$55.15	\$212,999
2009/10	2734	911	\$159,800	\$58.45	\$163,558
2010/11	3112	1,037	\$176,876	\$56.84	\$206,187
2011/12	2689	896	\$173,131	\$64.39	\$242,526
	3604	974	\$284,456	\$78.92	\$353,851

The Group Operating Costs above are for Shire of Jerramungup graders and:

- a) Include plant operating expenses and depreciation.
- b) Exclude operator wages and overheads.

The 2011/12 figures:

- a) Firstly exclude the dry hire of a John Deere 770G, grader from 15 September 2011 to 31 May 2012, at a cost of \$111,325.
- b) Include the dry hired grader for 37 weeks of the financial year in the bottom row of the table.

The grader was new on arrival, allocated for 915 hours by the operator and returned to the supplier with an hour meter reading of 910 hours. For comparison with Shire graders the hourly dry hire rate was \$121.67.

Year	Group Hours			Minimum Hours	
	Graders	Operators	Utilisation	Operators	Utilisation
2009/10	2734	6676	41%	5928	46%
2010/11	3112	6761	46%	5928	52%
2011/12	2689	7460	36%	5928	45%
	3604	9482	38%	7311	49%

The above is indicative of:

- a) The relativity between actual hours for the graders and the same number of operators; being those who would normally operate graders.
- b) The difference if operators achieved the same grader utilisation whilst working minimum annual hours.

Road Maintenance						
Year	Distribution of Hours and Expenditure					
	2009/10		2010/11		2011/12	
Employees	6015	39%	4891	40%	5527	34%
Graders	1718	18%	1749	19%	2233	31%
Trucks	914	7%	1017	11%	1365	11%
Loaders	94	1%	537	4%	388	4%
Rollers	638	5%	256	2%	475	3%
Light Vehicles	868	3%	304	2%	238	1%
Contractors, Materials		27%		22%		16%

The maintenance for:

- a) 2009/10 includes expenditure which has now been separated as Town Services.
- b) 2010/11 and 2011/12 is for rural roads only.

### **CONSULTATION**

The replacing of two (2) graders with one (1) was previously considered in March 2009.

### **COMMENT**

Considerations about reducing the grader fleet from three (3) to two (2) machines are complex but a review is appropriate.

### **Financial Capacity**

It is unlikely that grant funding, which has been a large component of the Works Programme in recent years, will continue at that level.

Once grant funding falls below a critical level either:

- a) Plant operators designated for construction will be absorbed into road maintenance for part of the financial year; or
- b) The timeframe for construction projects will be extended to accommodate the employment of plant operators at the expense of productivity.

As an indication:

<b>Adopted Budget Road Construction Funding</b>				
<b>Year</b>	<b>Secure</b>	<b>Unsecure</b>	<b>Total</b>	<b>% Unsecured</b>
2009/10	\$590,125	\$1,010,984	\$1,601,109	63%
2010/11	\$613,000	\$3,658,279	\$4,271,279	86%
2011/12	\$479,000	\$2,888,289	\$3,367,289	86%

### **Workforce Structure and Productivity**

The greatest obstacle to high productivity is the absence of a workplace structure and the appropriate assignment of duties and responsibility, which promotes the collective and individual development of employees.

Being able to demonstrate that the Shire of Jerramungup workforce productivity is high, will also be advantageous to the community should the structural reform of local government eventuate.

Buildings aside, the current Works Department structure is:

a) Construction.

Five (5) plant operators a grader, prime mover and trailer, tandem axle truck heavy duty loader and vibratory roller

b) Rural Maintenance

Three (3) plant operators a grader, single axle heavy duty truck, medium loader and multi tyred roller.

c) Town Services

A horticulturalist, one (1) plant operator with two (2) light trucks, a skid steer loader, small ride on roller and small excavator together with several part time cleaners.

The implementation of a Works Department structure has been problematic, with establishment of the Rural Maintenance team most difficult, with dismantling through demands from construction being a primary contributor.

Consolidation and development of the Rural Maintenance team is a priority.

#### Grader Utilisation

Construction and Rural Maintenance each demand a permanent grader while Town Services requirements do not warrant a permanent presence.

Two (2) of the three (3) Shire of Jerramungup graders are more than ten (10) years old and due for either major repairs or replacement.

Generally, Shire of Jerramungup employees will lose approximately two (2) hours daily to travelling, plant maintenance and rest breaks.

Plant operation time is also lost to unfavourable weather, breakdown and public holidays. The objective is however to:

- a) Maintain operator hours at current levels between 90 and 100 hours per fortnight being a minimum of approximately 2350 hours annually.
- b) Pursue a utilisation ratio exceeding 60% of operator hours, being 1400 to 1500 hours per grader annually as a minimum, so that two (2) machines will achieve productivity levels similar to the current three (3) graders.
- c) Minimise breakdown through the regular replacement of the graders at approximately five (5) to six (6) year intervals.
- d) Release one (1) operator for increased utilisation of other plant.

#### Affordability

An amount of \$698,731 was allocated to rural maintenance in 2011/12 being an average of \$618 per kilometre of road to fund activities including:

- a) Supervision, transport and mobilisation.
- b) Unsealed and sealed road surfaces.
- c) Encroaching vegetation and weed management.
- d) Open drains, culverts and floodways.
- e) Signs, guide posts and random requests such as school bus bays.
- f) Materials and contractor support.

Funding will not accommodate all expectations and a reactive approach is counterproductive if maximum community benefit is to be achieved from limited funds.

In recent years, the Jerramungup Shire Council has invested well in plant for rural maintenance purposes. Plant is now available for a self reliant rural maintenance crew of three (3) employees with a grader, truck, loader and multi tyred roller.

At current rates and use as indicated previously this crew could:

- a) Account for approximately \$500,000 of the Rural Maintenance budget.
- b) Subject to seasonal conditions, average at least two (2) and perhaps three (3) rotations of the Shire annually.

<b>Rural Road Maintenance Team</b>			
<b>Item</b>	<b>Operator Hours</b>	<b>Plant Hours</b>	<b>Indicative Annual Cost</b>
Grader	2300	1400	\$220,000
Truck	2300	1400	\$160,000
Loader	900	560	\$55,000
Roller	1400	840	\$85,000
			<b>\$510,000</b>

The expenditure indicated assumes use of the:

- a) Loader at 40% of the truck hours.
- b) Multi tyred roller at 60% of the grader hours.

During favourable conditions, the use of a multi tyred roller on unsealed pavements greatly improves the service standard and reduces the required frequency of grading.

The roller has limited effectiveness however during extremely dry conditions and isn't required when the grader is working on drains and verges.

The remaining rural maintenance allocation of approximately \$200,000 is for materials and activities including the:

- a) Engaging of contractors during peak demand periods such as harvest and specialist activities such as the slashing of roadside vegetation.
- b) Employment of the construction team as required according to funding levels for construction.

Whether engaged for construction or maintenance, a third grader working at similar capacity would account for a similar amount.

### **STATUTORY REQUIREMENTS**

Section 3.18 (3) of the Local Government Act 1995 states that:

*"A local government is to satisfy itself that, services and facilities it provides are managed efficiently and effectively".*

### **STRATEGIC IMPLICATIONS**

The Strategic Plan 2009 – 2014 nominates:

#### Our Vision

*The Shire of Jerramungup will provide leadership to maintain our identity by promoting social and economic development whilst embracing our unique natural environment.*

#### Service Delivery and the Environment

*The Shire of Jerramungup will deliver a range of excellent community services whilst minimising our impact on the environment by ensuring that the service delivery process is supported by appropriately skilled, qualified and enthusiastic staff members.*

#### Building and Road Infrastructure

*The Shire of Jerramungup will provide the community with quality road and building infrastructure by:*

- a) *Ensuring that built infrastructure is well utilised and maintained.*
- b) *Keeping abreast of new technology and industry best practice.*

### **POLICY IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That tenders are called for:

- a) The supply of one (1) grader.
- b) Disposal of two (2) graders, being the Caterpillar 120 and Volvo G710, by either trade or outright purchase.

#### **OC120704 Moved Cr Parsons / Seconded Cr Daniel**

That tenders are called for:

- a) **The supply of one (1) grader.**
- b) **Disposal of two (2) graders one being the Caterpillar 120 and or the Volvo G710, by either trade or outright purchase or;**
  - **disposal of one grader being the Caterpillar 120 by either trade or outright purchase.**

**Carried 6-0**

Reason for variation: Council has an option to dispose of just one grader being the Caterpillar 120.

# **FINANCE**

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

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### **ATTACHMENT**

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

### **BACKGROUND**

<b>FUND</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
<b>Municipal Account</b>		
Last Cheque Used	27298	
	EFT 5790 - 5905	\$365,490.84
	Cheque 27299 - 27315	\$14,874.26
	Direct Debits	\$0.00
<b>Municipal Account Total</b>		<b>\$380,365.10</b>
<b>Trust Account</b>		
	Nil	\$0.00
<b>Trust Account Total</b>		<b>\$0.00</b>
<b><u>Grand Total</u></b>		<b><u>\$380,365.10</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**

SIGNED BY PRESIDENT

- 19 -

15<sup>th</sup> August 2012

Simple Majority

**RECOMMENDATION**

That the schedule of direct debits and accounts payable, totalling submitted \$380,365.10 to the Full Council on 18<sup>th</sup> July 2012 be endorsed.

**SIGNATURES**

\_\_\_\_\_  
Author

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

**OC120705 Moved Cr Daniel / Seconded Cr Parsons**

**That the schedule of direct debits and accounts payable, totalling submitted \$380,365.10 to the Full Council on 18<sup>th</sup> July 2012 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>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	11 July 2012

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## **SUMMARY**

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

## **ATTACHMENT**

Attachment 10.2.2 - Monthly Financial Report – Period Ending 30<sup>th</sup> June 2012

## **BACKGROUND**

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

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

## **CONSULTATION**

Council financial records.

## **COMMENT**

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

## **STATUTORY REQUIREMENTS**

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

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

## **STRATEGIC IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

As detailed within the Monthly Financial Report

## **POLICY IMPLICATIONS**

Finance Policy 2: Detailed within Monthly Financial Report

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

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

**OC120706 Moved Cr Lester / Seconded Cr Atkin**

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

**Carried 6-0**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.3
<b>SUBJECT:</b>	Adoption of 2012/2013 Budget
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>FILE REFERENCE:</b>	FM.BU.1
<b>AUTHOR:</b>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	11 July 2012

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## **SUMMARY**

The purpose of this item is to put the draft budget to Council for adoption.

## **ATTACHMENT**

Separate Attachment 2012/2013 Shire of Jerramungup Budget

## **BACKGROUND**

The following are some highlights of the 2012/2013 budget above normal operational expenditure.

- 1) Commencement of construction of the Bremer Bay Town Centre project following detailed design, planning and engineering which has been carried out in 2011/2012.
- 2) Additional investment of Council's own funds in road construction (\$607,500) – an increase of approximately \$120,000 on 2011/2012.
- 3) Continuation of the Devils Creek Road project with the next 5km of sealed road to be carried out.
- 4) Completion of the Jerramungup Revitalisation Project with the installation of synthetic turf (Lotterywest has provided \$148,620 towards this project), erections of war service emblems and completion of the Fitzgerald Biosphere Garden.
- 5) Purchase of a new grader.
- 6) Delivery of a new heavy duty fire unit for the Jacup Brigade and development of two bushfire brigade sheds through ESL funding.
- 7) Completion of a new community strategic plan which will provide the community with a detailed long term outlook on the future of the Shire of Jerramungup.

## **CONSULTATION**

The draft budget has been developed with consultation between senior staff, Councillors and community submissions.

## **COMMENT**

The draft budget for 2012/2013 demonstrates a continuing focus on Council's strategic direction with the advancement of key projects such as the Bremer Bay Town Centre. The budget provides a \$1m loan provision for this project but any decision on the scope

of the final project will be resolved by Council through a formal business plan following completion of detailed design expected towards the end of 2012.

In general terms operating budgets and routine maintenance will remain at current levels, however through the development of the budget there are a number of issues which have been identified that require calculated changes to the determination of expenditure, rates, fees and charges for the coming year:

- 1) The WALGA Local Government Price Index is forecast to reach 3.25% - 3.5% in 2012/2013.
- 2) Utilities and in particular electricity costs are set to rise significantly for street lighting and business premises.
- 3) Achieving compliance and satisfactory service levels in waste management continues to pose challenges and has resulted in increases to waste fees and charges. Planning has commenced to progress towards regional landfill sites which will begin development in Katanning and Ravensthorpe in the coming years.

On review this budget highlights the advantages of Council's strategic project and financial planning. Through plant replacement planning Council has been able to put away funds in reserve in prior years for the purchase of the grader this year. The replacement of graders has often required loan funds in the past and resourcing plant replacement through planned and targeted reserve funding provides the community with better opportunities for investment through loans. The strategic community planning to be undertaken this year will build on work to date and improve the long term decision making and allocation of resources.

## **STATUTORY REQUIREMENTS**

Sections 6.2 & 6.47 of the Local Government Act 1995  
*(Preparation of annual budget & Concessions)*

Clauses 24 & 25 of the Local Government (Financial Management) Regulations 1996  
*(Service charges & fees and charges)*

Section 67 of the Waste Avoidance and Resource Recovery Act 2007  
*(Receptacle Charges for Waste Collections)*

Clause 34(5) of the Local Government (Financial Management) Regulations 1996

## **STRATEGIC IMPLICATIONS**

As commented on above.

## **FINANCIAL IMPLICATIONS**

Budget Expenditures and Revenues as detailed in the budget.

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Absolute Majority

## **RECOMMENDATION**

### 1.1 Adoption of 2012/2013 Budget – Section 6.2 Local Government Act 1995

That Council:

- a) Adopt the budget for the financial year ending 30 June 2013 which has been prepared in accordance with the Local Government Act 1995 and associated Financial Management Regulations 1997; and
- b) Endorse the Rate Setting Statement detailing the amount to be made up from rates for the financial year ending 30 June 2013 being \$2,497,242

### 1.2 Adoption of Rates – Section 6.32 Local Government Act, 1995

That Council:

- a) General Rates: That Council impose the following rates in dollar and minimum rates for properties within the Shire of Jerramungup to generate a 5% yield increase in total rates.

GRV: 9.0500 cents in the dollar  
UV: 1.0620 cents in the dollar

GRV: \$630.00 minimum rate  
UV: \$630.00 minimum rate

- b) Interest – Section 6.51 Local Government Act 1995

Apply an interest rate of 11% per annum to rates which remain unpaid beyond due dates and where no election has been made to pay rates by instalments.

- c) Rates Instalment Payment Options

Offer the following rates instalment options:

#### Option 1

To pay the total amount of rates and charges included on the rate notice in full by the 14<sup>th</sup> September 2012 or the 35<sup>th</sup> day after the date of issue, whichever is the latter.

OR

Option 2

To pay by four instalments as detailed on the rates notices with the following anticipated dates:

- First instalment due by 14<sup>th</sup> September 2012
- Second instalment due by 16<sup>th</sup> November 2012
- Third instalment due by 18<sup>th</sup> January 2013
- Fourth instalment due by 17<sup>th</sup> March 2013

Or

Option 3

To pay by two instalments as detailed on the rates notices with the following anticipated dates.

- First instalment due by 14<sup>th</sup> September 2012
- Second instalment due by 20<sup>th</sup> January 2013

d) Administration Charge – Section 6.45(3) Local Government Act 1995

Impose an administration charge of \$5 per instalment and 5% simple interest to the amount on the rate notice where payment of a rate is made via the instalment option.

e) Rubbish and Recycling Collection Charges

a) Residential Properties – 240L Bin

- i) \$215.00 per annum per occupied Lot for one 240L General Rubbish Bin serviced weekly.
- ii) \$150.00 per annum per occupied Lot for one 240L Recycling Bin serviced fortnightly
- iii) \$236.50 per annum per additional 240L Rubbish Bin (GST inclusive)

b) Commercial Collections – 240L Bin

- i) \$215.00 per annum per occupied Lot for one 240L Bin serviced weekly.

- ii) \$236.50 per annum per additional 240L Bin (GST Inclusive) as listed on their properties bin count.
- iii) At cost plus 15% administration fee for all additional charges incurred as a result of further bin receptacle pickups by Council's rubbish collector.

f) Effluent Rate – Townsite of Jerramungup

a) That Council impose the following rates in dollar for GRV properties within the townsite of Jerramungup under Section 41 of the Health Act 1911 for the management and maintenance of the Jerramungup Effluent System.

GRV: 3.7025c in the dollar

b) That Council impose the following minimum rate for GRV properties within the townsite of Jerramungup under Section 6.35 (3) of Local Government Act 1995 for the management and maintenance of the Jerramungup Effluent System.

GRV: \$242.13

Non Rateable First Fixture: \$273.00

Additional Fixture: \$130.51

g) Point Henry Fire Levy

Impose a levy of \$110 on all properties within the Point Henry Peninsula to be used for the maintenance of fire fighting equipment and firebreaks on the Point Henry Peninsula. Any balance of funds created by the levy is to be put to the Point Henry Fire Levy Reserve.

1.2 Members Meeting Attendance Fees – Section 5.99 Local Government Act 1995

That Council set the annual meeting attendance fee of \$7,000.00 for Council Members and \$14,000.00 for the Shire President.

1.3 Shire President Allowance – Section 5.98 and 5.98A Local Government Act 1995

That Council:

Set the Shire President allowance of \$12,000.00

Set the Deputy Shire President allowance of \$3,000.00

1.4 Telecommunications Allowance – Section 5.99A Local Government Act, 1995

That Council:

Set a telecommunication allowance of \$1,000.00 for elected members.

1.5. Adoption of Material Variance for Monthly Reports – Financial Management Regulation 34

That Council:

Adopt a material variance level of 10% with a minimum \$10,000.00 variance for the 2012/2013 financial year for monthly reporting purposes.

1.6 Consideration of Funding Requests

That Council approve the following funding requests:

- Pelican Op-Shop - \$5,700 for the installation of a patio area at 13 John Street.
- Fitzgerald Progress Association – Contribution towards community hall maintenance - \$500.00
- Gairdner Progress Association – 1/3 running costs of hall.
- Boxwood Hill Combined Sports Club – 1/3 running costs of hall.
- Hidden Treasures – Contribution towards combined tourism marketing - \$2,500.00
- Bremer Bay Occasional Child Care Centre – Upgrades to Council building – up to \$3,700.
- Great Southern District Display – Contribution towards display at Perth Royal Show - \$250.00
- Fitzgerald Coast Tourism Association - \$1,500.00 for contribution towards caravan and camping show display.

That Council decline the following funding requests:

- Jerramungup Sports Club – request to manage old bowling green area.
- Friends of Wellstead Estuary Group – request for funding towards raven cull.

1.7 Statutory Compliance

That Council confirms that it is satisfied that the services and facilities it provides:

(a) Integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;

(b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and

(c) are managed efficiently and effectively.

In accordance with Section 3.18(3) of the Local Government Act 1995.

1.8 Amendments / Additions to Fees and Charges

That Council adopts the following additional and amended fees and charges for the 2012/2013 financial year:

Swimming Pool Fees and Charges

Family Season Pass: \$ 115.50 plus \$20 deposit

Single Household Season Pass: \$90 plus \$20 deposit

Half Season Pass (December to February): \$72.50 plus \$20 deposit

Vacswim Lessons Only: \$ 50.00

Persons Accessing Pool as a Visitor with Keyholder Present: \$5

Copy of a Certificate of Title - \$28.00

**OC120707 Moved Cr Iffla / Seconded Cr Daniel**

1.1 **Adoption of 2012/2013 Budget – Section 6.2 Local Government Act 1995**

**That Council:**

- a) **Adopt the budget for the financial year ending 30 June 2013 which has been prepared in accordance with the Local Government Act 1995 and associated Financial Management Regulations 1997; and**
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That Council confirms that it is satisfied that the services and facilities it provides:

(a) Integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;

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(c) are managed efficiently and effectively.

In accordance with Section 3.18(3) of the Local Government Act 1995.

#### **1.9 Amendments / Additions to Fees and Charges**

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##### **Swimming Pool Fees and Charges**

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**Vacswim Lessons Only: \$ 50.00**

**Persons Accessing Pool as a Visitor with Keyholder Present: \$5**

**Copy of a Certificate of Title - \$28.00**

**Carried by Absolute Majority 6-0**

**HEALTH,  
BUILDING  
&  
TOWN PLANNING**

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.1
<b>SUBJECT:</b>	Proposed Tearooms
<b>LOCATION/ADDRESS:</b>	Lot 283 Moorshead Street, Jerramungup (Jerramungup Caravan Park)
<b>NAME OF APPLICANT:</b>	E.A & G.M Hiilinen
<b>FILE REFERENCE:</b>	A10160
<b>AUTHOR:</b>	Planning Officer, Craig Pursey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	5 July 2012

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## **SUMMARY**

The owners of Lot 283 Moorshead Street, Jerramungup (Jerramungup Caravan Park) have applied to convert a small existing building within the caravan park for use as tearooms.

The tearoom is intended to provide tea, coffee, snacks and light meals predominantly to tourists and visitors to the caravan park.

The application has been advertised for public comment and two objections have been received with queries over the opening hours and potential competition in a limited market.

This report recommends issuing a planning approval with conditions for the tearooms subject to limiting opening hours and the scale of the operations.

## **ATTACHMENT**

Attachment 10.3.1 (a) - Planning application, plans and supporting letter from applicant.  
Attachment 10.3.1 (b) - Submissions

### ***Site Description***

The Jerramungup Caravan Park is located across two lots, Lot 201 and 283 Moorshead Street, Jerramungup. The proposed tearooms are proposed on Lot 283.

Lot 238 is 1.1198ha in area and developed with the caravan park and associated facilities. The caravan park has been steadily improved and upgraded under the current owners.

There is car parking provided for people staying at the caravan park and some visitor parking at the entrance to the caravan park.



*Aerial photo showing extent of existing development (LandGate 2009)*

The caravan park is located on the southern edge of the commercial area in the Jerramungup townsite and is accessed from Moorshead Street, via Vasey Street. It has reserve buffering the site from the highway on its eastern side, commercial development on Truscott Street to the north and UCL & reserve land to the west and south.

### **Zoning**

The subject land is zoned 'Special Use No.1' under the Shire of Jerramungup Local Planning Scheme No 2 ("the Scheme").

Special Use zones are categories of land use that do not comfortably sit within any other zone in the Scheme. Special Use Site No 1 is zoned specifically for "Caravan Park and ancillary uses".

### **CONSULTATION**

The application has been advertised for public comment for 21 days in the local papers and on notice boards closing on the 22<sup>nd</sup> June 2012. Two (2) submissions were received from local operators of cafes in town. Copies of these submissions are provided in full at Attachment B. The submissions are summarised as follows:

### Ozruss Trading Co (incorporating Jerramungup Roadhouse)

- No objection to the “Devonshire Tea” concept but strongly object to the granting of permission for another café in Jerramungup.
- Jerramungup is a small community with falling population and seasonal volatility affecting the viability of existing business. There is not the demand or population to support another café.

### Tobruk Traders

- Has some objections to the tearooms at the caravan park.
- Questions if opening hours will be stipulated in any approval to ensure there is no direct competition.
- Existing business have been established in response to local needs and requirements. However, with the declining population it is increasingly difficult to run a profitable business.
- *“...all for supporting us to make our town more attractive to outsiders so that we may have more “feet through the door” mostly with tourism being our main direction at this stage. We need to find a balance so businesses are not encroaching on each other as to everyone selling a little bit of the same thing and no one is selling enough to make a profit.”*

The issues raised in the submissions are addressed in the comment section of this report below.

## **COMMENT**

### ***Description of proposal***

The owners of the Caravan Park wish to convert an existing building within the Park to use as tearooms. The proposal includes:

Approximately 36m<sup>2</sup> of indoor seating and kitchen area, an 18m<sup>2</sup> verandah area for outside seating and some seating in landscaped gardens;

Use of existing parking bays for visitors at the entrance to the park;

Use of recently renovated toilets within walking distance;

Propose limited opening hours of 10am - 2pm 4 days a week, with longer opening hours for local tourism events; and

Serve hot drinks, cakes and light meals only.

The applicant describes the ‘purpose’ of the development as *“to provide travellers with a quality facility that offers a comfortable and attractive place to eat and have beverages”*.

The details of the proposal are at Attachment 10.3.1(a).

### ***Scheme Requirements***

The Scheme describes the Special Use zone as “*applying to special categories of land which do not comfortably sit within any other zone within the Scheme.*”

Special Use Site No 1 is zoned specifically for “Caravan Park and ancillary uses”.

Tearooms for the use of visitors to the caravan park may be considered to be ancillary to the Caravan Park use.

Where it becomes difficult is where the tearooms cater for the general public does it remain an ‘ancillary use’ or should it be considered to be a full ‘café’ and therefore more appropriately located in another zone. This is discussed in more detail below.

The Scheme states that any conditions of development are to be “as determined by the Local Government”.

The usual conditions of development would include parking, setbacks from boundaries and appearance of the buildings.

The parking bays provided at the entrance to the park should cater for visitors from outside of the park and residents of the park are already catered for.

The building is an existing building, well setback from the boundaries of the property. It easily meets setback the requirement of the Building Code of Australia.

The upgrading of the existing building to house the tearooms and the landscaping and paving will improve the amenity of the existing Park to the benefit of the travelling public and tourism in town.

### ***Assessment***

The tearooms development is part of an ongoing improvement of the caravan park and a service that will complement the tourist facilities in the park and town. They have the potential to increase the number of visitors to the caravan park and the town in general.

Tourist facilities that encourage people to visit and then stay longer in the town should be encouraged. This will benefit the caravan park and the other businesses in town.

The building is centrally located in the caravan park and small in scale and is clearly intended to primarily service the patrons of the park. Whilst it is clearly intended to be orientated toward serving the tourist trade it is difficult to practically restrict the tearooms to caravan park patrons only. Local people will visit the tearooms and this raises issues of competition with existing business.

The issue of competition needs to be explored in making a decision on this planning application. Council cannot make a planning decision based purely on anti-competitive

grounds. Competition is seen as a healthy part of the economy; a position backed up by previous decisions at the State Administrative Tribunal.

However, the local planning scheme does guide land use and where certain uses may be located. The Scheme generally requires commercial type land uses such as cafes to be located in the 'Town Centre' zone so as to ensure that the town's main street remains a vital and functional centre for the town and the wider district. To allow commercial land uses to locate freely outside of the town centre has the potential to water down the main street and upset the functioning of the town.

In this case the subject site is zoned "Special Use No.1" for the purpose of 'Caravan Park and ancillary uses'. If the proposed tearooms remain ancillary to the Caravan Park in terms of their scale and opening hours then it should not have a detrimental impact on the existing business located in the town centre and will act to support the caravan park use and tourism in the town in general.

The applicant has liaised with the operators of Tobruk Traders, the Jerramungup Roadhouse and the Hotel and has stated that they do not wish to be in direct competition with these business' as they will only serve hot drinks and light meals.

If the proposal is to be approved, the difficulty lies in conditioning an approval to ensure that this does not occur and that the scale of the tearooms remains ancillary to the caravan park use.

The scale of the business will be limited by the fixtures and fittings in the premises which is governed by the Food Act 2008 and enforced by the Shire's Environmental Health Officer. The proposed fixtures and fittings will limit the tearooms to hot drinks, cakes, scones and light meals as stated in the application.

The hours of operation may be limited through a planning approval condition and enforced through the Local Planning Scheme. The applicant has nominated:

- Monday and Wednesday 10am to 2pm
- Saturday to Sunday 10am to 2pm.

These hours would serve to limit the amount of time that the tearooms are available to the general public and the amount of time that they are in direct competition with other similar businesses in town.

The tearooms would be open at all times to patrons of the caravan park and will serve as a recreational area, book exchange, internet access point and art and craft display plus a place to get light meals. It will be a communal meeting point in the caravan park and add to the tourism experience.

Support is recommended for the proposed tearooms subject to conditions stipulating that the tearooms are to be predominantly for visitors to the caravan park and that only light refreshments are to be provided.

### ***Conclusion***

The proposed development is another improvement to the Jerramungup Caravan Park and it will provide a service to visitors to the Park that may improve visitation numbers to the Park and the town in general.

However, it should be acknowledged that if the opening hours and scale of the tearooms is such that it attracts people away from town centre businesses then it has the potential to detrimentally affect the town centre.

Approval is recommended subject to conditions restricting the opening hours and scale of the business.

### **STRATEGIC IMPLICATIONS**

None.

### **STATUTORY REQUIREMENTS**

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

### **FINANCIAL IMPLICATIONS**

N/A

### **POLICY IMPLICATIONS**

Not applicable.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That Council,

Approve the application lodged by E.A & G.M Hiilinen for Tearooms on Lot 283 Moorshead Street, Jerramungup (Jerramungup Caravan Park) subject to the following conditions;

- a) The tearooms are to be predominantly for caravan park patrons only.
  - b) The opening hours for the general public are restricted to:
    - Two weekdays, 10am to 2pm;
    - Weekends
    - Plus local festivals and tourism events.
2. Advise the applicant that;

- (i) The kitchen facilities shown on the application are all that have been approved as part of this application. If the facilities are to be expanded another planning application will be required, as well as permission under the Food Act 2008.
- (ii) The tearooms have been approved in the basis that they are incidental to the caravan park use,
- (iii) No signs are to be erected on the lot without Council's approval.
- (iv) Provision being made for disabled access and facilities in accordance with the provisions contained in the Building Code of Australia and Australian Standard 1428.

### **ALTERNATIVE MOTION**

#### **OC120708 Moved Cr Trevaskis / Seconded Cr Iffla**

**That Council,**

**Approve the application lodged by E.A & G.M Hiilinen for Tearooms on Lot 283 Moorshead Street, Jerramungup (Jerramungup Caravan Park) subject to the following conditions;**

- a) The tearooms are to be for caravan park patrons.**
- 2. Advise the applicant that;**
  - (i) The kitchen facilities shown on the application are all that have been approved as part of this application. If the facilities are to be expanded another planning application will be required, as well as permission under the Food Act 2008.**
  - (ii) The tearooms have been approved in the basis that they are incidental to the caravan park use,**
  - (iii) No signs are to be erected on the lot without Council's approval.**
  - (iv) Provision being made for disabled access and facilities in accordance with the provisions contained in the Building Code of Australia and Australian Standard 1428.**

**Carried 6-0**

Reason for Variation: Opening hours restriction has been removed.

3.00pm Mrs Hiilinen left the meeting.



<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.2
<b>SUBJECT:</b>	Proposed Scheme Amendment No.8
<b>LOCATION/ADDRESS:</b>	Part Lot 11 Borden-Bremer Bay Road, Bremer Bay
<b>NAME OF APPLICANT:</b>	Harley Global on behalf of Williamson Brothers Pty Ltd
<b>FILE REFERENCE:</b>	A21987
<b>AUTHOR:</b>	Planning Officer, Craig Pursey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 July 2012

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## **SUMMARY**

Council is to consider final adoption Scheme Amendment 8 to the Shire of Jerramungup Local Planning Scheme No 2 to:

1. Create a new 'Rural Enterprise' zone with various changes to the Scheme text;
2. Adopt a Subdivision Guide Plan to guide future subdivision and development;  
and
3. Rezone Part Lot 11 Borden-Bremer Bay Road from 'Rural' to 'Rural Enterprise' and amending the Scheme Map accordingly.

The 'Rural Enterprise' zone is intended to provide for the establishment of land uses which accommodate residential dwellings as well as light/ rural industry type land uses on the same site in a live and work arrangement.

The amendment has been advertised for public comment during which time 10 submissions were received. This report recommends that the amendment be adopted for final approval with modifications.

## **ATTACHMENT**

Attachment 10.3.2 (a) - Schedule of Submissions

Attachment 10.3.2 (b) - Subdivision Guide Plan (advertised version)

Attachment 10.3.2 (c) - Subdivision Guide Plan (incorporating recommended modifications)

## **BACKGROUND**

Council initiated Amendment No.8 to its Local Planning Scheme No.2 on 21<sup>st</sup> March 2012. At this meeting Council resolved as follows:

*"That Council,*

1. *Initiate Amendment No 8 to the Shire of Jerramungup Local Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 by;*
  - i) *Creating a new 'Rural Enterprise' zone with various changes to the Scheme text; and*

SIGNED BY PRESIDENT

- 44 -

15<sup>th</sup> August 2012

- ii) *Rezoning Part Lot 11 Borden-Bremer Bay Road from 'Rural' to 'Rural Enterprise' and amending the Scheme Map accordingly.*
2. *Refer Scheme Amendment No 8 to the Environmental Protection Authority for assessment."*

The intention of the Amendment is to create a new 'Rural Enterprise' zone, a zone that provides for live and work opportunities on the same property.

### ***Location and description***

The subject property is located approximately 6.5 kilometres to the west of Bremer Bay Townsite, opposite 'Old Myamba' and the Shire's proposed Industrial Area.

The subject site is the eastern 85ha of Lot 11 Borden-Bremer Bay Road owned by Gregory and Delys Harland. The subject site is currently zoned 'Rural' and is used for broad acre farming. The site is gently undulating and has an intermittent creek running north-south through the site that forms part of the head waters of the Bitterwater Creek.



*Subject Site and its relationship to the Bremer Bay Townsite and proposed Industrial Area*

## **CONSULTATION**

The Amendment was referred to the Environmental Protection Authority (EPA) who advised that no environmental assessment is required on the 23<sup>rd</sup> April 2012.

The amendment has been placed on public advertising and adjacent landowners and relevant government agencies written to individually.

Formal advertising of Scheme Amendment 8 closed on the 15<sup>th</sup> June 2012, during which time 10 submissions were received; nine from government agencies and one from a private landowner.

A Schedule of Submissions has been prepared that summarises the submissions received, offers comment and makes recommendations on each submission. The Schedule is attached to this report at Attachment A.

Full copies of any submissions are available to Councillors on request, and will be provided to the WAPC who undertakes final assessment of the amendment.

## **COMMENT**

The role of the Council at this stage of the scheme amendment process is to assess the public submissions and determine if changes are required to the scheme amendment as a result.

The submissions are addressed in detail in the Schedule of Submissions at Attachment A. The main issues raised during the advertising period are:

Main Roads WA raised concerns with providing two access points to the Borden Bremer Bay Road and required that this be reduced to a single access point.

Two access points are proposed in the subdivision guide plan lodged with the scheme amendment documentation (refer Attachment B). These were to provide adequate emergency services access and egress and allow for a more permeable road pattern (i.e. prevent the creation of a massive cul-de-sac in the development).

Further discussion with both the proponent and Main Roads WA has resulted in a proposed modification to remove one of the access points and introduce an internal loop road.

Additionally, Main Roads recommended that the standard of the intersection between the new access road and Borden-Bremer Bay Road be widened to allow for articulated vehicles and have a passing bulge introduced at the time of subdivision. These changes are supported as large vehicles may service and occupy lots within the development and providing for their access is necessary to ensure that the development may be utilised by a wide range of light industrial and service industries.

A number of informal meetings have been held with the Department of Planning during which the following concerns were raised:

- The proposed scheme provisions appear to list a number of uses as 'X' (not permitted) in the Zoning Table but then allow for them within precinct 'A'.
- It is recommended that the Zoning Table be amended to state "Refer to Schedule 13" and the permitted and discretionary land uses within the zone be listed in the schedule.
- Proposed Lot 9 is extremely awkward in shape and is highly unlikely to be supported at the subdivision stage.
- An endorsement panel needs adding to the subdivision guide plan showing the date of adoption and a place the CEO to sign.

The following modifications are recommended in response to these concerns:

- The Zoning Table updated to refer to Schedule 13 for the permissible and discretionary land uses in the zone;
- Schedule 13 is to be updated so part 3b 'Precinct B' lists the permissible and discretionary land uses individually.

- An endorsement panel is to be added to the subdivision guide plan.
- The eastern boundary of Lot 9 on the subdivision guide plan is to be straightened and the lot made more regular in shape.

Department of Environment & Conservation (DEC) required the establishment of a 60m wide vegetation corridor along the Bitterwater Creek in order to assist in providing a macro-corridor between the two parts of the Fitzgerald River National Park. This would use a revegetated Bitterwater Creek as the alignment for the corridor. It was intended to connect into a similar corridor established in the zoning of the land immediately to the north (Scheme Amendment 6 – Old Myamba). Additionally fauna crossings were requested where the road crosses the Bitterwater Creek to allow for the free, safe movement of animals through this future corridor.

With the proposed Industrial development of the land immediately to the north unlikely to progress and the land to return to grazing (discussed in another report on this agenda), the establishment of the macro-corridor along this alignment is also unlikely. Additionally, the corridors proposed through 'Old Myamba' were to be established by building exclusion areas rather than any mass replanting.

Therefore the imposition on the developer to revegetate a 60m wide corridor and provide fauna crossings may be an unreasonable requirement at this stage.

What is recommended is that the 60m wide effluent exclusion area shown on the SGP be converted to a development exclusion area to allow for its later revegetation if the corridor is able to be coordinated by the DEC at some time in the future. That is, if the corridor becomes a realistic proposal at some time in the future, its alignment has been secured. Additionally, the Scheme provisions already require the stabilisation of creek banks and the planting of riparian vegetation in accordance with a foreshore management plan prepared at the time of subdivision that will provide for some linkages as requested.

#### DEC - Prescribed Uses

The idea of a 'Rural Enterprise' zone that combines lifestyle lots with some industrial activity does raise issues with maintaining the recommended buffers to sensitive land uses. There must be a level of acceptance from the Shire and future residents that there will be noise, dust, light, etc impacts in the development that may affect someone's lifestyle. However, people buying into the development will acknowledge the industrial uses when purchasing their property and the Shire will require suitable information lodged with any planning application to satisfy buffer requirements on a case by case basis.

The DEC is also a decision making authority for industrial land uses that are prescribed in the Environmental Protection Regulations 1987. There are approximately 90 uses listed under the Environmental Protection Regulations 1987 that are 'prescribed' and require the approval of the DEC under a separate process. These uses are generally manufacturing, mining, agricultural processing, energy generation, waste disposal and effluent disposal uses that require large buffers to sensitive land uses and most are not permitted in the new zone.

Of these, only 2-3 are proposed as discretionary uses in the proposed 'Rural Enterprise' zone; including scrap metal recovery and concrete batching plant (100tonnes or more per annum). These uses have generic buffer distances of 300-500m that may be reviewed in light of site and development specific details.

The few prescribed uses that may be considered are discretionary land uses and would be at the discretion of Council following public advertising and also determined by the DEC, giving more certainty that their impacts would be reduced to a satisfactory level.

Ms Tara Pittard lodged a submission on the scheme amendment supporting the proposal and raising a number of issues with certain aspects of the proposed land use controls and subdivision guide plan. Many of these are just points of clarification and tweaks to the subdivision guide plan that have been addressed in the Schedule of Submissions at Attachment A.

### ***Proposed Modifications***

The submissions have raised a number of issues that require addressing in both the scheme provisions and the subdivision guide plan. The main modifications are listed below; a full list is in the Schedule of Submissions at Attachment A.

#### **Access**

1. Have just a single access point onto Borden-Bremer Bay Road.
2. Create an internal loop road. This will necessitate another creek crossing. However, the creek is only small, does not take much water and would be easily crossed with pipes and headwalls.
3. Intersection treatments – are to allow for articulated vehicles to access the site. Truncations will need to be widened, intersection asphalted at time of subdivision, and a passing bulge put into Borden-Bremer Bay Rd.
4. Some mechanism should be put in place to allow for the long term expansion of this land use into neighbouring properties. An indicative Right of Way linking the development to the east to allow for a future road would suffice.

#### **Creek**

5. The boundaries of lots next to the creekline may need adjusting. The boundaries may be better placed on the edge of the creek buffer or along the alignment of the edge of the revegetation.
6. The eastern boundary of Lot 9 on the subdivision guide plan is to be straightened and the lot made more regular in shape.
7. Change the effluent disposal exclusion zone to a 'development exclusion zone' to keep development away from the creek and allow for the future establishment of a wider vegetation corridor through this location.
8. Minimise the number of lots that the Bitterwater Creek lies within.

These have been discussed with the proponent and have received qualified support. The proponent has prepared a modified subdivision guide plan that seeks to address the issues raised in the submissions; this is provided at Attachment C.

The plan at Attachment C is largely supported, with the exception of the alignment of Lot 9 boundary, changing the Effluent Disposal Exclusion zone to a Development Exclusion Zone and removal of the bend at the top of the internal loop road.

### **Conclusion**

The proposed 'Rural Enterprise' zone and its objective to "provide for the establishment of land uses which accommodate residential dwellings as well as light/rural industry type land uses on the same site in a live work arrangement" has not been questioned.

The submissions have raised a series of modifications to the scheme provisions and subdivision guide plan that improve the design and functionality of the future development.

### **STATUTORY REQUIREMENTS**

All amendments undergo a statutory process including referral to the EPA, public advertising and ultimately approval of the amendment is required by the Minister for Planning.

Should Council decide to adopt the Amendment for final approval it will be forwarded to the Western Australian Planning Commission (WAPC) and Minister for Planning for final approval and gazettal.

If Council decide to refuse the Amendment at this stage the proponent has a right of appeal to the State Administrative Tribunal (SAT).

### **STRATEGIC IMPLICATIONS**

The proposed Scheme Amendment aligns with a variety of the key focus areas in the Strategic Plan:

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

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

*...1.4 Ensuring that the availability of residential, industrial and commercial land meets demand*

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

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

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

*2.4 Supporting a range of community services that enhances the community fabric.*

### **FINANCIAL IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

N/A.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council,

1. Adopt Amendment No 8 to the Shire of Jerramungup Local Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 by;
  - a) Creating a new 'Rural Enterprise' zone with various changes to the Scheme text; and
  - b) Rezoning Part Lot 11 Borden-Bremer Bay Road from 'Rural' to 'Rural Enterprise' and amending the Scheme Map accordingly.
2. Adopt the Subdivision Guide Plan at Attachment B and request that it be endorsed by the Western Australian Planning Commission subject to the recommended modifications in the Schedule of Submissions at Attachment A.
3. Note the submissions and adopt the recommendations in the Schedule of Submissions at Attachment A;
4. Make the additional modifications to the Scheme Amendment document and Subdivision Guide Plan:
  - The Zoning Table updated to refer to Schedule 13 for the permissible and discretionary land uses in the zone;
  - Schedule 13 is to be updated so part 3b 'Precinct B' lists the permissible and discretionary land uses individually.
  - An endorsement panel is to be added to the subdivision guide plan.
  - The eastern boundary of Lot 9 on the subdivision guide plan is to be straightened and the lot made more regular in shape.
5. Advise the Western Australian Planning Commission that Council supports the plan at Attachment C as an acceptable way of incorporating the modifications recommended in this report with the exception of the alignment of Lot 9's eastern boundary, changing the Effluent Disposal Exclusion zone to a Development Exclusion Zone and removal of the bend at the top of the internal loop road.
6. Authorise the Chief Executive Officer to modify the amendment documents and subdivision guide plan in accordance with the recommended modifications at the Schedule of Submissions and lodge the amendment with the WAPC for final approval (after execution by the CEO and Shire President).
7. Forward Scheme Amendment 8 to the Western Australian Planning Commission for final approval with the schedule of submissions, copies of each submission and a full copy of the officer's report.

**OC120709 Moved Cr Lester / Seconded Cr Daniel**

**That Council,**

- 1. Adopt Amendment No 8 to the Shire of Jerramungup Local Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 by;**
  - a) Creating a new 'Rural Enterprise' zone with various changes to the Scheme text; and**
  - b) Rezoning Part Lot 11 Borden-Bremer Bay Road from 'Rural' to 'Rural Enterprise' and amending the Scheme Map accordingly.**
- 2. Adopt the Subdivision Guide Plan at Attachment B and request that it be endorsed by the Western Australian Planning Commission subject to the recommended modifications in the Schedule of Submissions at Attachment A.**
- 3. Note the submissions and adopt the recommendations in the Schedule of Submissions at Attachment A;**
- 4. Make the additional modifications to the Scheme Amendment document and Subdivision Guide Plan:**
  - The Zoning Table updated to refer to Schedule 13 for the permissible and discretionary land uses in the zone;**
  - Schedule 13 is to be updated so part 3b 'Precinct B' lists the permissible and discretionary land uses individually.**
  - An endorsement panel is to be added to the subdivision guide plan.**
  - The eastern boundary of Lot 9 on the subdivision guide plan is to be straightened and the lot made more regular in shape.**
- 5. Advise the Western Australian Planning Commission that Council supports the plan at Attachment C as an acceptable way of incorporating the modifications recommended in this report with the exception of the alignment of Lot 9's eastern boundary, changing the Effluent Disposal Exclusion zone to a Development Exclusion Zone and removal of the bend at the top of the internal loop road.**
- 6. Authorise the Chief Executive Officer to modify the amendment documents and subdivision guide plan in accordance with the recommended modifications at the Schedule of Submissions and lodge the amendment with the WAPC for final approval (after execution by the CEO and Shire President).**

7. **Forward Scheme Amendment 8 to the Western Australian Planning Commission for final approval with the schedule of submissions, copies of each submission and a full copy of the officer's report.**

**Carried 6-0**

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.3
<b>SUBJECT:</b>	Amendment 6 to Shire of Jerramungup Local Planning Scheme No 2
<b>LOCATION/ADDRESS:</b>	Lot 1321 Borden-Bremer Bay Road, Bremer Bay
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Planning Officer, Craig Pursey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	9 July 2012

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## **SUMMARY**

Council adopted Scheme Amendment 6 for final approval at its November 2009 meeting and forwarded to the Western Australian Planning Commission (WAPC) for final approval.

Since November 2009 the Department of Planning has assessed the Amendment and required that the Shire adopts its amended Local Planning Strategy and a site specific Local Water Management Plan (LWMS) and a Fire Management Plan (FMP) before they would consider the amendment for final approval.

The Local Planning Strategy was adopted in February 2012. The LWMS and FMP have been reviewed by Shire staff and relevant government agencies and are ready for final adoption.

However, the ownership of Lot 1321 Borden-Bremer Bay Road, Bremer Bay changed in late October 2011 and the new owners no longer wish to rezone the subject site. The Scheme Amendment has progressed to a stage where the question of whether it goes ahead or not lies with the WAPC and Minister for Planning.

Council is requested to consider whether they wish to advance the Amendment or request the WAPC to cancel it in light of the new landowner's request.

## **ATTACHMENT**

Attachment 10.3.3 (a) - Letter from Mr Ken Reddington  
Attachment 10.3.3 (b) - Subdivision Guide Plan

## **BACKGROUND**

### ***Location and description***

The subject property is located approximately 5 kilometres to the west of Bremer Bay Townsite, on the corner of Bremer Bay Road and Swamp Road.

The lot is an existing 'Rural' zoned property (known as 'Old Myamba') and has an approximate area of 1, 035 hectares.

### ***Scheme Amendment***

The rezoning of Lot 1321 Borden-Bremer Bay Road, Bremer Bay (Lot 1321) was the result of a lengthy search for appropriately located land in which to develop an industrial estate to support the Bremer Bay town site. Lot 1321 had a willing landowner who also requested that the balance of the land be zoned to the 'Rural Residential' and 'Farmlet' zones to provide hobby farms that could be sold to generate the income necessary to develop the industrial estate.

The scheme amendment was prepared by PlanWest in partnership with Land Assessment Pty Ltd. The documentation included a land capability assessment and scheme amendment documentation that supported the rezoning proposal. The Amendment proposes an industrial area in the south west corner of the site, a small number of rural residential lots on the eastern side of Lot 1321 and the balance zoned to allow for hobby farms with a minimum lot size of 40ha.

A copy of the Subdivision Guide Plan that shows the distribution of the proposed zones is at Attachment B.

### ***Proposal History***

The scheme amendment documentation has gone through the prescribed stages and a number of additional stages in an attempt to satisfy the WAPC's requirements. These are as follows:

1. At its ordinary Meeting held on 21 April 2009 Council considered an application to amend the Shire of Jerramungup Local Planning Scheme No. 2 ("the Scheme") to rezone Lot 1321 Borden-Bremer Bay Road, Bremer Bay from 'Rural' to 'Rural Residential', 'General Industry' and 'Farmlet' zone – refer Item 10.3.5.
2. The application was referred to the EPA and then placed on public advertising for 42 days after which time the Council considered the submissions lodged at its meeting of 17 November 2009 where the amendment was adopted for final approval subject to modifications – refer Item 10.3.2.
3. The Scheme Amendment documentation was lodged with WAPC for final approval on the 9 December 2009.
4. In June 2010 the Department of Planning requested additional information including:
  - That the Local Planning Strategy be amended showing how the proposed industry site fits within the overall vision for the locality;
  - A Local Water Management Strategy (LWMS) be prepared showing how stormwater would be accommodated within the development; and
  - A Fire Management Plan be prepared for the overall development.

This information was required to be assessed and adopted by the Shire before the Department would finalise its assessment and make recommendations to the WAPC.

5. The LWMS and Fire Management Plan were received in September 2011 and referred for comment to the relevant government agencies and Shire staff for assessment. This has not been referred to Council for final adoption at this stage.
6. The Local Planning Strategy was revised and adopted by Council in February 2012.

## **COMMENT**

### ***New owners***

Normally, Council would now be requested to consider the LWMS and Fire Management Plan for final adoption. However, in October 2011 Lot 1321 was sold to Kenneth & Janice Reddington. Once staff were aware that the land was being sold they approached Mr & Mrs Reddington to discuss their intentions for the property. In discussions with staff the Reddington's made it clear that they do not wish to progress the zoning of the land. A formal letter was presented to the Reddington's in April 2012 asking them to consider;

1. *“Continuing with the rezoning of 20ha of land in the south western corner of the property to the ‘Industry’ zone.; and*
2. *Discontinuing with the rezoning to the balance of the site.*

*...should the Shire's amended proposal be palatable, Council would investigate purchasing the 20ha industrial site with the intention of developing the site with a development partner such as Landcorp, the land development arm of Government.”*

The Reddington's have thoroughly considered the proposal and have formally advised the Shire that:

1. They do not wish to progress the rezoning;
2. Once the trees are harvested the land will revert to a productive farm;
3. In particular they are not in favour of rezoning the land to industry because:
  - The land is unsuitable as it is too wet and swampy as demonstrated by the storm events of 2005 and 2012;
  - The lots produced by Scheme Amendment No.8 will satisfy the demand for industrial land for years to come.

A copy of this letter is found in full at Attachment A.

### ***Where to from here?***

If the land had not changed ownership Council would now be requested to adopt the Fire Management Plan and Local Water Management Strategy and then request the WAPC to progress the amendment to final approval.

However, the fact that the new landowners are not willing to progress the proposal has changed the complexion of the proposal. The Council has three options available at this time:

1. Progress the scheme amendment and request the WAPC and Minister for Planning finalise the proposal;
2. Request the WAPC and Minister to progress only the Industrial zoning of the land; or
3. Request the WAPC and Minister to cancel the scheme amendment.

Importantly, the scheme amendment has progressed to a point where it is the WAPC and Minister's decision as to whether to continue with the Amendment. Council's formal role finished when it adopted the scheme amendment for final approval in November 2009. Whilst the Minister and WAPC are the decision makers at this stage, they should take into consideration any request of Council's at this stage in the decision making process.

**Options:**

1. *Progress the scheme amendment and request the WAPC and Minister for Planning finalise the proposal*

This involves continuing with the processing the scheme amendment and advising the WAPC that the zoning should continue as per Council's resolution of November 2009. This option is in effect taking the approach that landownership changes but the strategic direction of the Shire remains the same.

The land would then be zoned for 'Industry', 'Rural Residential' and 'Farmlet' but be used by the landowner for farming purposes only for the foreseeable future. The current landowner could then choose to develop the zoned uses at some time in the future; or not.

The new zoning may have some impact on the Shire rates paid if the zoning affects the land value. However, general indications are that this is unlikely to occur for many years, until such time as demand increases.

If the land is zoned then it would be difficult to justify creating another similar zone elsewhere in the locality should the demand arise as the Shire would appear to have sufficient zoned land to meet demand.

If the current landowners continue with their grazing, and never become open to the idea of development, then the general industry zone will never become available.

Should Council choose to pursue this option another report will be prepared for Council's consideration providing a full assessment of the draft Fire Management Plan and LWMS.

2. *Request the WAPC and Minister to progress only the Industrial zoning of the land*

This option would secure the site as a general industry site with less impact on the remainder of the property. It may involve the possibility of the Shire purchasing the site in the very long term and developing the site.

The proposed 'Rural Enterprise' zone in close proximity to Lot 1321 should satisfy the need for Bremer Bay's day to day industrial needs and demand for hobby farms. An Industry zone on Lot 1321 is likely to become more of a strategic site to locate larger industry that may wish to move the Bremer Bay.

The site is well located on the corner of two sealed roads, in reasonable proximity to Bremer Bay and the buffers required for general industrial development are being accommodated in Amendment No8.

On the other hand, there are question marks over the land's capability and suitability for industrial development. If the Shire were ever to be the developer of the site then there would be considerable site development costs to consider given the wet nature of the land. The current document recommends draining and filling building sites as part of the development process. This will act as a disincentive for the development of the land.

### *3. Request the WAPC and Minister to cancel the scheme amendment*

This option respects the wishes of the current landowner and would mean that the Shire would continue to investigate other options for a 'general industry' zoning.

The land immediately to the south of Lot 1321 is proposed to be rezoned through Scheme Amendment 8 to create a 'Rural Enterprise' zone that will satisfy demand for industrial activity and hobby farms for some for time. This zone will not accommodate more general industrial activities such as manufacturing, processing agricultural products, etc but it will take the pressure off to find an industrial site to service Bremer Bay in the short term.

The land capability assessment indicates that considerable site works would need to occur to make the industrial area on Lot 1321 possible and this has a cost implication for whoever develops the land and will serve as a disincentive to the development of the land over time.

If this option is chosen then the Council may wish to continue to look for a strategic industrial site in order to secure a site should a larger industry wish to develop in the Shire at some time in the future. The revised Local Planning Strategy is still with the WAPC for assessment and final approval and there is a chance that this change may be included as a final modification to that document.

### **Conclusion**

Whilst the decision lies with the WAPC and Minister for Planning on whether to progress the scheme amendment, Council can choose to *request* these parties to make an alternative decision.

The Council has the option of progressing the rezoning without the support of the landowner in order to achieve the recommendations of its recently adopted Local Planning Strategy; taking the view that land ownerships change and the location is right.

On the other hand, if this option was chosen there would appear to be little chance of the site being developed for some considerable time, if ever. The land capability assessment indicates that considerable site works would need to occur to make the Industrial area possible this has a cost implication for whoever develops the land and may be a disincentive over time.

The prospective development of the 'Rural Enterprise' zone to the south will satisfy the day to day industrial needs of Bremer Bay which gives the Council more time to identify a more appropriate site for 'strategic industry'.

On balance, it is recommended that the WAPC and Minister for Planning be requested to:

- Cancel Scheme Amendment 6; and
- The Local Planning Strategy be amended to remove the industrial site from Figure 19 and include a discussion on locating a suitable strategic industrial site to service the Shire of Jerramungup.

## **STATUTORY REQUIREMENTS**

Once initiated, all amendments must be referred to the WAPC for final endorsement and require approval from the Minister for Planning.

It is the WAPC and Minister for Planning's decision as to whether to progress Scheme Amendment 8.

## **STRATEGIC IMPLICATIONS**

The proposed zones in Scheme Amendment 8 are reflected in the latest version of the Shire's Local Planning Strategy. This is now with the WAPC for final approval. It is possible to request a late change to this document before a final decision is made.

The proposed Scheme Amendment aligns with a variety of the key focus areas in the Strategic Plan:

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

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

*...1.4 Ensuring that the availability of residential, industrial and commercial land meets demand*

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

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

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

*2.4 Supporting a range of community services that enhances the community fabric.*

## **FINANCIAL IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

N/A.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council request that the Western Australian Planning Commission (WAPC) and Minister for Planning:

1. Cancel Scheme Amendment 6 of Local Planning Scheme No.2; and
2. Consider making an additional amendment to the recently revised Shire of Jerramungup Local Planning Strategy No.2 to remove the industrial site from Lot 1321 Borden-Bremer Bay Road and replace it with text stating that the Shire will continue to investigate a general industrial site in the Shire of Jerramungup.

### **OC120710 Moved Cr Lester / Seconded Cr Parsons**

**That Council request that the Western Australian Planning Commission (WAPC) and Minister for Planning:**

- 1. Cancel Scheme Amendment 6 of Local Planning Scheme No.2; and**
- 2. Consider making an additional amendment to the recently revised Shire of Jerramungup Local Planning Strategy No.2 to remove the industrial site from Lot 1321 Borden-Bremer Bay Road and replace it with text stating that the Shire will continue to investigate a general industrial site in the Shire of Jerramungup.**

**Carried 6-0**

3.05pm Mrs Pittard left the meeting.

**A D M I N**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.1
<b>SUBJECT:</b>	Administration Status Report
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Bill Parker
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	9 <sup>th</sup> July 2012

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## **SUMMARY**

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

## **ATTACHMENT**

Nil

## **PROJECT UPDATE**

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

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

Some interest has been received, however offers are not forthcoming.

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

The DEC has refused the clearing application and therefore the works cannot proceed.

Alternative sites are being investigated with a preferred site currently being assessed. Works are likely to commence in 2012/13.

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

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

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

The Shire is yet to receive a response from the owner.

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

The Department for Health has commissioned a Health Services Plan to be completed for Bremer Bay and Jerramungup.

A series of community meetings were held in May 2012. A preliminary report has been received summarising the outcomes.

Aurora Projects (consultant) will provide the report and then the information in it will be verified. When the key stakeholders agree that the report is accurate, the report will go to the Regional Director for consideration.

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

The final structure plan was adopted by Council in April 2012. The Shire has met with Landcorp and reviewed a Servicing Report for the subject site.

The Shire has been advised formally that the Department for Education is in agreement with the land swap providing that the school site can be maintained at 4ha. This land swap will be subject to Native Title and therefore may take some time to complete.

The Shire has included a provisional sum in the draft 2012/13 budget to complete stage one of the project.

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

The Fitzgerald Biosphere Garden is essentially complete with a majority of the plant species being sourced, successfully propagated and now planted.

The only remaining component is the manufacture of signs. The signage component will be completed in 2012/13.

#### **7) Strategic Waste Management**

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

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

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

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.2
<b>SUBJECT:</b>	Fish Habitat Area
<b>LOCATION/ADDRESS:</b>	Little Boat Harbour & Back Beach
<b>NAME OF APPLICANT:</b>	Craig Lebens
<b>AUTHOR:</b>	Bill Parker
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 July 2012

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## **SUMMARY**

A request has been received seeking Council support for the establishment of a Fish Habitat and Protection Area at Little Boat Harbour and Back Beach in Bremer Bay.

## **ATTACHMENT**

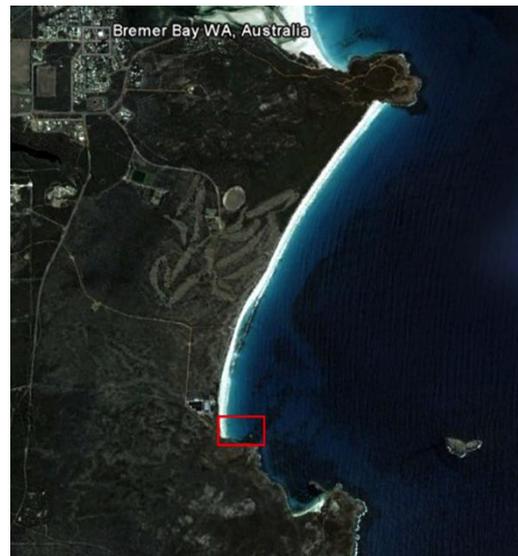
Attachment 10.4.2 (a) - Proposal and maps  
Attachment 10.4.2 (b) - Fisheries Management Paper No. 152

## **BACKGROUND**

On 4<sup>th</sup> July 2012, the Shire received correspondence from Mr Craig Lebens seeking Council support to establish a Fish Habitat and Protection Area at Little Boat Harbour and Back Beach in Bremer Bay.



Proposed Habitat Protection Area - Little Boat Harbour, Bremer Bay



Proposed Habitat Protection Area – Back Beach, Bremer Bay

A Fish Habitat Protection Area (FHPA) is an area established under section 115 of the Fish Resources Management Act 1994, and may be set aside by the Minister for Fisheries for the following purposes:

- the conservation and protection of fish, fish breeding areas, fish fossils or the aquatic ecosystem;

- the culture and propagation of fish and experimental purposes related to that culture and propagation; and
- the management of fish and activities related to the appreciation and observation of fish.

The request received from Mr Lebens is based on the conservation and protection of the aquatic ecosystem. In Mr Lebens opinion, current activities such as spearfishing at Little Boat Harbour and Back Beach are causing irreparable damage to the marine ecosystem.

By designating the areas as a Fish Habitat and Protection Areas, site specific fishing regulations could be introduced if it can be demonstrated that:

- the fishing activity conflicts with the maintenance of the intrinsic values of the area (such as the area's conservation or community education values); and/or;
- a particular species is under threat of localised depletion; and/or;
- the fishing activity poses a safety risk to other legitimate users of the area; and/or
- no feasible or prudent alternative exists.

It is understood that Mr Lebens would pursue regulations under the Fish Habitat and Protection Areas that would prohibit the use of spear guns within the protection area.

### **CONSULTATION**

Nil at this stage. Extensive consultation would occur if a formal application is lodged with Department for Fisheries.

### **COMMENT**

Council is only being asked to support the concept of a Fish Habitat and Protection Area at Little Boat Harbour and Back Beach at this stage. If Mr Lebens decides to make a formal application, the Shire of Jerramungup and other stakeholders will be extensively consulted.

### **STATUTORY REQUIREMENTS**

Nil

### **STRATEGIC IMPLICATIONS**

This item relates to the following components from the Shire of Jerramungup's Strategic Plan;

#### **Key Focus Area Two: Service Delivery & the Environment**

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

2.5 Working in partnership with key agencies to deliver environmentally responsible services.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That Council;

Supports the concept of designating a Fish Habitat and Protection Area at Little Boat Harbour and Back Beach in Bremer Bay.

**OC120711 Moved Cr Daniel / Seconded Cr Iffla**

**That Council;**

**Supports the concept of designating a Fish Habitat and Protection Area at Little Boat Harbour and Back Beach in Bremer Bay.**

**Carried 6-0**

Cr Daniel declared an impartiality interest Item 10.4.3 – Proposed tennis court project Reserve 25568. The nature of the interest is she is a committee member of the Jerramungup Sports Club.

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.3
<b>SUBJECT:</b>	Proposed tennis court project
<b>LOCATION/ADDRESS:</b>	Reserve 25568
<b>NAME OF APPLICANT:</b>	Nil
<b>AUTHOR:</b>	Bill Parker
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 July 2012

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### **SUMMARY**

The Shire of Jerramungup has received a proposal from a community group to redevelop the old Jerramungup bowling green into two tennis courts, including a ½ court basketball area.

Prior to preparing a detailed application, the community group is seeking Council endorsement for the concept/idea.

### **ATTACHMENT**

Attachment 10.4.3 - Project proposal and map

### **BACKGROUND**

In developing the Shire of Jerramungup Recreation Strategy, each of the three combined sports clubs were required to prepare business plans. The business plans outlined various membership trends, financial capacity and proposed infrastructure projects.

In completing the business plan for the Jerramungup Sports Club, a redevelopment of the old bowling green was identified as a future project.

Over the last few months, a working group has been formed to progress the concept of redeveloping the old bowling green into a multisport playing surface. The proposed facility would include two tennis courts and a ½ court basketball area. The playing surface would also facilitate the use of skateboards and ripsticks.

Prior to commencing a detailed application under the Community Sporting and Recreation Facilities Fund, the working group was encouraged to submit a project proposal seeking Council's endorsement for the concept/idea.

## **CONSULTATION**

Various meetings have occurred between the Sports Club, working group and Shire of Jerramungup representatives.

## **COMMENT**

The concept of a multisport facility has gathered momentum over the last few months. The interest in developing this facility is based on;

### *Suitability of the existing facility*

Currently, tennis is played indoors with varying success at the Jerramungup Entertainment Centre. The feedback received is that the surface is not ideal and playing indoors is very hot particularly during summer. Access to the centre is very formal and therefore restricts casual use of the tennis facilities.

There appears to be a genuine community interest in social casual tennis. The Jerramungup Tennis Club is currently in recess.

### *Facility for older children*

Community feedback suggests that children aged 8-14yrs are not well catered for at the Sports Club. The concept of a combined tennis/basketball and skateboard facility would provide this age group with a recreation space during the winter sports and basketball seasons.

## **STATUTORY REQUIREMENTS**

Nil

## **STRATEGIC IMPLICATIONS**

This item relates to the following components from the Shire of Jerramungup's Strategic Plan;

### **Key Focus Area One: Ongoing Social, Economic & Financial Viability**

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

1.2 Providing a range of recreational and sporting opportunities.

### **Key Focus Area Three: Building & Road Infrastructure**

*The Shire of Jerramungup will provide the community with quality road and building infrastructure by;*

3.1 Ensuring that our built infrastructure is well utilised and maintained.

## **FINANCIAL IMPLICATIONS**

Although the community group are only requesting that Council endorse the concept/idea for a combined tennis/basketball/skateboard facility, some preliminary figures have been prepared using data from the Borden redevelopment.

Based on comparable projects, the costs are estimated at;

Surface approximately	\$33,500
Fencing approximately	\$26,000
Earthworks approximately	\$50,000
Lighting	\$10,000
<b>TOTAL</b>	<b>\$119,500</b>

Using the 1/3 contribution methodology used by Department Sport and Recreation, the Shire would need to contribute approximately \$40,000.

## **POLICY IMPLICATIONS**

Finance Policy 4; Sport and Recreation Grants applies to this item.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council;

1. Based on the information provided, supports the concept of redeveloping the old bowling green and constructing a multisport playing surface capable of facilitating tennis, basketball and skateboarding on reserve 25568.
2. Given the size and complexity of the 2012/13 municipal works program, advises the Jerramungup Sports Club that in the event that an application for funding was successful, the Shire's capacity to assist in project delivery would be limited to a 1/3 financial contribution only.

**OC120712 Moved Cr Daniel / Seconded Cr Trevaskis**

**That Council;**

- 1. Based on the information provided, supports the concept of redeveloping the old bowling green and constructing a multisport playing surface capable of facilitating tennis, basketball and skateboarding on reserve 25568.**
- 2. Given the size and complexity of the 2012/13 municipal works program, advises the Jerramungup Sports Club that in the event that an application for funding was successful, the Shire's capacity to assist in project delivery would be limited to a 1/3 financial contribution only.**

**Carried 4-2**

For: Cr's Atkin, Daniel, Parsons and Lester  
Against: Cr's Iffla and Trevaskis

# **COUNCILLOR REPORTS**

## **11. COUNCILLOR REPORTS**

### **Cr Parsons**

Attended a Fitzgerald Biosphere Group meeting  
Attended a strategic planning workshop  
Attended a Councillor strategic planning workshop  
Attended road tour 1 and 2 of the Shire

### **Cr Daniel**

Attended a South Coast NRM meeting  
Attended a WALGA Zone meeting  
Attended a Councillor strategic planning workshop  
Attended road tour 1 and 2 of the Shire

### **Cr Iffla**

Attended a Sport & Recreation meeting  
Attended a budget meeting  
Attended strategic planning workshop  
Attended a Councillor strategic planning workshop  
Attended road tour 1 and 2 of the Shire

### **Cr Lester**

Attended a Great Southern Zone of WALGA meeting  
Attended a meeting with the Gnowangerup CEO  
Attended a budget meeting  
Attended a strategic planning workshop  
Attended a Councillor strategic planning workshop  
Attended road tour 1 and 2 of the Shire  
Attended a meeting with Hon Jim Chown MLC

### **Cr Trevaskis**

Attended a strategic planning workshop  
Attended a Councillor strategic planning workshop  
Attended a meeting with the Shire Auditors  
Attended road tour 1 of the Shire

## **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 Atkin asked for information on the vacant Ranger position.

Mr Parker responded that he is currently looking into the matter and discussing a resource sharing arrangement with the Shire of Ravensthorpe.

**13. NEXT MEETING/S**

13.1 Ordinary Meeting – to be held Wednesday 15<sup>th</sup> August 2012 commencing 1.30pm at the Council Chambers, Jerramungup.

**14. CLOSURE**

The President declared the meeting closed at 3.35pm.