

# **SHIRE OF JERRAMUNGUP**



## **MINUTES**

### **COUNCIL ORDINARY MEETING**

**20<sup>th</sup> MARCH 2013**

<b>ORDINARY MINUTES – 20<sup>TH</sup> MARCH 2013</b>		
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## SHIRE OF JERRAMUNGUP

### ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, JERRAMUNGUP ON WEDNESDAY 20<sup>th</sup> MARCH 2013, COMMENCING AT 2.07PM.

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

The President declared the meeting open at 2.07pm.

#### 2. **RECORD OF ATTENDANCE**

Cr R Lester	President
Cr J Iffla	Deputy President
Cr B Trevaskis	Member
Cr W Bailey	Member
Cr R Parsons	Member
Cr C Daniel	Member
Cr B Atkin	Member
Mr B Bailey	Acting Chief Executive Officer
Mr C Pursey	Planning Officer
Mrs C Solomon	Coordinator of Governance & Land Administration
Mr D Dawson	Member of the Public
Mrs J Dawson	Member of the Public

#### 3. **APOLOGIES**

Nil

#### 4. **LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

#### 5. **PUBLIC QUESTION TIME**

Mr Drew Dawson informed Council that he is intending on building a B&B on his property 11 Point Henry Road, Bremer Bay which is being presented to Council. Mr Dawson would like Council to consider reducing the setbacks recommended and keep with the setbacks in the original plan that he provided.

Mr Craig Pursey indicated that the request for a reduced setback could be supported due to the location of the existing cleared building envelope, that the low fuel zones required around the buildings could still be accommodated wholly within their property boundaries and that visual amenity concerns would be limited as the neighbouring building envelopes were a considerable distance away.

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

**8. DECLARATIONS OF FINANCIAL INTEREST**

Cr Lester declared a financial interest Item 10.4.3 – Emergency Water Supply Jacup. The nature of the interest is he is the land owner of Lot 1607 South Coast Highway, Jacup.

Cr Lester declared a proximity interest Item 10.4.5 – Lease 26956 South Coast Highway, Jacup. The nature of the interest is his property neighbours Lot 301 Jacup.

**9. CONFIRMATION OF MINUTES**

9.1 Ordinary Council Meeting held 20<sup>th</sup> February 2013

**OC130301 Moved Cr Bailey / Seconded Cr Trevaskis**

**That the Minutes of the Ordinary Meeting of Council held 20<sup>th</sup> February 2013 be confirmed.**

**Carried 7-0**

**W O R K S**

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<b>SUBMISSION TO:</b>	<b>Works</b>
<b>AGENDA REFERENCE:</b>	10.1.1
<b>SUBJECT:</b>	Works Report
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Graham Edwards
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	12 March 2013

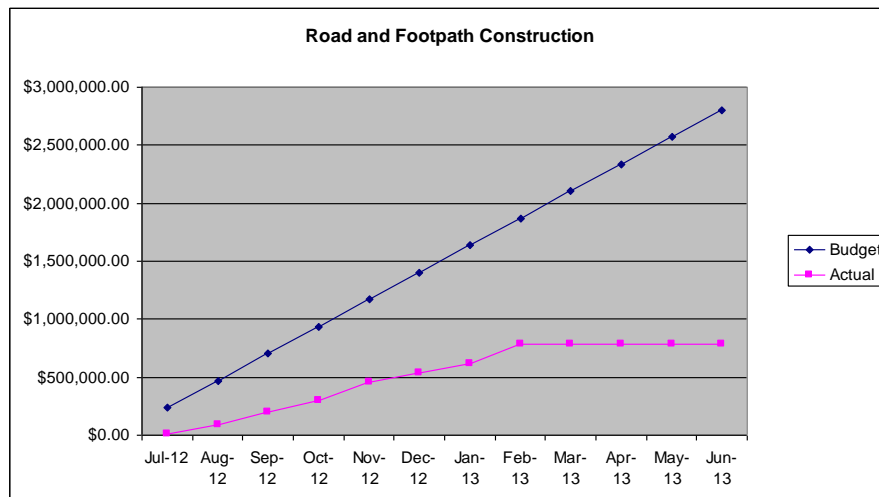
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## **ATTACHMENT**

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) – 2012/13 Road Construction Programme Project Status at 28<sup>th</sup> February 2013

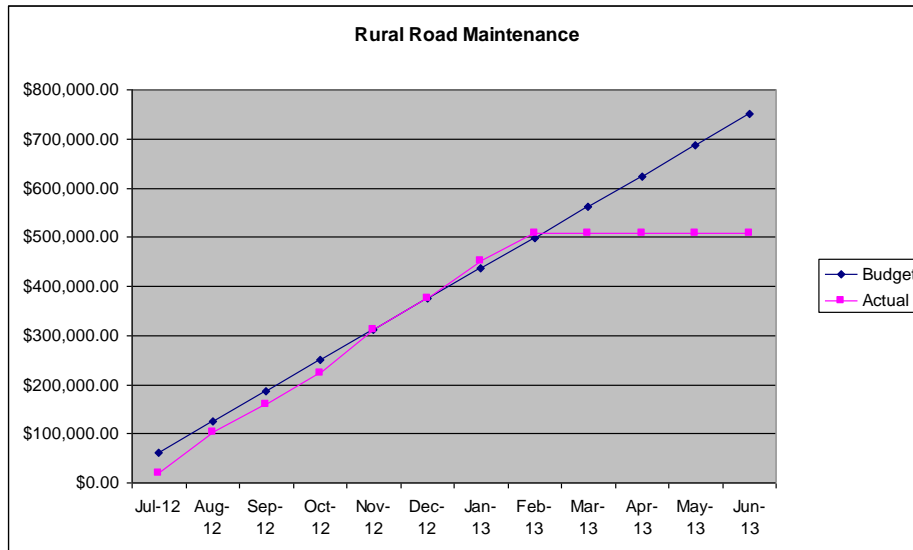
## **ROAD CONSTRUCTION**

A summary of the Road Construction Programme is attached with expenditure progressing against schedule as indicated below. This includes \$1,001,826 for the Bremer Bay Town Centre which, although part of the Construction Programme, will be entirely delivered externally.



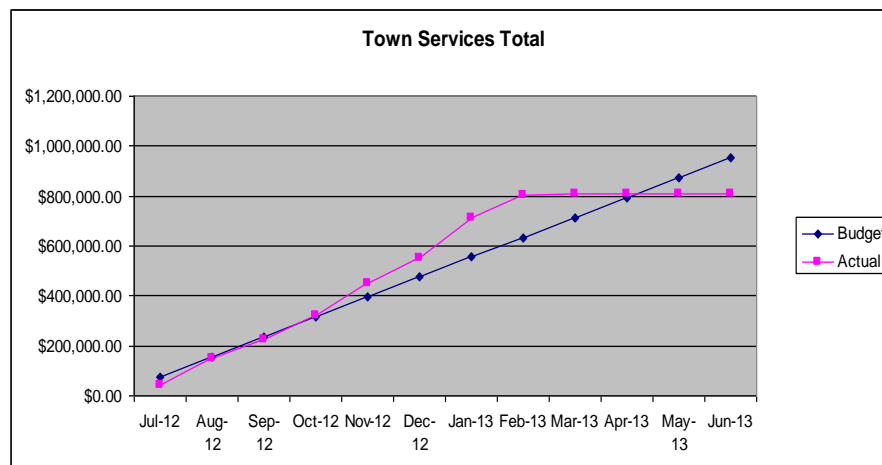
## **ROAD MAINTENANCE**

The attached report indicates rural road maintenance activity for February 2013. Expenditure against schedule is indicated below.



## **TOWN SERVICES**

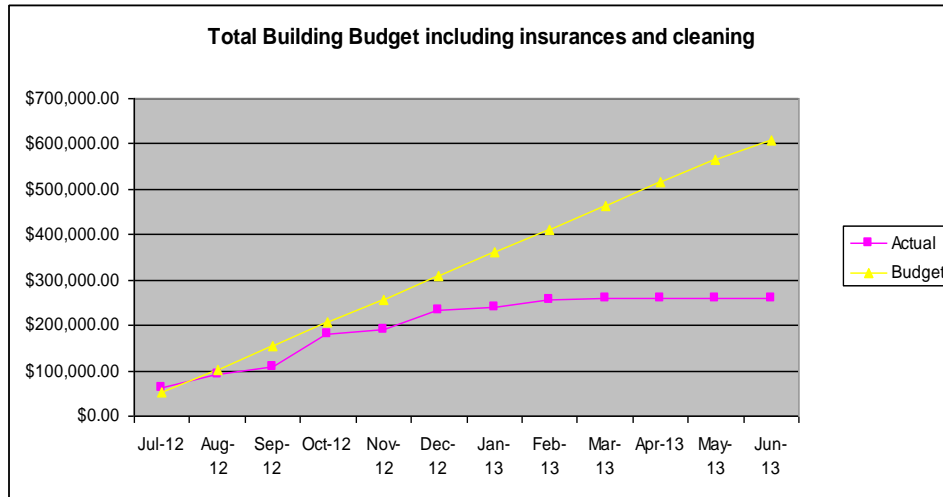
Attached are reports indicating road maintenance undertaken at Bremer Bay and Jerramungup during February. As indicated below, overall Town Services expenditure is ahead of schedule.



The Department of Environment and Conservation has sought Shire of Jerramungup assistance for improvements to parking and access at Point Anne.

## **BUILDINGS**

The Building Programme is to be reviewed with the 2013 / 2014 Budget in mind. Current expenditure is as indicated below.



## **RECOMMENDATION**

That the Works Report be received.

**OC130302   Moved Cr Parsons / Seconded Cr Daniel**

That the Works Report be received.

**Carried 7-0**

# **FINANCE**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.1
<b>SUBJECT:</b>	Accounts Payable
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	
<b>AUTHOR:</b>	Mel Aitchison
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	1 <sup>st</sup> March 2013

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## **ATTACHMENT**

Attachment 10.2.1 - List of Accounts Paid to 28<sup>th</sup> February 2013

## **BACKGROUND**

<b>FUND</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
<b>Municipal Account</b>		
Last Cheque Used	27438	
	EFT 6763 - 6870	\$371,545.48
	Cheque 27439 – 27450	\$8,605.77
	Direct Debits	\$0.00
<b>Municipal Account Total</b>		<b>\$380,151.25</b>
<b>Trust Account</b>		Nil
<b>Trust Account Total</b>		
<b><u>Grand Total</u></b>		<b><u>\$380,151.25</u></b>

## **CERTIFICATE**

This schedule of accounts as presented, which was submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been paid.

## **VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

That the schedule of direct debits and accounts payable, totalling submitted \$380,151.25 to the Full Council on 20<sup>th</sup> March 2013 be endorsed.

**SIGNATURES**

\_\_\_\_\_  
Author

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

**OC130303    Moved Cr Iffla / Seconded Cr Bailey**

**That the schedule of direct debits and accounts payable, totalling submitted \$380,151.25 to the Full Council on 20<sup>th</sup> March 2013 be endorsed.**

**SIGNATURES**

\_\_\_\_\_  
Author

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

**Carried 7-0**

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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>	8 <sup>th</sup> March 2013

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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 28<sup>th</sup> February 2013.

## **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 28<sup>th</sup> February 2013 in accordance with Section 6.4 of the Local Government Act 1995.

**OC130304   Moved Cr Bailey / Seconded Cr Atkin**

- 1) **That Council receive the Monthly Financial Report for the period ending 28<sup>th</sup> February 2013 in accordance with Section 6.4 of the Local Government Act 1995.**

**Carried 7-0**

# **HEALTH, BUILDING & TOWN PLANNING**

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<b>SUBMISSION TO:</b>	<b>Health, Building &amp; Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.1
<b>SUBJECT:</b>	Proposed Bed and Breakfast
<b>LOCATION/ADDRESS:</b>	Lot 11 Point Henry Road, Bremer Bay
<b>NAME OF APPLICANT:</b>	Drew and Jeni Dawson
<b>FILE REFERENCE:</b>	A100529
<b>AUTHOR:</b>	Craig Pursey, Planning Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 March 2013

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## **SUMMARY**

Council is being asked to determine a planning application to build a Bed and Breakfast establishment at Lot 11 Point Henry Road, Bremer Bay. The proposal consists of three buildings; a house for the owners, a separate building for the accommodation component and an outbuilding.

The application was referred to neighbouring landowners for comment. One submission has been received objecting to the proposal on a number of grounds including an increase in noise, fire risk and potential to trespass.

This report recommends issuing a conditional planning approval.

## **ATTACHMENT**

Attachment 10.3.1 (a) - Planning application  
Attachment 10.3.1 (b) - Submission  
Attachment 10.3.1 (c) - Applicant response

## **BACKGROUND**

### ***Site Description***

Lot 11 Point Henry Road, Bremer Bay is 3.38ha in area and located at the northern end of the Point Henry rural residential area. The site is largely covered in remnant vegetation with the exception of a cleared area located in the building envelope and the constructed access track to this envelope.

The lot is located on a ridge at the top of the long slope that leads up from Short Beach. The site itself is quite undulating with the approved building envelope sitting on the high point of the lot.

Due to the lie of the land and the sensitive development of surrounding lots looking out from the building envelope only a shed and two dwellings are visible.



*Subject site edged in red (Landgate 2008)*

### **Zoning & Scheme Requirements**

Lot 11 Point Henry Road, Bremer Bay is zoned Rural Residential Area 1 under the Shire of Jerramungup Local Planning Scheme No 2. All development in this zone requires planning approval.

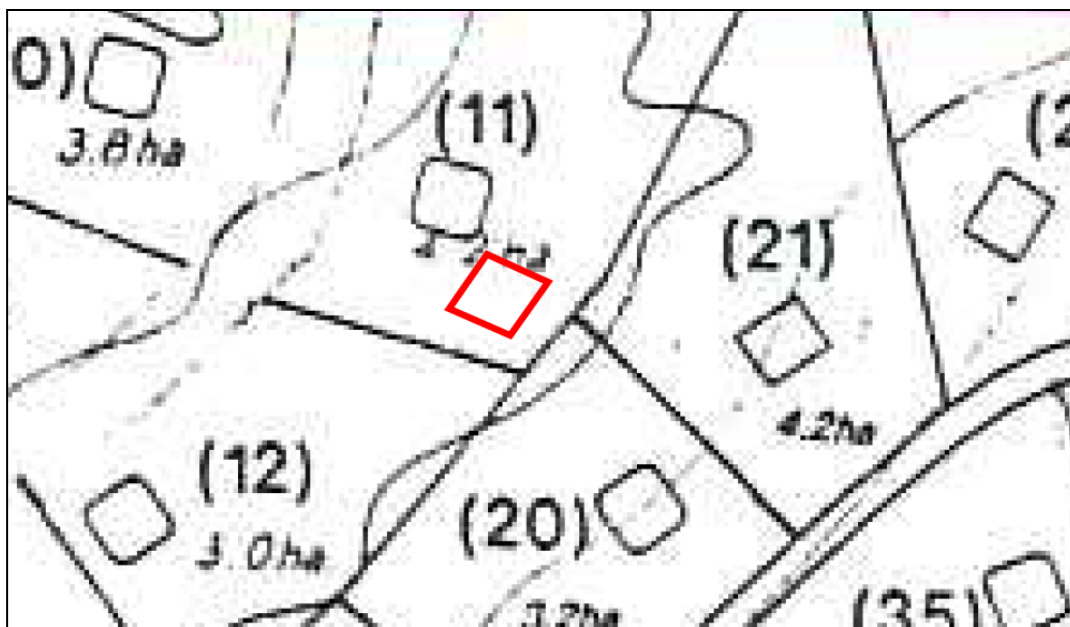
A Bed and Breakfast (B&B) establishment is a discretionary use in this zone. The Scheme defines a Bed and Breakfast as *“means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.”*

Separate Building and Health legislation limit B&B accommodation to a maximum of 6 guests at any one time. This is intended to retain the residential scale of a B&B.

### **Application History**

Application was received by Council from the previous landowners to shift the building envelope location in 1997. Council approved the new location subject to a 15m vegetated buffer being retained. Following this Council decision an officer of Council agreed to remove the requirement for a 15m vegetated buffer.

The building envelope was then cleared and has been in a cleared state since 1998. The location of the approved building envelope and neighbouring envelopes is shown in the figure overleaf.



*Subdivision Guide Plan extract with revised building envelope location in red.*

## **CONSULTATION**

Whilst advertising of the application is not strictly required by the Scheme, any application may be advertised at Council's discretion. In this instance the choice was made to refer the application to neighbouring landowners for comment.

One submission was received during the referral period from the owners of Lot 20 Ridgeway Drive who are located immediately below the proposed B&B and they have objected to the proposal on a number of grounds. A full copy of the submission is attached to this report at Attachment 10.3.1(b). The issues raised are addressed in the table below.

<b>Issue raised</b>	<b>Officer comment</b>
Concern is raised with the process to move the building envelope in 1997. That is, there was no public consultation and an officer of Council removed a condition of approval for a 15m buffer without going back to Council.	<p>The planning approval issued in 1997 remains valid. The applicant acted upon this immediately and cleared the approved building envelope.</p> <p>Whilst it is current practice and seen as desirable, there is no <i>requirement</i> to refer applications to move building envelopes to neighbours.</p> <p>The current location is still well away from any other envelope and it remains likely that the current location would be supported again.</p>
The revised building envelope will not allow for fire setback requirements and is now in the closest proximity to neighbouring lots.	<p>Whilst the building envelope is located 15m from the boundaries, Council may require the current proposed buildings to be setback further.</p> <p>The application shows a 30m setback from</p>

	<p>the closest boundary with Lot 20. There will effectively be at least 110m between the proposed B&amp;B and the existing house at Lot 20.</p>
<p>With population increases fire risk also increases. The proposal puts itinerant, probably non bushfire aware visitors in very close proximity to the existing residence to the south.</p>	<p>The B&amp;B should be conditioned to meet the requirements of Australian Standard 3959 for developing in bushfire prone areas. This is discussed in more detail elsewhere in this report.</p> <p>Education materials and/or signage may be required as a condition of approval.</p>
<p>Noise</p> <p>The two elements of the B&amp;B are separated that leads to a lower level of control over occupants and a resultant lesser level of amenity for neighbours. This exacerbated by the corner location of the building envelope.</p>	<p>It is acknowledged that there will be less control over guests located in a separate building. However, the two elements of the B&amp;B are still only 6-7m apart. There will be adequate opportunity to actively manage guests.</p> <p>The closest house will be at least 110m away and any excessive noise will certainly impact the owners before anyone else in the vicinity.</p> <p>Lastly, a B&amp;B is operated by people who live on the same site, who will be a part of the local community and who may be contacted if noise becomes an issue. There would be little to no control over a single house used solely for holiday accommodation.</p>
<p>Trespass</p> <p>The shortest distance between the proposed B&amp;B and Short beach is through neighbouring properties and this will increase the potential for visitors trespassing through private property.</p>	<p>Signage and a commitment from the owners to enforce no trespassing onto neighbours properties may be required a condition of approval.</p>
<p>Visually Obtrusive</p> <p>There is a steep slope leading up to the proposed B&amp;B from their residence, it is uncertain to what extent the buildings would be visible.</p>	<p>The proposed B&amp;B is single storey.</p> <p>There are only two other houses seen when standing on the cleared building envelope. Development should be setback from the edge of the ridge to soften the impact of the building when seen from below.</p> <p>The buildings will not been seen from Point Henry Road.</p>

The applicants were given the opportunity to provide any additional information that they felt may address the issues raised in the public submission. Their response includes the following points:

- The property was purchased recently largely because of the previous approval to move the building envelope;
- They have run a B&B in Point Henry at another location for the last 3 years and are aware of fire issues and the type of guest that they tend to attract, being mostly mature and retired couples;
- Most are not interested in bushwalking and drive everywhere.
- They meet all guests each morning over breakfast and can use this time to inform and educate their guests;
- If there was a family of ten moving onto this site there would be no requirement for Council approval;
- A split house has been proposed to reduce visual impact of the house; and
- They have included some past feedback from previous clients to support their current application.

A full copy of the correspondence is attached to this report at Attachment 10.3.1(c).

## **COMMENT**

### ***The Proposal***

Drew and Jeni Dawson have lodged a planning application for a Bed and Breakfast development at Lot 11 Point Henry Road, Bremer Bay. The proposal consists of the following elements:

1. A 3 bedroom, 2 bathroom house for the landowner's family;
2. A separate building with 3 bedrooms, 3 ensuites and a communal living area located adjacent to the main home and intended for use as holiday accommodation;
3. An outbuilding with 3.6m wall height, 4.2m gable height and a 98m<sup>2</sup> floor area.

The residential component is all single storey and proposes to use a colour scheme that blends with the natural environment.

A full copy of the planning application is attached to this report at Attachment 10.3.1(a).

### ***Assessment***

#### **Exploded or split house**

The proposed development has two separate buildings; one for the owners and one for the visitors. However, they may be considered to be a *single dwelling* as the second accommodation building is not self-contained. The proposed development is effectively what is termed an "exploded house". This means that different elements of a house are spread across a site where any one element is not entirely self-contained (i.e. has a laundry, kitchen, bathroom and living area).

This sort of development usually allows for residential development to be more sensitive to the topography of a site by stepping it down a slope without the need to build major retaining walls. It can also allow for the construction of a large house with less bulk thereby reducing the impact on the visual amenity of an area.

In this case the exploded house has been used to provide some separation between permanent and temporary accommodation on the site to increase the privacy to both parties, improve the holiday experience and to reduce the bulk of the building when viewed from below.

Overall, the proposed B&B remains a 'single dwelling' and complies with the terms of the Scheme.

### **Scheme Requirements**

Lot 11 is zoned 'Rural Residential Area 1'. The specific objective for this zone is:

*"The objective is to create rural-residential retreats in a coastal area with emphasis on minimising impact on the landscape and natural vegetation. Foreground views visible from Point Henry Road, roads to the beaches and visually significant areas including Tooleburrup Hill and the coastline generally are to be particularly protected."*

The proposed B&B concentrates its development footprint on an area that is already partially cleared. Although it is set reasonably high in the landscape the proposed house is single storey. The proposed house will be fully screened from Point Henry Road by existing vegetation.

There is some potential for the B&B to be seen from below given that the building envelope is located on top of a ridge that is at the top of the slope that starts at Short Beach. However, given the existing vegetation, sensitive existing development and topography only three existing buildings may be seen from the building envelope. If the building is setback from the lip of the ridge then this will assist in softening the visual impact of the proposed buildings.

In addition to the zone objective, there are specific provisions applicable to the Rural Residential zone and Council can have regard for matters such as colours, materials, building height and bulk, architectural design, relationship to surrounding development and bush fire control. General compliance with the Scheme is summarised below;

<b>Clause</b>	<b>Summary</b>	<b>Comment</b>	<b>Compliance</b>
5.25.3(e)	All buildings to be contained in the building envelope	All buildings are proposed within the new building envelope.	Complies
5.25.3(h)	Driveways to be located to minimise soil erosion and visibility of driveways	There is an existing cleared driveway.	Complies.
5.23.3(i)	Materials to be non-reflective and blend with the environment	The applicant has stated that a colour palette will be chosen that blends with the natural environment.	Recommend placing a condition on the approval requiring non-reflective materials
5.23.3(j)	Buildings are not to	The dwelling height does	Complies

	exceed 5 metres in height from natural ground level to the apex of the roof unless the local government is satisfied a higher building will not be visually obtrusive	not exceed 5 metres	
5.23.3(l)	Require 92 kilolitre tank and on site effluent disposal prior to occupation of dwelling.	The applicant two large water tanks.	Recommend placing a condition on the approval requiring the minimum size tank
Schedule 11	20 metre front setback and 15 metre setback from all other boundaries	30m is proposed from the eastern boundary, 20m from the southern.	Complies.

### ***Fire Protection***

Although the Scheme does not specifically require compliance with Australian Standard 3959 “Building in Bushfire Prone Areas” it is recommended that a planning condition be applied requiring compliance with this standard.

AS3959 usually only applies to areas that have been declared ‘bushfire prone’. In these situations it is called up through the Building Code of Australia. However, given that the proposed house is to be used as a B&B (available to the general public) and the fact that the Shire is soon to review the status of Point Henry in terms of whether it is bushfire prone, it may be neglectful not apply this condition.

The issue has been raised with the applicant and they are accepting of the need, despite the extra cost it entails.

### ***Setbacks and Visual Amenity***

The proposed B&B is currently setback 30m from the eastern boundary and 20m from the southern boundary. These setbacks comply with the Scheme requirements.

However fire protection requirements include:

- Building Protection Zones (BPZ) are required around the habitable buildings of a minimum of 20m; and
- Depending upon the slope of the land, a further Hazard Separation Zone (HSZ) may be required on the downward slope.
- Both the BPZ and HSZ require fuel reduction of lower storey vegetation and separation of crowns of trees. They must also be contained within a property and not extend into neighbouring properties.

Clearing to establish BPZ/HSZ increases visual amenity concerns.

Therefore it is recommended that the setbacks be increased as follows:

1. A minimum of 33m to the eastern boundary; and
2. 27m to the southern boundary

In order for the development to be able to comply with the bushfire requirements and retain some vegetation for visual amenity reasons.

### ***Outbuilding – Local Planning Policy No 16***

The application includes an outbuilding which complies with Local Planning Policy No 16 – Outbuildings (LPP16).

<b>Setback</b>	<b>Permitted</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Floor Area</b>	240m <sup>2</sup>	98m <sup>2</sup>	Complies
<b>Wall height</b>	4.2 metres	3.6 metres	Complies
<b>Ridge Height</b>	5 metres	4.2 metres	Complies

### ***Conclusion***

The proposed design breaks the footprint of the B&B into two separate parcels will have benefits for the way in which the accommodation operates and reduces building bulk. The land use remains residential in character but provides another tourism option for Bremer Bay that is currently missing.

The proposed Bed and Breakfast development generally complies with the scheme provisions and support is recommended subject to conditions that require compliance with AS3959 and greater setbacks for visual amenity and fire protection.

### **STATUTORY REQUIREMENTS**

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

### **STRATEGIC IMPLICATIONS**

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

#### ***Aspiration 2:***

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

#### ***Aspiration 9:***

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

### **FINANCIAL IMPLICATIONS**

None for the Shire.

### **WORKFORCE IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council;

1. Approve the application lodged by Drew and Jeni Dawson for a Bed and Breakfast development and outbuilding at Lot 11 Point Henry Drive, Bremer Bay subject to the following conditions;
  - i) Development shall be carried out in accordance with the approved plans and details submitted with the planning application.
  - ii) The height of all development is not to exceed 5.0 metres as measured from natural ground level as stated in the application and on the plans submitted.
  - iii) All buildings shall be setback a minimum distance of 33m from the eastern boundary and 27m from the southern boundary.
  - iv) The driveway is to be maintained at a trafficable standard at all times.
  - v) Water tank(s) with a minimum capacity of 92 kilolitres and approved on site effluent disposal must be installed and in operation prior to occupation of dwelling.
  - vi) A maximum of three (3) bedrooms being used for accommodation purposes and a total number of guests shall not exceed six (6) persons at any one time.
  - vii) All runoff from impervious surfaces being contained within the property and disposed of to the Shire's satisfaction.
  - viii) The development shall be constructed of materials which blend with the natural landscape. Please note that unpainted zincalume, white and off white colours are not permitted.
  - ix) The bed and breakfast is to be used for short stay accommodation only, with a maximum stay of three months occupancy per annum by any single tenant.
  - x) The outbuilding being used for domestic storage only and not for commercial or industrial use or human habitation.
  - xi) All habitable buildings are to comply with the requirements of Australian Standard 3959 "Building in Bushfire Prone Areas".
  - xii) Appropriate signage is to be erected clearly demarcating the boundaries of the property to the satisfaction of the Shire of Jerramungup.
2. Advise the applicant in footnotes on the planning approval that;
  - a) Planning approval is not consent for site works or construction. A building permit is required prior to any commencement of works.
  - b) The owners are advised that no assessment has been undertaken as to whether the proposed envelope location is suitable for on-site effluent disposal. A

separate application will need to be lodged with the Shire at development stage for on-site effluent disposal.

- c) Provision being made for disabled access and facilities in accordance with the provisions contained in the Building Code of Australia and Australian Standard 1428.

## **ALTERNATE MOTION**

**OC130305 Moved Cr Parsons / Seconded Cr Daniel**

**That Council;**

1. **Approve the application lodged by Drew and Jeni Dawson for a Bed and Breakfast development and outbuilding at Lot 11 Point Henry Drive, Bremer Bay subject to the following conditions;**
  - i) **Development shall be carried out in accordance with the approved plans and details submitted with the planning application.**
  - ii) **The height of all development is not to exceed 5.0 metres as measured from natural ground level as stated in the application and on the plans submitted.**
  - iii) **All buildings shall be setback a minimum distance of 26m from the eastern boundary and 20m from the southern boundary.**
  - iv) **The driveway is to be maintained at a trafficable standard at all times.**
  - v) **Water tank(s) with a minimum capacity of 92 kilolitres and approved on site effluent disposal must be installed and in operation prior to occupation of dwelling.**
  - vi) **A maximum of three (3) bedrooms being used for accommodation purposes and a total number of guests shall not exceed six (6) persons at any one time.**
  - vii) **All runoff from impervious surfaces being contained within the property and disposed of to the Shire's satisfaction.**
  - viii) **The development shall be constructed of materials which blend with the natural landscape. Please note that unpainted zincalume, white and off white colours are not permitted.**
  - ix) **The bed and breakfast is to be used for short stay accommodation only, with a maximum stay of three months occupancy per annum by any single tenant.**
  - x) **The outbuilding being used for domestic storage only and not for commercial or industrial use or human habitation.**
  - xi) **All habitable buildings are to comply with the requirements of Australian Standard 3959 "Building in Bushfire Prone Areas".**
  - xii) **Appropriate signage is to be erected clearly demarcating the boundaries of the property to the satisfaction of the Shire of Jerramungup.**

- 2. Advise the applicant in footnotes on the planning approval that;**
- a) Planning approval is not consent for site works or construction. A building permit is required prior to any commencement of works.**
  - b) The owners are advised that no assessment has been undertaken as to whether the proposed envelope location is suitable for on-site effluent disposal. A separate application will need to be lodged with the Shire at development stage for on-site effluent disposal.**
  - c) 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 7-0**

Reason for variation: After discussion with applicants Council was satisfied with the reduced setbacks of 26m from the eastern boundary and 20m from the southern boundary.

2.45pm Mr and Mrs Dawson left the meeting.

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.2
<b>SUBJECT:</b>	Proposed Single House and Outbuilding
<b>LOCATION/ADDRESS:</b>	Lot 709 (#1) Melaleuca Court, Bremer Bay
<b>NAME OF APPLICANT:</b>	Mr Simon Stone
<b>FILE REFERENCE:</b>	A22983
<b>AUTHOR:</b>	Craig Pursey, Planning Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	11 March 2013

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## **SUMMARY**

- Council is to consider an application for a new single house and outbuilding on Lot 709 (#1) Melaleuca Court, Bremer Bay.
- The application was referred to the adjacent landowners and one informal submission was received.
- The proposed outbuilding requires a relaxation of the maximum wall and roof heights and floor area under Local Planning Policy 16.
- It is recommended that the application be conditionally approved.

## **ATTACHMENT**

Attachment 10.3.2 - Copy of plans & supporting documentation

## **BACKGROUND**

### ***Subject Site***

Lot 709 (#1) Melaleuca Court, Bremer Bay located on the corner of Margaret Street and Melaleuca Court, is 862m<sup>2</sup> in area and undeveloped.

Lot 709 slopes from a high point at its western boundary of 10m AHD to a low point in the south eastern corner of 7.75m AHD.

Lot 710 Melaleuca Court is undeveloped. Lot 708 Hakea Court has an existing house and shed.

### ***Zoning***

The property is zoned 'Residential' with a density coding of 'R15/30' under the Shire of Jerramungup Local Planning Scheme No 2 ("the Scheme").



*Subject site edged in red, showing development on adjacent lots (Landgate 2010)*

## **CONSULTATION**

The Shire wrote to all adjoining landowners and one informal comment was received raising concerns with whether the applicant will live in the outbuilding. This concern was based on the proposed bathroom in the corner of the outbuilding and a similar large outbuilding nearby that appears to be used for camping by large numbers of people during the school holidays.

A condition of planning approval clearly stating that the building is not to be used for human habitation will provide the Shire the ability to quickly act if this should occur.

## **COMMENT**

### ***Application***

An application has been lodged for a single house and outbuilding proposed to be used for storage of two large boats and a variety of other recreational vehicles including a caravan, 4WD vehicle, motor bike and loose tools, outdoor and fishing equipment. The boat is 10.5m long on the trailer and requires a gutter height of 3.6m in order to be stored inside the outbuilding.

The proposed outbuilding has a total floor area of 121m<sup>2</sup>, 3.6m wall height with the highest point at the pitch of the roof being 4.8m.

The outbuilding is proposed at the rear of the lot at a point approximately 2.0m lower than the front of the lot. A retaining wall is proposed in order to cut the proposed outbuilding into the slope and reduce the height of the outbuilding against natural ground level.

The subject site is owned by two families, both with a large boat, 4WD vehicles and recreational equipment.

The applicant has lodged a supporting letter seeking to justify the exceptions to the policy. This includes the following points:

*The shed is required for the storage and security of two large boats as well as various other recreational vehicles and equipment, including but not limited to: a four-wheel drive vehicle, motorbike and caravan, as well as loose tools and outdoor and fishing equipment. The shed will allow concealment of what would otherwise be an untidy collection of equipment if stored outside on the property. The minimum safe entry height of the boat equates to a gutter height of 3.6 meters and a total gable height of 4.8 meters. The combined length of the boat and trailer is 10.5 meters.*

*...Upon completion, professional advice will be sought regarding landscaping using native and water-wise vegetation species to beautify and screen the shed, particularly on the western side and north-eastern corner, to minimise the visual impact from both approaching ends of Margaret Street. It is intended that the colours used in the shed will be co-ordinated with those used in the future residence to create a coherent visual impact. The overall appearance of the shed and future residence combined will be in keeping with a progressive seaside town where the focus is on outdoor and recreational pursuits, but also where emphasis is placed on maintaining tidy, attractive streetscapes and frontages.*

A copy of the planning application and the applicant's justification is at Attachment A.

### **Proposed Single House**

The proposed house complies with the requirements of the Local Planning Scheme, Residential Design Codes and WA and all Shire local planning policies.

### **Local Planning Policy 16 – Outbuildings**

Council adopted Local Planning Policy No 16 for final approval on the 16 September 2008.

The objective of this policy is to:

- (a) to establish clear guidelines for the development of outbuildings in the Residential, Townsite, Rural Residential and Rural zones; and
- (b) to achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, of the Shire as a whole.

The table below shows the applicable requirements.

	<b>Maximum Wall Height (metres)</b>	<b>Maximum Ridge Height (metres)</b>	<b>Maximum floor area (aggregate)</b>
Required for Residential	3	4.2	90m <sup>2</sup>
Proposed	3.6 (3 to 3.8 from NGL)	4.8 (4.3 to 4.9 from NGL)	121m <sup>2</sup>

The proposed outbuilding fails to comply with the floor area and height requirements of the policy.

It is important that Council recognises that the Policy is a guideline only and each application still needs to be based on its individual merit. The main considerations in examining the proposed outbuilding are compliance with the policy objectives, visual impact and streetscape.

The Policy states that *'Any variations to the policy will require the applicant to demonstrate exceptional circumstances as to why the policy should be relaxed with the proposal being presented to an Ordinary Meeting of Council for determination. Assessment of the application will require consultation with adjoining and affected landowners.'*

The Policy outlines matters to be taken into consideration by Council in considering Policy variations such as:

1. The visibility of the proposed outbuilding(s) as viewed from a street, public space or neighbouring property;
2. The need for removal of any native vegetation or major trees;
3. Comments of adjacent neighbours/landowners;
4. Preservation of useable on site open space areas;
5. The ability for the outbuilding(s) to be screened by existing or proposed landscaping;
6. Whether support for the application will set an undesirable precedent for similar sized surrounding lots;
7. The impact of the development on streetscape and the character of the area;
8. Any potential for impact on the amenity of the locality;
9. The objectives of the zone;
10. All relevant general matters as set out in Clause 10.2 of the Scheme; and
11. Any other matter considered relevant by the Council.

### **Assessment**

Part (b) of the objective of the outbuilding policy is to *"achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, of the Shire as a whole."*

This is the statement that everything else in the policy is trying to achieve. In this case there appears to be a 'legitimate need' to house one or two large boats and other vehicles and recreational equipment out of sight for amenity and security reasons and out of the weather. The applicant has been scrutinised over the need for the height. They have a similar outbuilding in Albany and are in a position to know the height of the outbuilding required.

The crux to the assessment of this application is whether the outbuilding has satisfactorily minimised the impact on neighbours and the street.

In its favour are:

- The outbuilding is located at the rear of the lot, 11.75m away from the Margaret Street frontage.
- A retaining wall is proposed that drops the height of the outbuilding from natural ground level by 800mm at one end of the outbuilding in an attempt to drop the overall height against natural ground level.
- The outbuilding may be screened from Melaleuca Court and the eastern approach on Margaret Street by the proposed house and landscaping.
- The outbuilding is setback 3.0m from the eastern neighbour.
- All vehicles and other items would be best stored out of sight.
- The natural slope of the land will soften the impact of the additional height.
- The outbuilding should not affect anyone's view to the river from surrounding houses.

On the other hand;

- There is always some question of precedent in relaxing any Council local planning policy. Whilst each application needs to be assessed on its merit, a local planning policy is a guideline and sets expectations in the community. The height of any outbuilding should be kept as close to the policy as practical.
- The additional height being proposed is approximately 200mm at the western side of the outbuilding and 800mm at the eastern side. In combination with the floor area it is unclear if the proposed outbuilding is still of a residential scale.

### ***Options***

Council has three clear options in determining the application:

1. Refuse it based on non-compliance with Local Planning Policy 16;
2. Conditionally approve the outbuilding subject to a reduction in floor area and/or height and leave it to the applicant to work out how to meet the Council's requirements; or
3. Approve the application based on its consistency with the objectives of the policy and acceptance that "exceptional circumstances" have been proven as required by 6.4 of the outbuilding policy.

### ***Conclusion***

On balance, it is recommended that Council approve the outbuilding application for the following reasons:

1. The Policy is a guideline only and each application still has to be assessed on its individual merits.
2. The sloping nature of the site softens the impact of the extra height on both the street and when viewed from house sites on the neighbouring properties. The applicant has sought to reduce the height from natural ground level.
3. The proposed house will screen the outbuilding from one street.
4. There has been no objection from neighbouring landowners about the scale and location of the outbuilding.

5. The applicant has demonstrated that they have a requirement for additional height and additional floor area.

## **STRATEGIC IMPLICATIONS**

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

### ***Aspiration 2:***

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

## **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**

Not applicable.

## **POLICY IMPLICATIONS**

There has been a trend in outbuilding applications for greater height in order to accommodate larger boats and caravans. It may be appropriate that the outbuilding policy be reviewed in light of this trend to see if there is scope to increase wall heights whilst retaining a residential character.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council;

1. Approve the application for a single house and outbuilding on Lot 709 (#1) Melaleuca Court, Bremer Bay (Ref P13/005) subject to the following conditions:
  - (a) The outbuilding being used for domestic storage only and not for commercial or industrial use or human habitation.
  - (b) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.
  - (c) The outbuilding is to be constructed in non-reflective materials that blend with the proposed house.
2. Advise the applicant that;
  - (i) Planning approval should not be construed as an approval to commence works as a separate building permit is also required.

2.55pm Council convened for a short break.

3.00pm Council reconvened with the following in attendance Cr's Lester, Parsons, Daniel, Iffla, Bailey, Trevaskis, Atkin, Mr Bailey, Mr Pursey and Mrs Solomon.

**OC130306 Moved Cr Trevaskis / Seconded Cr Iffla**

**That Council;**

- 1. Approve the application for a single house and outbuilding on Lot 709 (#1) Melaleuca Court, Bremer Bay (Ref P13/005) subject to the following conditions:**
  - (a) The outbuilding being used for domestic storage only and not for commercial or industrial use or human habitation.**
  - (b) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.**
  - (c) The outbuilding is to be constructed in non-reflective materials that blend with the proposed house.**
- 2. Advise the applicant that;**
  - (i) Planning approval should not be construed as an approval to commence works as a separate building permit is also required.**

**Motion Lost 0-7**

Reason for variation: Council felt that the outbuilding exceeded the limitations of Local Planning Policy 16.

**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>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	11 <sup>th</sup> March 2013

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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) Farmland Water Response Planning**

A preferred site has been assessed on private property in Jacup. The site has been drilled and has been determined as being acceptable for an emergency water point.

A survey of the area is being prepared for inclusion in a license agreement that will be presented to Council in March 2013.

### **2) Bremer Bay Medical Centre**

The Health Services Plan for the Shire of Jerramungup is currently with the Health Department – a public consultation period was initiated in late 2012 and the Chief Executive Officer has made a submission with viewpoints previously raised with Council.

### **3) Bremer Bay Town Centre**

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

Detailed design has been completed with the Structure Plan and subdivision application currently with the WAPC for consideration.

Loan proceeds have been received and the construction phase of the project is being tendered by Landcorp in March.

### **4) 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. A funding application has been approved for \$15,000 towards the project. It is anticipated that the signage component will be completed in 2012/13.

The construction of the synthetic surface is due for completion before Easter.

## **5) 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.

The Katanning site has progressed significantly with the commencement of detailed design.

Detailed design and engineering of the Ravensthorpe Site is currently underway.

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.2
<b>SUBJECT:</b>	Tender 2011 Toyota Landcruiser Prado
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Charmaine Solomon
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	11 <sup>th</sup> March 2013

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## **SUMMARY**

This item addresses the sale via tender of Council's 2011 Toyota Landcruiser Prado. Tenders were invited for the outright purchase of the vehicle and Council received one submission. The recommendation is to sell the 2011 Toyota Landcruiser Prado to Albany Scaffold Hire for a total price of \$49,000.

## **ATTACHMENT**

Attachment 10.4.2 – Tender Albany Scaffold Hire

## **BACKGROUND**

The vehicle for sale is a 2011 Toyota Landcruiser Prado. The sale was advertised locally and invited interested persons to submit tenders for outright purchase.

One offer was received for \$49,000 from Albany Scaffold Hire within the specified time.

## **CONSULTATION**

Local Government Act 1995

## **COMMENT**

The disposal of this asset will be subject to Section 3.58 of the Local Government Act 1995 as the asset's value is more than \$20,000. Once advertising and the submission period has been completed the transfer of ownership will be made on payment of the offered price.

The offer has been evaluated against an online Car Valuation website "Redbook.com" and is considered to be within the fair market value of this vehicle. The estimated trade in value of the vehicle using this valuation method is between \$43,200 and \$47,700.

## **STATUTORY REQUIREMENTS**

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

- (1) In this section —
- dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
  - property** includes the whole or any part of the interest of a local government in property, but does not include money.

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

## **STRATEGIC IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The sale of this asset has been factored into the 2012/2013 financial year budget. Council budgeted for a trade in value of \$53,000 including GST. The reduction in sale proceeds is offset though by the utilisation of the subject vehicle for other Shire purposes which has saved money through travel allowances not being required.

## **WORKFORCE IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Absolute Majority

## **RECOMMENDATION**

That Council:

- 1) Accept the offer from Albany Scaffold Hire for the purchase of Council's 2011 Toyota Landcruiser Prado for \$49,000.00.

## **OFFICERS ALTERNATE RECOMMENDATION AND COUNCIL MOTION**

**OC130307    Moved Cr Parsons / Seconded Cr Atkin**

That Council:

- 1) **Accept the offer from Albany Scaffold Hire for the purchase of Council's 2011 Toyota Landcruiser Prado for \$49,000.00.**
- 2) **Delegate authority to the Chief Executive Officer to execute transfer documents once payment in full from the buyer has been received.**

**Carried by Absolute Majority 7-0**

Reason for variation: Delegated authority was provided to the Chief Executive Officer to execute transfer documents for the sale of Council's 2011 Toyota Landcruiser Prado after confirmation was received from WALGA stating that the sale of the vehicle did not require a public advertising period as requirements under the Local Government Act 1995 and regulations had been fulfilled.

3.30 pm Cr Lester left the meeting after declaring an interest Item 10.4.3 – Emergency Water Supply – Jacup.

Deputy President Cr Iffla assumed the position of Chair presiding over the meeting.

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.3
<b>SUBJECT:</b>	Emergency Water Supply - Jacup
<b>LOCATION/ADDRESS:</b>	South Coast Highway Jacup
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Charmaine Solomon
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	1 <sup>st</sup> March 2013

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## **SUMMARY**

Council has requested that the CEO explore establishing an emergency stock water supply in Jacup. The Shire of Jerramungup is proposing to construct a 9,000 – 10,000 cubic metre dam on private property in Jacup. The dam will 'pick up' water from a series of culverts and a sealed road surface.

This item seeks Council's support to further progress this project and enter into a licence agreement with the land owner of Lot 1607 South Coast Highway, Jacup.

## **ATTACHMENT**

Attachment 10.4.3 (a) - Licence Agreement

Attachment 10.4.3 (b) - Section 70A Notification

Attachment 10.4.3 (c) - Application – Department for Water

## **BACKGROUND**

A preferred site has been assessed on private property in Jacup to construct a 9,000 – 10,000 cubic metre dam. The site has been drilled and has been determined as being acceptable for an emergency water point.

A survey of the area has also been completed for inclusion in the licence agreement.

So that the community can utilise this water source, the Shire has submitted a funding application to the Department for Water to construct a dam for emergency water supply east of Jerramungup in Jacup, purchase a submersible solar pump, pipe system, 186 kL storage tank, standpipe and gravel turnaround area.

As a part of the funding process, the Department for Water has requested that the Shire investigate implementing a legal instrument that will allow perpetual access to the water supply and the associated infrastructure.

In consultation with the owner of the property, it is proposed that a licence agreement will be established over the dam, pipe easement and tank/standpipe facility to ensure on-going community access into the future. It is also envisaged that a section 70A notification is placed over the title to ensure that the water supply is perpetual should a change in ownership occur.

A section 70A Notification is simply a notification placed on the Certificate of Title to make landowners and prospective purchasers aware of a factor affecting use or

enjoyment of that land (in this case, the right to take and use 50% of the water from the dam). The advantage of a section 70A Notification is that once placed over the title, it does not need to be continuously withdrawn and re-lodged like a caveat to allow transactions to occur over the title, therefore, avoiding delays and costs to landowners and purchasers that are selling or re-financing property.

The Shire is also of the opinion that such a notification is far less invasive than creating easements or reservations over the water supply that would deliver a similar land access outcome.

The Shire of Jerramungup will be responsible for the ongoing maintenance of the infrastructure/equipment and for compliance with the terms of the licence agreement.

This item seeks Council's endorsement so that the appropriate documentation can be executed.

### **CONSULTATION**

Significant consultation has occurred between the Department for Water and the land owner.

### **COMMENT**

Although only minimal water carting records can be located, it is well documented that recurrent water supply problems have affected the Jerramungup region for many years. As such, the Shire and the Department for Water has established a number of strategic locations in which emergency water can be sourced. These locations include Houston's CBH Dam, Gairdner Dam and Bremer Bay.

In an effort to complete this emergency water network, the construction of a community dam at Jacup is required.

In consultation with the Department for Water, the Shire of Jerramungup identified that approximately 55 properties will benefit from the service at Jacup.

This project seeks to install infrastructure that will provide improvement of emergency non-potable farmland water supply in the Jacup district. The installation of this infrastructure will result in the community being better prepared for years of low rainfall.

In completing this application, the Shire surveyed a sample of the 55 property owners to establish stock numbers, cropping areas and water carting history. From these results the following can be ascertained;

1. Approx 4000 sheep per property
2. Approx 2000ha arable area per property
3. Approx 80% of the survey respondents had previously carted water for stock purposes

Based upon the survey commissioned by the Shire, it is apparent that farmers in the Jacup area have significant stock and cropping programs and may need to cart water from outside the farm gate into the future in the event that on-farm water supplies fail

during extended periods of low rainfall. For this reason, the Shire feels that the Jacup water supply project is justified.

The benefits that will be derived from this project include;

1. Improving access to emergency water supplies
2. The establishment of a reliable emergency non potable farmland water supply that can be used during extended periods of low rainfall when on-farm water supplies fail.
3. This project will complete a network of emergency water supplies in the Jerramungup Shire which includes Houston's dam, Gairdner Dam and the Bremer Bay bore that will help to protect the commercial interests of farmers in the Shire against the risk of serious water shortages.
4. Apart from providing water as a backup for on-farm use, a secondary purpose could be for fire fighting in the district.

### **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;*

2.2 Developing innovative approaches to minimise fossil fuel consumption and the community reliance on reticulated water services.

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

### **FINANCIAL IMPLICATIONS**

The total costs associated with this project are \$72,987. Of this \$51,091 has been requested from the Department of Water.

The minimum funding contribution required from Council is 30% of the total cost of the project. This can include in-kind contributions such as the use of Council works staff or earthmoving equipment.

The Shire will be responsible for the costs associated with labour, colourbond tank, equipment and materials to construct the catchment for the dam. Additionally, the Shire is responsible for the preparation of the licence and section 70A Notification. These costs are anticipated to be \$21,896. Given the current budget for this project is insufficient to deliver this project Council will need to consider a budget amendment once funding is confirmed by the Department of Water.

### **WORKFORCE IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That Council;

1. Endorse the application made to the Department for Water for the emergency water supply at Jacup.
2. Authorise the Shire President and Chief Executive Officer to execute the Licence Agreement and Section 70A Notification and affix the common seal.

**OC130308   Moved Cr Parsons / Seconded Cr Daniel**

That Council;

1. Endorse the application made to the Department for Water for the emergency water supply at Jacup.
2. Authorise the Shire President and Chief Executive Officer to execute the Licence Agreement and Section 70A Notification and affix the common seal.

**Carried 6-0**

3.35pm Cr Lester returned to the meeting and reassumed his position as Presiding Member.

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.4
<b>SUBJECT:</b>	Local Emergency Management Committee Meeting Minutes
<b>LOCATION/ADDRESS:</b>	N/A
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Charmaine Solomon
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	11 <sup>th</sup> March 2013

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### **ATTACHMENT**

Attachment 10.4.4 – LEMC Minutes 11<sup>th</sup> March 2013

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That the minutes of the Local Emergency Management Committee held on Monday 11<sup>th</sup> March 2013 be received.

**OC130309   Moved Cr Trevaskis / Seconded Cr Iffla**

**That the minutes of the Local Emergency Management Committee held on Monday 11<sup>th</sup> March 2013 be received.**

**Carried 7-0**

3.37pm Cr Lester left the meeting after declaring an interest Item 10.4.5 - Lease 26956 South Coast Highway, Jacup.

Deputy President Cr Iffla assumed the position of Chair presiding over the meeting.

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.5
<b>SUBJECT:</b>	Lease 26956 South Coast Highway, Jacup
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Charmaine Solomon
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	11 <sup>th</sup> March 2013

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## **SUMMARY**

This item is to authorise the Chief Executive Officer and Shire President to execute a lease agreement between the Shire of Jerramungup and Lawson Grains Limited for a portion of the land comprising an area of 2500m<sup>2</sup> on Lot 301 on Deposited Plan 33122.

The subject site will be used to house a bushfire brigade shed and truck storage.

## **ATTACHMENT**

Attachment 10.4.5 - Draft lease 26956 South Coast Highway, Jacup

## **BACKGROUND**

The Shire of Jerramungup was approached by Mr Mark Siviour the previous owner of Lot 301 last year to enter into a lease agreement to lease a portion of his land to house a bushfire brigade shed for the Jacup Bushfire Brigade.

Mr Siviour and the Shire President met with a Surveyor and a survey of the area was completed for inclusion in the lease agreement.

Early this year the property was sold to Lawson Grains Limited. Lawson Grains Limited have been provided with a copy of the draft lease for their review and have agreed to the conditions on the lease. Lawson Grains Limited advised that they would be more than happy to provide gravel for the site works from a nearby gravel resource/pit that they have on the farm for the project.

## **CONSULTATION**

Executive Staff  
Lawson Grains Limited  
Jacup Bushfire Brigade

## **COMMENT**

Nil

## **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:*

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

## **FINANCIAL IMPLICATIONS**

The Shire has capacity within the current budget to cover the costs associated with lease preparation. It is anticipated this will cost approximately \$1,500.

## **WORKFORCE IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council;

1. Endorse the terms of the proposed lease being \$1 rent for a period of 20 years with the expiry date being the 31<sup>st</sup> December 2032.
2. Authorise the Chief Executive Officer and Shire President to execute a lease between the Shire of Jerramungup and Lawson Grains Limited for a portion of Lot 301 on Deposited Plan 33122 for use as a bushfire brigade shed and truck storage.

**OC130310   Moved Cr Bailey / Seconded Cr Atkin**

**That Council;**

- 1. Endorse the terms of the proposed lease being \$1 rent for a period of 20 years with the expiry date being the 31<sup>st</sup> December 2032.**
- 2. Authorise the Chief Executive Officer and Shire President to execute a lease between the Shire of Jerramungup and Lawson Grains Limited for a portion of Lot 301 on Deposited Plan 33122 for use as a bushfire brigade shed and truck storage.**

**Carried 6-0**

3.40pm Cr Lester returned to the meeting and reassumed his position as Presiding Member.

# **COUNCILLOR REPORTS**

## **11. COUNCILLOR REPORTS**

### **Cr Parsons**

Attended a FBG meeting

### **Cr Daniel**

Attended a WALGA Zone meeting

Attended a meeting with Executive Staff regarding Energy Efficiency Grants

### **Cr Iffla**

Attended meeting with WA Country Health

Attended a Bremer Bay Sports Club meeting

### **Cr Bailey**

Attended a FBG meeting

### **Cr Trevaskis**

Attended a meeting with WA Country Health

### **Cr Atkin**

Attended a LEMC meeting

### **Cr Lester**

Attended a WALGA Zone meeting

Attended a meeting with Shire of Gnowangerup Executive Staff

Attended a meeting with WA Country Health

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

### **12.1 From Officers**

Cr Lester raised concerns on correspondence ICR137844 received from Australia Post advising that the Jerramungup and Jacup mail delivery service will only be able to offer a one day per week mail delivery service.

Mr Bailey advised that he will reply to Australia Post with the concerns raised.

Cr Lester referred to correspondence ICR137969 received from the Jerramungup Bowls Club inviting the Shire to make an offer to purchase the indoor bowling carpets.

Mr Bailey responded that it was difficult to justify the purchase of the carpets due to the fact that the Shire has only used them once in the past 8 years and that the floor in the entertainment centre was designed to accommodate the plastic chairs used on them.

### **12.2 From Elected Members**

Nil

**13. NEXT MEETING/S**

13.1 Ordinary Meeting – to be held Wednesday 17<sup>th</sup> April 2013 commencing 2.00pm at the Town Hall, Bremer Bay.

**14. CLOSURE**

The President declared the meeting closed at 3.55pm.