

SHIRE OF JERRAMUNGUP



MINUTES

COUNCIL ORDINARY MEETING

16th February 2010

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SHIRE OF JERRAMUNGUP

ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, JERRAMUNGUP ON TUESDAY 16TH FEBRUARY 2010, COMMENCING AT 10.30AM.

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

The President declared the meeting open at 10.30am and welcomed newly appointed member Cr Lester.

2. **RECORD OF ATTENDANCE**

Cr B Trevaskis	President
Cr W Bailey	Deputy President
Cr T Barrett	Member
Cr J Iffla	Member
Cr R Lester	Member
Cr B Atkin	Member
Mr W Parker	Chief Executive Officer
Mr B Bailey	Deputy Chief Executive Officer
Mr G Edwards	Executive Manager - Infrastructure Services
Mrs C Solomon	Executive Secretary

Mr Geoff Barr
Ms Daniela Simon
Mr Laurie Trettel

3. **APOLOGIES**

Nil

4. **LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr C Hobbs Member

5. **PUBLIC QUESTION TIME**

Ms Daniela Simon provided Council with documentation voicing concerns raised by Bremer Bay members in relation to item 10.3.2 (Preliminary concepts for a draft structure plan for the Bremer Bay Town Centre Reserve 31611) and Item 10.4.2 (Bremer Bay Town Centre).

Their immediate requests are;

1. That the Shire adopts a process for the Bremer Bay Town Centre LSP planning which enables meaningful and timely engagement with the Bremer Bay community.
2. That Council on 16th February 2010 defers consideration of Agenda item 10.4.2 'Bremer Bay Town Centre Business Plan', until this LSP process is formally communicated to the groups that constitute the BBCDC.

Ms Simon fears that public and committee involvement is not being encouraged in the critical planning stage of the Bremer Bay Town Centre.

Ms Simon recommended that Council conduct preliminary informal advertising of the draft structure plans seeking local community comment and asked if Council would engage the community via the BBCDC before the formal public comment period.

Mr Parker responded that the item before Council today would commence the preliminary informal public comment period to allow members of the public to submit ideas and concerns regarding a town centre development in Bremer Bay. Mr Parker anticipated that the structure plan which was prepared to provide some preliminary concepts would change significantly following formal public comment.

Ms Simon referred to Item 10.4.2 (Bremer Bay Town Centre) and asked why the Shire was seeking funding before the plan is implemented. Would Council defer the item on the Bremer Bay Town Centre Business Plan until the Structure Plan was finalised?

Mr Parker responded that the Local Government Act requires a business plan to be prepared by Council for any major land transaction. A business plan shows the Council has the financial capacity to manage such a large project and does not require a finalised structure plan to be completed. The business plan has been prepared based on the current concepts to provide some preliminary project budgets however can/will be revised as required due to any changes in design.

Cr Trevaskis noted that extensive public consultation would be carried out throughout the process of developing a town centre but a preliminary concept and business plan was needed to commence the project. Cr Trevaskis said that there would be both informal and formal public consultation times which would allow any member of the public to present their ideas.

Cr Trevaskis reassured Ms Simon that the current structure plan was not set in concrete and looked forward to receiving the comments and ideas from many members of the community.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

Ms Daniela Simon tabled a petition at public question time.

10.50am Mr Geoff Barr, Ms Daniela Simon and Mr Laurie Trettel left the meeting.

8. DECLARATIONS OF FINANCIAL INTEREST

Nil

9. CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting of 15th December 2009

OC021001 Moved Cr Barrett / Seconded Cr Bailey

That the Minutes of the Ordinary Meeting of Council held 15th December 2009 be confirmed.

Carried 6/0

9.2 Special Meeting of 3rd February 2010

OC021002 Moved Cr Bailey / Seconded Cr Iffla

That the Minutes of the Special Meeting of Council held 3rd February 2010 be confirmed.

Carried 6/0

W O R K S

SUBMISSION TO:	Works
AGENDA REFERENCE:	10.1.1
SUBJECT:	Works Report
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Graham Edwards
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	8 February 2010

ROAD CONSTRUCTION

Construction has recommenced following postponement during harvest and the Christmas / New Year period, when attention was directed towards road maintenance.

The current priority is of Devils Creek Road, from South Coast Highway eastward for 5 km, where the construction and sealing is being undertaken as a trial of regional co-operation between the Shires of Jerramungup and Gnowangerup.

Flood Damage

Advice has been received from Main Roads of the State Road Funds to Local Government Advisory Committee approval for a Flood Damage allocation of \$165,250.50 to the Shire of Jerramungup, from storm events during November and December 2008. The scheduling of these works is now a high priority.

ROAD MAINTENANCE

Generally roads coped well during harvest and the holiday period with approximately \$105,000 being spent on the network during December and January. Roads maintained include:

Barbara Street	Bennett Street	Blossom Beach Road
Bokelup Road	Bowra Road	Boxwood- Borden Road
Boxwood-Ongerup Road	Bremer Bay Road	Brook Road
Brown Road	Brown South Road	Buck Street
Cameron Road	Cardinniniup Road	Carlawillup Road
Carlawillup South Road	Carney Road	Chittowurrup Road
Corackerup Road	Cowellelup Road	Cuneo Drive
Derrick Street	Devils Creek Road	Devils Creek South Road
Diagonal Road	Dillon Bay Road	Don Ende Drive
Doubtful Island Road	Emma Street	Fisheries Beach Road
Fitzgerald Road	Frantom Way	Gairdner South Road
George Street	Gneiss Hill Road	Gnombup Terrace
Gully Road	Hakea Street	Heath Street
Horse Hill Road	Jacup North Road	Jerramungup North Road
John Street	Kokoda Road	Lake Road
Lake Magenta Road	Lancaster Road	Little Boat Harbour Road
Mallee Road	Marnigarup Road	Marnigarup West Road
Mary Street	McGlade Close	Meechi Road
Melaleuca Street	Memorial Road	Middamidjup Road
SIGNED BY PRESIDENT	- 7 -	16 th MARCH 2010

Millers Point Road
 Mooreshead Road
 Needilup Road
 Ocumup Road
 Point Henry Road
 Rabbit Proof Fence Road
 South Coast Hwy
 Susan Street
 Through Road
 Warramurup Road
 White Trail Road

Monjebup Road
 Murray Road
 Norman Road
 Park Road
 Progress Drive
 Ridgeway Drive
 Spitfire Avenue
 Swamp Road
 Tobruk Road
 Wellstead Road
 Witt Road

Monkey Rock Road
 Native Dog Beach Road
 Nyerilup Road
 Point Gordon Road
 Quiss Road
 Skipworth Link
 Stock Road
 The Esplanade
 Vasey Street
 White Road

TRAFFIC COUNTS

A number of traffic counts were taken during harvest and the Christmas / New Year period. These are high season counts requiring further analysis, however an indicative maximum average vehicles per day over a week is below.

Road	Section	Max Weekly VPD
Boxwood Borden Rd	South Coast Hwy to Boxwood - Ongerup Rd	269
Bremer Bay Rd	Roberts St to Cuneo Drive	2244
Devils Creek Road	East of Devils Creek South Rd	128
Gairdner South Rd	Swamp Rd to Borden-Bremer Road	185
Jerramungup North Rd	Jerramungup to airstrip.	113
Swarbrick Rd	Point Henry Rd to Fisheries Beach	544
Wellstead Road	Bremer Bay Rd to White Trail Rd	1777

HOPETOUN TO BREMER BAY ROAD UPGRADING

The Shire of Jerramungup is receiving regular enquiries from various parties since the announcements that \$20 million has been allocated, by each of the State and Federal Governments, for the upgrading of access through the Fitzgerald River National Park, between Hopetoun and Bremer Bay.

For information, advice available to the Shire of Jerramungup is that the funds will be used to provide:

1. A sealed road between Hopetoun and Hamersley Inlet.

2. A sealed road between Bremer Bay and Point Anne.
3. A walking trail between Point Anne and Hamersley Inlet.

It is understood that the use of Swamp Road, Doubtful Island Road, Murray Road and Devils Creek Road is being considered for the route between Bremer Bay and Point Anne. These are local roads managed by the Shire of Jerramungup however:

1. The funds have been allocated to Main Roads Western Australia, which is the authority responsible for investigating and administering the project.
2. It is likely that Main Roads will approach the Shire of Jerramungup to discuss the upgrading and possible participation. This hasn't however occurred to date.
3. The Shire of Jerramungup will consider its involvement following invitation by Main Roads.

RECOMMENDATION

That the Works Report be received.

OC021003 Moved Cr Bailey / Seconded Cr Atkin

That the Works Report be received.

Carried 6-0

FINANCE

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.1
SUBJECT:	Accounts Payable
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	
FILE REFERENCE:	16.7
AUTHOR:	Kirsty Hodgins
DISCLOSURE OF ANY INTEREST:	
DATE OF REPORT:	8 th January 2010

ATTACHMENT

BACKGROUND

FUND	VOUCHERS	AMOUNTS
Municipal Account	25938	Last cheque used
	EFT2774 – EFT2803	\$247,392.89
	EFT2804	Cancelled
	EFT2805-2830	\$58,832.29
	EFT2831	Cancelled
	EFT2832-2866	\$89,509.55
	25889-25918	\$61,806.30
	25919	Cancelled
	25920-25921	\$337.44
	25922	Cancelled
	25923-25929	\$8,732.73
	25930	Cancelled
	25931-25938	\$8,397.82
	Direct Debits	\$168,090.98
	Municipal Account Total	\$643,100.00
	Trust Account Total	\$10,000.00
	GRAND TOTAL	\$653,100.00

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 \$653,100.00 which was submitted to the Full Council on 16th February 2010 be endorsed.

SIGNATURES

Author

Chief Executive Officer

OC021004 Moved Cr Barrett / Seconded Cr Bailey

That the schedule of direct debits and accounts payable, totalling \$653,100.00 which was submitted to the Full Council on 16th February 2010 be endorsed.

SIGNATURES

Author

Chief Executive Officer

Carried 6/0

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.2
SUBJECT:	Monthly Financial Report
LOCATION/ADDRESS:	Shire of Jerramungup
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	2 February 2010

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

Monthly Financial Report – Period Ending 31 December 2009

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.

The road construction and maintenance graphs have been added to the financial report to give Council an indication of the progress of each programme. Council should note

that due to the delay between committed costs and invoices being received the graph level for the current month will be behind total actual expenditure.

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 31 December 2009 in accordance with Section 6.4 of the Local Government Act 1995.

OC021005 Moved Cr Iffla / Seconded Cr Atkin

- 1) **That Council receive the Monthly Financial Report for the period ending 31 December 2009 in accordance with Section 6.4 of the Local Government Act 1995.**

Carried 6/0

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.3
SUBJECT:	Monthly Financial Report
LOCATION/ADDRESS:	Shire of Jerramungup
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	4 February 2010

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

Monthly Financial Report – Period Ending 31 January 2010

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.

The road construction and maintenance graphs have been added to the financial report to give Council an indication of the progress of each programme. Council should note

that due to the delay between committed costs and invoices being received the graph level for the current month will be behind total actual expenditure.

Council's annual budget review will be submitted to the March Ordinary meeting of Council.

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 31 January 2010 in accordance with Section 6.4 of the Local Government Act 1995.

OC021006 Moved Cr Atkin / Seconded Cr Barrett

- 1) That Council receive the Monthly Financial Report for the period ending 31 January 2010 in accordance with Section 6.4 of the Local Government Act 1995.

Carried 6/0

**HEALTH,
BUILDING
&
TOWN PLANNING**



SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.1
SUBJECT:	Subdivision application: boundary re-alignment between 2 existing lots
LOCATION/ADDRESS:	Lot 544 and 768 Stock Road, Needilup
NAME OF APPLICANT:	Ayton Baesjou Planning
FILE REFERENCE:	
AUTHOR:	Gray & Lewis Landuse Planners
DISCLOSURE OF ANY INTEREST:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995
DATE OF REPORT:	22 January 2010

SUMMARY

- The Western Australian Planning Commission (WAPC) has referred a subdivision application to the Shire for consideration (WAPC reference: 141206).
- The application proposes a boundary re-alignment between two existing Rural lots, with no increase in the number of lots.
- It is recommended that Council support the plan unconditionally.

ATTACHMENT

Confidential Attachment 10.3.1- Subdivision plan

BACKGROUND

Zoning

Lot 544 and 768 Stock Road, Needilup are zoned 'Rural' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme').

COMMENT

Description of application

The application includes 2 existing lots being Lots 544 and 768 Stock Road.

Existing Lot 544 is separated into three areas of 50.669 hectares, 61.909 hectares and 128.17 hectares which are divided by Stock Road and Browns Road road reserves. The 128.17 hectare portion of Lot 544 is located to the south of Stock Road.

There is an existing Lot 768 also located to the south of Stock Road, which has an area of 9.924 hectares.

The application proposes a boundary re-alignment between Lots 544 and 768 which will effectively;

- Retain the northern portions of Lot 544 as one lot with an area of 112.578 hectares.
- Amalgamate the southern portion of Lot 544 with Lot 768 to form one larger separate lot. The area of Lot 768 will increase from 9.924 hectares to 138.094 hectares as it will include the southern portion of existing Lot 544 which is segregated by Stock Road.

Applicants submission

The applicant has advised that;

- Stock Road serves as an important east west link for local traffic carrying grain and livestock trucks. The boundary rationalisation will overcome the existing problems of having to cross Stock Road for farm management purposes.
- The application complies with the relevant WAPC Policy which allows realignment of boundaries for farming where there is no increase in the number of lots.
- Rationalisation of the boundaries will facilitate farm management and allow for both lots to be used for continued agricultural activities.
- The proposed lot sizes are consistent with adjacent properties.

A full copy of the application and/ or applicants submission is available to Councillors on request.

Assessment

The Shires Scheme does not have any specific provisions relating to subdivision of Rural zoned land.

The WAPC DC Policy 3.4 allows for boundary realignments where '*Lot boundaries are poorly aligned with natural or constructed features and/or result in encroachments may be corrected through minor boundary realignments.*'

It is considered that the amended plan still complies with the WAPC Policy as determined at the June Council meeting.

Consultation

There is no statutory consultation required under the Shires Scheme.

The WAPC has referred the application to Western Power, Water Corporation, Department of Industry and Resources, Department of Environment and Conservation, Department of Water and the Department of Indigenous Affairs.

All authorities were required to respond by the 27 January 2010 – this was not possible as the application was received after the December 2009 Council meeting, and no Council meeting was held in January 2010.

Gray & Lewis has informally advised WAPC (by email) that a late response from the Shire will be forthcoming in February 2010.

Conclusion

The proposed subdivision is supported as there is no increase in the number of lots, and the increase of area for Lot 768 will likely make it more feasible for the land to be used for agriculture.

STRATEGIC IMPLICATIONS

Not applicable.

STATUTORY REQUIREMENTS

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

FINANCIAL IMPLICATIONS

The Shire pays planning fees to Gray & Lewis.

POLICY IMPLICATIONS

Not applicable. The WAPC Policy requirements are explained in this report.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council advise the Western Australian Planning Commission that the subdivision application for a boundary re-alignment between Lots 544 and 768 Stock Road (WAPC: 141206) is unconditionally supported.

OC021007 Moved Cr Iffla / Seconded Cr Bailey

That Council advise the Western Australian Planning Commission that the subdivision application for a boundary re-alignment between Lots 544 and 768 Stock Road (WAPC: 141206) is unconditionally supported.

Carried 6/0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.2
SUBJECT:	Preliminary Concepts for a Draft Structure Plan for the Bremer Bay Town Centre
LOCATION/ADDRESS:	Reserve 31611 Bremer Bay Road, Bremer Bay
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Gray & Lewis Landuse Planners
DISCLOSURE OF ANY INTEREST:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995
DATE OF REPORT:	5 February 2010

SUMMARY

- Preliminary concepts for a Draft Structure Plan for the Bremer Bay Town Centre have been compiled, and have been sufficiently developed to allow for presentation to Council.
- Two Draft Structure Plans have been developed for Councillor discussion and feedback.
- The Draft Structure Plans have been based on a desktop vegetation survey, and a more detailed on site vegetation spring survey has been commissioned by the Shire.
- The Draft Structure Plan(s) will require further refinement to take into account the detailed on site vegetation survey, and feedback from the local community.
- It is recommended that Council conduct preliminary informal advertising of the Draft Structure Plans and they be used as a starting point. At this stage advertising seeking local community comment is recommended, and relevant service authorities can be consulted during future (separate) formal advertising.

Note: There is a separate report in this agenda relating to a business plan for the Bremer Bay Town Centre.

ATTACHMENT

Attachment 10.3.2 (1) Local Structure Plan report and Draft Structure Plan Option 1A plan

Attachment 10.3.2 (2) Supplementary Report and Draft Structure Plan Option 1B plan

BACKGROUND

Shire of Jerramungup Local Planning Strategy

There is a Local Planning Strategy which has been adopted by the Shire and endorsed by the Western Australian Planning Commission (WAPC) as a strategic tool for the assessment of future landuse planning and scheme amendments.

The Local Planning Strategy identifies that *'The seasonal trend of visitor population is dramatic'* and *'Due to this variation in population, it is difficult to service economically all the needs of the community throughout the year. Facilities that are required for peak periods, by necessity, lie idle much of the year'*.

The Strategy map identifies Reserve 31611 as *'Future Town Centre – 10ha'*.

Shire of Jerramungup Local Planning Scheme No 2

Reserve 31611 is zoned 'Special Use' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme'). Specific provisions apply under Schedule 4 of the Scheme and the 'Special Use' is designated as;

'Bremer Bay Town Centre providing for:

- Civic uses*
- Offices*
- Dwellings under the medium density codes of the Residential Design Codes*
- Community purposes*
- Shops*
- Movements systems*
- Landscaping areas*
- Civic spaces, and parking'.*

The Scheme lists conditions for the 'Special Use' zone stating that:

'A Structure Plan is to be prepared by the proponent and approved by the local government and endorsed by the Commission before any subdivision or development.

The Structure Plan will incorporate:

- A Strategy to retain areas of native vegetation in the design to enhance local character of the centre and conserve water;*
- Permissible landuses;*
- Road and Servicing networks;*
- Development staging; and*
- Such other matters as determined by the local government. '*

Department of Water 'Bremer Bay Water Reserve draft Drinking Water Source Protection Plan

There are no Priority 1, 2 or 3 areas directly within the Reserve boundaries, however they are located to the immediate south and west under the Draft Protection Plan.

Any Draft Structure Plan needs to be referred to the Department of Water during formal consultation.

Servicing

The Shire has been investigating servicing and costs separately. As part of future formal advertising, all service authorities will be consulted and invited to comment on any Draft Structure Plan.

CONSULTATION

No consultation has been undertaken to date. It is intended that the Draft Structure Plan(s) be used as preliminary documents and effectively be a 'starting point' for public consultation and to generate discussion and debate.

Community consultation at this early juncture will assist in further development and evolution of a Draft Structure Plan. Informal advertising will allow for the plans to be further modified and developed.

COMMENT

Location and description

Reserve 31611 has an approximate area of 10 hectares and is generally bound by Bremer Bay Road, Garnett Road and John Street.

Garnett Road runs along the western boundary of the site and is constructed to the local primary school. There are plans for Garnett Road to be extended along the northern boundary of the Town Centre (referred to as Garnett Road North for the purpose of the Draft Structure Plan(s)).

A significant portion of the site contains natural vegetation, and a portion of the north west section is cleared (disused oval).

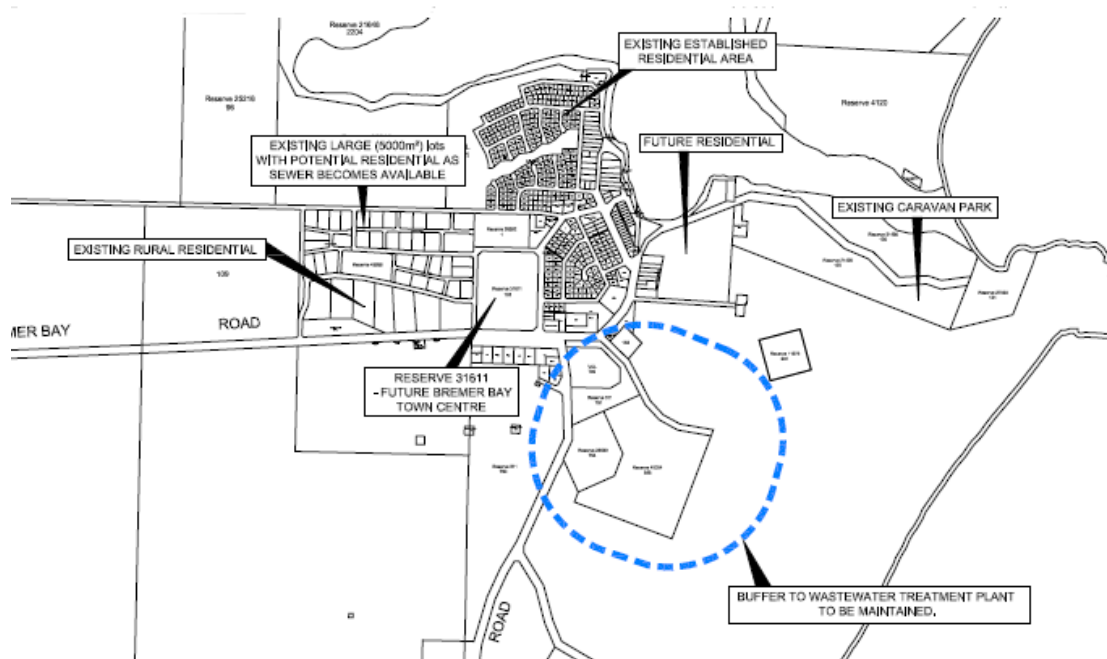
Surrounding landuses / context

There has been relatively new residential subdivision on Mary Street to the north west of the Town Centre, and larger flexible coded lots are located to the immediate west. The larger lots to the west have potential for future residential subdivision as sewer becomes available.

The local Primary School and a reserve are located to the north of the Town Centre.

Existing established residential areas are located to the east, and service commercial development has occurred to the south (Gnombup Terrace).

A general location plan is included below for ease of reference and to assist with discussions.



Preliminary Concepts – Draft Structure Plans

Gray & Lewis has developed two preliminary Draft Structure Plan designs which can be used as a starting point to gain Councillor and community input.

It should be noted that these Draft Structure Plans are based on a desktop vegetation survey, and a detailed site vegetation survey has been commissioned (by the Shire) to be undertaken in Spring.

Any Draft Structure Plan will require further refinement and review depending on the outcome/ findings of the vegetation survey, and community consultation. It should be noted that the vegetation survey report may include recommendations on vegetation to be retained, which may impact on design.

An explanatory report for each preliminary plan has also been compiled and is included as Attachments 1 and 2. These reports are self explanatory however the main points are summarised below for ease of reference;

- Preliminary concepts have been developed to generate discussion and for preliminary community consultation. The plans are not final and are likely to be subject to changes as a result of further studies and community feedback.
- The Structure Plan(s) propose to divide the Town Centre into a number of different precincts.
- The Civic Precinct will contain civic uses (such as a local health clinic, community centre, meeting hall etc) and will include quality open space areas. A market square has been incorporated into the civic precinct as an area where local markets or community events can be held.
- The Commercial Precinct will be the main retail focus area for local shops, convenience stores, cafes.
- A 'Mixed Use' area will provide an opportunity for people to live and work on the same premises. This may provide opportunity for small businesses and sole operators.

- Residential development is proposed in the Town Centre to provide a mixture of landuses, and allow people to live in close proximity to shops and services. Residential development will provide a population in the Town Centre to provide an 'after hours' human presence, activity, security and casual surveillance.
- A north south 'main street' is to be created, and additional road linkages are proposed to provide good access and connectivity to the surrounding road network.
- Development of the Town Centre will be staged.

Residential Density

It should be noted that the Scheme specifies 'Medium Residential Density' which includes densities ranging from R30 (which has a minimum area of 270m² and average of 300m² per dwelling) to R60 (which has a minimum of 160m² per dwelling and an average of 180m²).

There is an argument that some larger lots should be included to provide for a range of housing choice and where a transition between lot sizes is required. This will be subject to negotiation with the WA Planning Commission, and may be addressed through a future Scheme Amendment.

Advantages and disadvantages of each Option

Design can be a subjective issue and there are likely to be varying opinions and views on how the Town Centre should be best planned for and developed.

Gray & Lewis has significant experience in developing Local Structure Plans for both local governments and private developers throughout Western Australia including but not limited to Forrestfield (Shire of Kalamunda); Wattle Grove (Shire of Kalamunda), Williams (Shire of Williams); Kununurra (Shire of Wyndham-East Kimberley).

Development of preliminary designs has been necessary to provide a basis for initial community feedback, and so that the Shire can examine preliminary costings.

There are benefits and disadvantages to both designs, some of which are summarised below for discussion;

Option 1A	Option 1B
The design focuses new commercial development along the central north south spine which means that the buildings will have less commercial exposure to existing road frontages. There may be a greater reliance on entry statements and signage to direct visitors into the Town Centre.	Locating the commercial precinct on Bremer Bay Road will ensure that any retail buildings have direct road exposure which may increase their attractiveness (and value) for commercial businesses. It may also have more passing trade, and visitors to the area will be able to easily identify the Town Centre.
The Civic Precinct has strong links to the established residential area and the local primary school. The average walking distance is 400 –	The Civic Precinct is more isolated from the established residential area and due to the distance it is less likely that residents in the established

800 metres (5-10 minutes) so its location would allow for more local residents to walk to the civic precinct and maximise use of the open space.	residential areas will walk to the area or the open space.
The Commercial Precinct has been located closer to the established residential area and local primary school to encourage 'one stop' for multi functions. Parents, for example, may attend the local shops before or after picking up children from school. Similar to the Civic Precinct this location captures more existing housing within the 400-800 metre walking distance.	The Civic Precinct is more isolated from the established residential area and due to the distance it is less likely that local residents will walk to the area. It may result in more car orientated development.
The design allows more scope for vegetation retention around the periphery of the Town Centre boundary for retention of existing streetscapes and character.	The design will result in more vegetation removal adjacent to Bremer Bay Road (however there is scope to allow for significant retention in the Civic Precinct).

Preliminary (Informal) Consultation

There is no specified statutory process under the Scheme for Structure Plans and at this early juncture it is recommended that the Shire undertake preliminary advertising.

It is important to note that this is only the first step and beginning of the process for development of a Structure Plan for the Town Centre, and the plans will likely evolve over time.

It is recommended that preliminary consultation (informal advertising) occur for a minimum of 42 days. This preliminary feedback can then be used to further refine a Draft Structure Plan.

Future Process

The Draft Structure Plans will be reviewed having regard for preliminary community feedback, the Spring vegetation survey (when finalised), and any feedback from the Shire.

Once the Draft Structure Plan is further evolved, it will be presented to Council to consider either (i) further informal consultation, or (ii) formal adoption of a draft Structure Plan for the purpose of commencing formal advertising.

Whilst there is no statutory process applicable, Gray & Lewis would recommend that the general steps of the Scheme Amendment process be applied once Council decides to undertake future formal advertising. Formal advertising (separate to preliminary consultation) will give the local community another opportunity to comment on the proposal.

Future formal advertising will include;

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1. Advertising for a minimum of 42 days. This advertising will be separate to and in addition to preliminary consultation.
2. Individual letters to all landowners in Bremer Bay.
3. Letters to service authorities and key stakeholders such as the Department for Water, Water Corporation, Department of Environment and Conservation, Telstra, Western Power etc
4. Notices in local newspapers.

After formal advertising the Council will consider each submission, and may seek to finally adopt a Structure Plan (with or without modifications). If substantial modifications are made, then Council may re-advertise the plan again for formal comment.

Once a Draft Structure Plan is finally adopted by the Council, it has to be referred to the WA Planning Commission for endorsement. The WAPC may also request modifications.

- ***Conclusion***

It needs to be recognised that the plans are preliminary concepts only and will be further developed once community feedback is received.

Informal consultation will allow the local community and local landowners to have preliminary feedback into the design of the Draft Structure Plan. This approach was taken with the Policy for Carbon Sequestration Planting and worked well in that instance.

STATUTORY REQUIREMENTS

The existing Scheme provisions are explained in the body of this report.

STRATEGIC IMPLICATIONS

- ***Scheme Amendment***

A wide range of landuses and flexibility over landuses is required for the Town Centre to be successful. The existing Scheme provisions include a specific list of permissible landuses.

The existing Scheme provisions also identify that the Structure Plan *'is to incorporate permissible landuses'* implying that the Shire can nominate landuses for the Town Centre on the Structure Plan.

There is an anomaly as on one hand the Scheme limits the 'special uses' to a specific list of landuses, and on the other hand the Scheme indicates that the Structure Plan can be used to nominate permissible landuses. Notwithstanding the seeming flexibility for the structure plan to nominate permissible landuses, it could be argued that those landuses are constrained to the specific uses listed under Schedule 4.

To provide clearer statutory provisions, it is recommended that Council consider amending the Scheme to expand the special uses in the specific list (such as art gallery, consulting rooms, restaurants, showrooms etc) and to make it clear that Council has direction to approve other uses normally associated with a Town Centre at its discretion.

It is recommended that Council discuss pursuit of a Scheme Amendment.

FINANCIAL IMPLICATIONS

Council pays planning fees to Gray & Lewis.

All consultation will be at a cost to the Shire.

Future development of the Town Centre will be at the Shires cost, and it is understood that the Shire will be seeking funding for the project. Development of the Town Centre and road construction will need to be staged. At this stage it is anticipated that the Civic Precinct would be developed as part of a stage 1, so that quality open space is put into place.

POLICY IMPLICATIONS

Future advice may be sought to develop building design guidelines for development in the Town Centre. Alternatively with the residential lots, Council may consider implementing subdivision with 'house and land packages' so a quality outcome can be guaranteed.

Future landscape architect / urban design input into development and design of open spaces may also be sought.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. Conduct informal advertising of the Draft Structure Plans 1A and 1B for 42 days to allow preliminary community consultation.
2. Advertising is to include letters to all landowners in Bremer Bay and an advertisement in the local newspaper.
3. Advertising notices are to;
 - (i) Explain that the plans are preliminary concepts and the first step to allow for community feedback into the designs.
 - (ii) Advise that the community will have other separate opportunities to comment on the Draft Structure Plan again through future formal advertising which will include another 42 day consultation period.
 - (iii) Advise that the plan(s) are currently preliminary and local community comments are sought at this early juncture due to the importance of the proposed Town Centre.
 - (iv) Advise that the plan(s) should not be relied on for any commercial decisions as they are subject to change and modifications, and also require endorsement by the WA Planning Commission.

That Council:

- 1. Conduct informal advertising of the Draft Structure Plans 1A and 1B with submissions to close 4.00pm Friday 30th April 2010 to allow preliminary community consultation.**
- 2. Advertising is to include letters to all landowners in Bremer Bay and an advertisement in the local newspaper.**
- 3. Advertising notices are to;**
 - (i) Explain that the plans are preliminary concepts and the first step to allow for community feedback into the designs.**
 - (ii) Advise that the community will have other separate opportunities to comment on the Draft Structure Plan again through future formal advertising which will include another 42 day consultation period.**
 - (iii) Advise that the plan(s) are currently preliminary and local community comments are sought at this early juncture due to the importance of the proposed Town Centre.**
 - (iv) Advise that the plan(s) should not be relied on for any commercial decisions as they are subject to change and modifications, and also require endorsement by the WA Planning Commission.**

Note: Council chose to increase the timeframe for the first informal stage of public consultation to 4.00pm Friday 30th April 2010.

Carried 6/0

OC021009 Moved Cr Bailey / Seconded Cr Atkin

That the meeting be closed to the public.

Carried 6/0

Confidential Report

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.3
SUBJECT:	Information Report on SAT Matter DR 444 of 2009 between Williamson Brothers and Western Australian Planning Commission (WAPC)
LOCATION/ADDRESS:	Lot 109 Bremer Bay Road and Lot 9000 Goorie Way, Bremer Bay
NAME OF APPLICANT:	Williamson Brothers
FILE REFERENCE:	
AUTHOR:	Gray & Lewis Landuse Planners
DISCLOSURE OF ANY INTEREST:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995
DATE OF REPORT:	25 January 2010

OC021010 Moved Cr Bailey / Seconded Cr Barrett

RECOMMENDATION

1. That Council note the information on the SAT mediation as outlined in this report.
2. As per the keys focus areas in our strategic plan Council supports a lessening reliance on reticulated water however notes its concerns that given the annual rainfall in Bremer Bay and the required roof catchment areas to fully service a residential lot there may be a detrimental effect on the visual amenity of the development area.

Carried 6/0

Note: Council raised concerns on the potential visual amenity of the development due to tank sizes, aesthetics of tanks and roof catchments.

Confidential Report

SUBMISSION TO: Health, Building and Town Planning
AGENDA REFERENCE: 10.3.4
SUBJECT: Department of Water referral – related to SAT Matter DR 444 of 2009 between Williamson Brothers and Western Australian Planning Commission (WAPC)

LOCATION/ADDRESS: Lot 109 Bremer Bay Road and Lot 9000 Goorie Way, Bremer Bay
NAME OF APPLICANT: Williamson Brothers
FILE REFERENCE:
AUTHOR: Gray & Lewis Landuse Planners
DISCLOSURE OF ANY INTEREST: Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995

DATE OF REPORT: 8 February 2010

OC021011 Moved Cr Lester / Seconded Cr Atkin

That Council note that;

- 1. The existing designation of the ‘Recreation and Open Space’ boundary on the Shires Scheme map should not be the determining factor for the location of the P1 boundary. The boundary can be changed as part of Amendment 3 which has been adopted by the Shire for final approval.**
- 2. The Department of Water should determine whether the P1 boundary needs to be retained in its current form or whether it can be modified without any undue adverse impact (based on sound scientific and/ or environmental reasons and expertise).**
- 3. Whilst consultation with the Shire is appreciated, it is considered that this decision needs to be made by Department of Water.**
- 4. The Shire has adopted Amendment 3 for final approval to facilitate subdivision of Lots 109 and 9000. The Shire has no objection to any reduction in open space (and P1 area) however notes that the Department has to independently assess any implications on drinking water areas.**
- 5. The Shire appreciates the role of the Department of Water and the expertise of its officers. If there are compelling environmental reasons why the P1 boundary should not change, then the Department needs to explain those reasons through the SAT mediation process. At this stage the Department has not fully explained why the existing P1 boundary is preferred, and therefore Council cannot formulate a fully informed view on this matter.**
- 6. Ultimately it is assumed that the WAPC will approve a ‘Recreation and Open Space boundary’ according to the final agreed location for the P1 boundary, in consultation with Department of Water.**
- 7. The Shire re-iterates that it supports the Departments view that an Urban Water Management Plan for the lots should be provided before any Outline**

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Development Plan is adopted, due to water and drainage issues pertaining to the area.

Carried 6/0

OC021012 Moved Cr Iffla / Seconded Cr Barrett

That the meeting be reopened to the public.

Carried 6/0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.5
SUBJECT:	LATE ITEM - Proposed patio for Jerramungup Sports Club
LOCATION/ADDRESS:	Reserve 25568 Derrick Street, Jerramungup
NAME OF APPLICANT:	Kosters Steel Construction
FILE REFERENCE:	
AUTHOR:	Gray & Lewis Landuse Planners
DISCLOSURE OF ANY INTEREST:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995
DATE OF REPORT:	11 February 2010

SUMMARY

An application has been lodged for a new patio structure adjacent to the existing sports club building.

This report recommends unconditional approval of the application.

ATTACHMENT

Attachment A - Aerial location plan
Attachment B - Patio Plan

BACKGROUND

Reserve 25568 is classified 'Recreation and Open Space' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme'). Planning approval is required for any development.

CONSULTATION

No site plan was lodged with the application therefore Gray & Lewis liaised with the applicant to show the patio location on an aerial – Attachment A.

COMMENT

Description of Application

The application proposes as follows;

- An existing patio exists in this location and is proposed to be replaced by a larger patio structure.
- The new patio will be 12 metres by 12 metres, with a total height of 3.375 metres (connected to the existing building).

Officer Comment

The proposed patio is located in an area where there is no visual impact on surrounding streets, and will provide shade to spectators.

The use is for recreation which is consistent with the zoning of the reserve.

- **Conclusion**

The application is supported unconditionally, however the applicant should be advised that a separate building licence needs to be obtained.

STATUTORY REQUIREMENTS

Clause 3.4.1 stipulates that that development on a local reserve requires planning approval.

STRATEGIC IMPLICATIONS

Whilst not a planning matter, Council may consider the issue of delegation so that Council Officers can determine and process simple applications relating to sportsclubs, such as this.

FINANCIAL IMPLICATIONS

Council pays planning fees to Gray & Lewis for processing of applications.

POLICY IMPLICATIONS

N/A.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council approve the application lodged by Kusters Steel Construction for a patio on Reserve 25568 unconditionally, and advise the applicant that a separate building licence needs to be obtained prior to any works.

OC021013 Moved Cr Atkin / Seconded Cr Bailey

That Council approve the application lodged by Kusters Steel Construction for a patio on Reserve 25568 unconditionally, and advise the applicant that a separate building licence needs to be obtained prior to any works.

Carried 6/0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.6
SUBJECT:	LATE ITEM - Proposed subdivision 20 lots – portion of Lot 9001 (WAPC: 140924)
LOCATION/ADDRESS:	As above
NAME OF APPLICANT:	Williamson Brothers Property Pty Ltd
FILE REFERENCE:	
AUTHOR:	Gray & Lewis Landuse Planners
DISCLOSURE OF ANY INTEREST:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995
DATE OF REPORT:	11 February 2010

SUMMARY

A subdivision application has been lodged for Lot 109 Bremer Bay Road, Bremer Bay.

The subject land is subject to Amendment No 3 which has been lodged with the Western Australian Planning Commission however still needs to be determined by the Minister for Planning.

A report item on this matter was referred to the December 2009 Council meeting, and Council resolved to lay the matter on the table and consider the matter at the February 2010 Council meeting.

This report recommends that determination of the draft Outline Development Plan (ODP) and subdivision lodged be further deferred, to allow the applicant to lodge additional information.

ATTACHMENT

Attachment A	-	Subdivision Plan
Attachment B	-	December Minutes (Item 10.3.3)
Attachment C	-	Civiltech facsimile dated 14 December 2009
Attachment D	-	New submission by CivilTech with lodgement for a draft ODP dated 10 February 2010

BACKGROUND

- ***December meeting / report***

A report was referred to the December 2009 Council meeting, and subsequently the applicant's representative, Ian McKellar (CivilTech), lodged a facsimile on the 14 December 2009 disputing the information contained in the officer report.

The report did not support the proposed subdivision, and a copy of the report is included in Attachment B for ease of reference. Gray & Lewis outlined the reasons for not supporting the subdivision in the report, and considers all of the information to be correct (based on the information provided in the subdivision application).

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A copy of the applicants facsimile dated 14 December 2009) is included as Attachment C.

At the December meeting Council resolved to lay the matter on the table until the February 2010 Council meeting. The reason for the variation (to the officers recommendation) was that Council decided that more time was needed to consider the application in light of additional information supplied by the applicant on the day of the Council meeting which would be referred to Council's planner for comment.

Gray & Lewis provided additional comments to the Shire on the 15 December 2009.

CONSULTATION

Consultation with (previous) applicant – Amendment 3

Whilst dealing with Amendment 3, Gray & Lewis advised the owners' consultant, Planwest, that an urban water management plan would be required to accompany an ODP, before an ODP could be adopted by Council. This was also formally included in the May 2009 Council resolution as follows;

- 'B. Advise the applicant (Planwest) of the Council decision and that;*
- The Shire has requested a minor modification to the amendment to include reference to Urban Water Management Plans based on the advice from Department of Water and having regard for drainage issues.*
 - **Whilst the ODP is generally supported it has not been formally adopted by the Shire. The applicant needs to lodge a separate written request seeking formal adoption of the ODP. The ODP will be advertised for 21 days.***
 - In accordance with the Department of Water submission the Shire **requests that the applicant prepare an Urban Water Management Plan to lodge concurrently with the ODP.***
 - The Department of Health has advised that all lots will have to be connected to sewer. If the 2000m² lots are applied for first (without the smaller northern lots) then they will not have to be connected to sewer.'*

Meeting with owner and (new) owner representative

Gray & Lewis subsequently met with Mr Williamson and Mr McKellar in December 2009, and discussed the following concerns as raised in the December 2009 report;

1. An overall Outline Development Plan for this area has not been adopted by Council (refer May meeting resolution in bold above).
2. An Urban Water Management Plan has not been provided to the Shire.
3. No information on how the lots can and will be serviced had been provided.
4. Amendment 3 has not been approved by the Minister although it is considered likely it will be approved in some form.

Following discussions, Gray & Lewis advised the applicant and his representative as follows;

1. Gray & Lewis would be prepared to consider a partial Outline Development Plan for the northern portion of Lot 109, which shows indicatively how it would be

linked to planned subdivision in the south (as the southern portion requires resolution of issues such as the location of the P1 boundary which is subject to a current SAT mediation).

2. The ODP should be accompanied by supporting information addressing the concerns raised including how the lots will be serviced. The owner indicated an intention to use water tanks and on site effluent disposal.

Gray & Lewis and the applicant discussed the following;

- The applicant indicated that they had compiled an Urban Water Management Plan and could lodge a partial UWMP report to accompany the Draft ODP for the northern part of the lot.
- The applicant advised that the lots would be serviced through rainwater tanks and that they had information/ correspondence from the Water Corporation demonstrating reticulated water was cost prohibitive and not currently available (which they could provide to the Shire).
- The applicant indicated that they had completed on site testing showing the lots can support on site effluent disposal, and a report could be lodged to the Shire.
- The applicant advised that they could remove the 'indicative future lots' from the plan and that a restrictive covenant could be used to prevent future subdivision, combined with an adopted ODP.

The applicant does not appear to be opposed to providing the above information as outlined in their email received on the 10 February 2010 (Attachment D).

Councillors are encouraged to read the applicants email as not all of the information has been replicated in this report (due to time constraints).

COMMENT

Outline Development Plan

The applicant has now lodged a Draft Outline Development Plan on the 10 February 2010, and seeks Council support for subdivision of the northern portion of Lot 109.

Gray & Lewis has had limited time to consider the Draft ODP however notes the following;

- No Urban Water Management Strategy has been lodged.

The applicant has indicated that a geotechnical report for the whole of Lot 109 has been completed, and an Urban Water Management Plan for the northern 5000m² lots should be available in the next couple of weeks.

The applicant has advised that they see no issues with drainage as stormwater can be contained in temporary sumps until the 2000m² subdivision proceeds – explained in their submission in Attachment D.

- No report has been lodged to demonstrate that the lots can support on site effluent disposal. Gray & Lewis had understood that the applicant does have such a report, but none was submitted with the ODP.

- No comprehensive servicing report/ information has been lodged, or information showing how reliable water supply will be satisfactory achieved (ie rainwater tank size / dimensions, rainfall analysis, required roof sizes for the rainwater tank).

The applicant has advised that the subdivider acknowledges that there is no reticulated water supply available to the proposed lots and contends that this is not fatal to the 0.5 hectare subdivision and that the future users can be self reliant on water supply.

Gray & Lewis has requested in a separate confidential report (in this agenda) for feedback by Council on lots without reticulated water.

This report for the northern portion of the land has been based on the assumption that Council would be prepared to consider water tanks if the applicant provides additional information showing the lots will have a reliable water supply, and addresses issues such as roof sizes and aesthetics.

Proposed Subdivision

Current status

The applicant seeks Council support for the proposed subdivision application, and has indicated a request that Council provides a recommendation to the WAPC.

The applicant has also indicated that they will lodge an application for review with the State Administrative Tribunal (SAT) for the northern subdivision, so it can be dealt with concurrently with an existing related SAT review for the southern subdivision.

It is noted that the issue of the P1 boundary location only relates to the southern portion of the land.

Lot sizes

Gray & Lewis has expressed concern to the applicant over the larger lot sizes and potential for further subdivision of the larger lots to occur.

This is based on the understanding that Council has previously raised concern over how the land to the immediate east was developed (large lots created with potential for further infill subdivision), and did not wish to replicate this situation in any new subdivisions.

The applicant has indicated that;

1. The lot sizes will be controlled through the ODP as the ODP controls the density (which would be R2).

Officer comment - This is correct to a certain degree however future owners can apply for modifications to the ODP, lodge subdivision applications (and appeal) and place pressure on Council for subdivision.

2. The applicant has indicated that a restrictive covenant can be placed on the titles restricting further subdivision, and stipulating the Shire as the beneficiary of the restrictive covenant.

Officer Comment - Gray & Lewis already expressed concern over the use of restrictive covenants to the applicant (due to difficulty in enforcement). Concerns over the use of restrictive covenants have not been allayed, especially if the applicant proposes for the Shire to be the enforcing agency.

- **Conclusion**

It is open to Council to (i) adopt the ODP (for advertising) and/ or recommend approval of the subdivision application. .

Gray & Lewis recommends that determination of the subdivision be further deferred until such time as an ODP can be properly assessed and considered by Council, along with an UWMP and more comprehensive information on servicing (to be provided by the applicant).

As this matter will likely be referred to a future SAT mediation, Council needs to carefully discuss the subdivision, and provide feedback to Gary & Lewis on its position on issues such as lot sizes, and water supply.

STATUTORY REQUIREMENTS

Refer to December report – Attachment B.

Councillors are aware that this is only a recommendation by Gray & Lewis, and that Council is the determining authority.

STRATEGIC IMPLICATIONS

In the longer term Council may consider updating its Planning Strategy to reflect Amendment 3 / any subdivision.

FINANCIAL IMPLICATIONS

Council pays planning fees to Gray & Lewis for processing of applications.

POLICY IMPLICATIONS

N/A.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council note the subdivision application (WAPC: 140924) and Draft Outline Development Plan however advise the WAPC, applicant (Williamson Brothers Property Pty Ltd) and CivilTech that;

1. The Draft Outline Development Plan is an important step forward in planning for future subdivision of this area, however needs to be accompanied by the following information;
 - (i) An Urban Water Management Plan which appears to be underway. The UWMP will be assessed by the Shire, and liaison with Graham Edwards is encouraged.
 - (ii) More comprehensive information on servicing including;
 - An assessment of existing rainfall, required tank sizes for a reliable water supply, required/minimum roof areas. The visual impact of tanks should also be examined.
 - Demonstration that the lots can be serviced through on site effluent disposal and further advice on the cost prohibition of reticulated water / sewer. The Shires Environmental Health Officer will assess the effluent disposal report and may liaise with Department of Health.
 - (iii) Further written clarification if the applicant agrees to no further subdivision of the 5000m² lots, advice on the restrictive covenant, and how/ if the developer is prepared to enforce the restrictive covenant.
 - (iv) The ODP to be amended to make it clear that it only relates to the northern portion of the lot.

OC021014 Moved Cr Barrett / Seconded Cr Iffla

That Council note the subdivision application (WAPC: 140924) and Draft Outline Development Plan however advise the WAPC, applicant (Williamson Brothers Property Pty Ltd) and CivilTech that;

1. **The Draft Outline Development Plan is an important step forward in planning for future subdivision of this area, however needs to be accompanied by the following information;**
 - (i) An Urban Water Management Plan which appears to be underway. The UWMP will be assessed by the Shire, and liaison with Graham Edwards is encouraged.**
 - (ii) More comprehensive information on servicing including;**
 - An assessment of existing rainfall, required tank sizes for a reliable water supply, required/minimum roof areas. The visual impact of tanks should also be examined.**
 - Demonstration that the lots can be serviced through on site effluent disposal and further advice on the cost prohibition of reticulated water / sewer. The Shires Environmental Health Officer will assess the effluent disposal report and may liaise with Department of Health.**
 - (iii) Further written clarification if the applicant agrees to no further subdivision of the 5000m² lots, advice on the restrictive covenant, and how/ if the developer is prepared to enforce the restrictive covenant.**
 - (iv) The ODP to be amended to make it clear that it only relates to the northern portion of the lot.**

Carried 6/0

A D M I N

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.1
SUBJECT:	Administration Status Report
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Shire of Jerramungup
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	5 th February 2010

SUMMARY

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

ATTACHMENT

Nil

PROJECT UPDATE

1) Bremer Bay Youth Camp

A tender for the purchase and removal of the transportable buildings was presented to Council in December 2009. It is envisaged that the buildings will be removed within the next 4 weeks.

2) Jerramungup Residential Land Developments

At the November Ordinary Council Meeting, Council resolved to advertise the proposed development as a major land transaction under the Local Government Act 1995.

The period for public comment closed at 2:00pm 18 January 2010. No submissions were received.

This item will be presented to Council at this meeting.

3) Farmland Water Response Planning

The Shire has been advised that the proponent will not sign the licence agreement. The Shire has commenced negotiations with CBH to establish an alternative water harvesting site at the Jacup Grain Terminal.

4) Jerramungup Community Pool

The new agreement will be presented to Council at this meeting.

5) Police Station and Housing

The new Police Station is nearing completion. The Shire has been advised that the Police will relocate to Jerramungup on 17 February 2010.

6) Industrial Land Bremer Bay

No further information on this matter.

7) Bremer Bay Medical Centre

No further information on this matter.

8) Local Government Amalgamations

The CEO, Shire President and Deputy Shire President attended a reform meeting in Perth on 9 February 2010.

A Regional Transition Group meeting is scheduled for late February 2010.

9) Bremer Bay Town Centre

A structure plan has been developed for the subject area. This structure plan will be presented to Council at this meeting for consideration and to initiate a public consultation period.

10) Town Site Revitalisation – Jerramungup

This project has been suspended given the deferral of the 2nd Royalties for Regions Payment. It is envisaged that the project will commence towards the end of the 2009/10 financial year.

12.30 pm Council convened for luncheon.

1.15 pm Council reconvened with the following in attendance; Cr Trevaskis, Cr Barrett, Cr Iffla, Cr Bailey, Cr Lester, Cr Atkin, Mr Parker, Mr Bailey, Mrs Solomon.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.2
SUBJECT:	Bremer Bay Town Centre
LOCATION/ADDRESS:	Reserve 31611
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	29 January 2010

SUMMARY

In November 2009, Council resolved to;

1. Authorise the Chief Executive Officer to write to State Land Services requesting that the purpose of reserve 31611 is changed from 'recreation' to a more appropriate and compatible use that will allow for civic, offices, community purpose, shops, and medium density residential uses.
2. Commission the services of Gray and Lewis Land Use Planners to prepare the Structure Plan and design guidelines for the proposed Town Centre.
3. Request that the Chief Executive Officer commence work on a business plan for a major land transaction for Council to consider in conjunction with the final structure plan for the proposed Town Centre.

The above resolution has since been actioned with the development of a structure plan and associated business plan for a major land transaction. Council is now required to consider moving forward with this project and consider initiating a major land transaction as defined by the Local Government Act 1995.

ATTACHMENT

Attachment 10.4.2 (1) Business Plan – Bremer Bay Town Centre
Attachment 10.4.2 (2) Financial Assessment
Attachment 10.4.2 (3) Superlot Policy

BACKGROUND

In December 2008, the Elected Group and Executive Team developed a new strategic plan for the period 2009-2014. The development of this plan incorporated a systematic internal and external analysis that resulted in a vision, key focus areas and the broad objectives of the local government being established.

As a part of the strategic planning process, Council identified a number of key projects requiring completion or commencement during the period under assessment. In response to the analysis completed, the Bremer Bay Town Centre was included as a key strategic project. This project has been discussed for a number of years and has been identified as a necessity in terms of supporting and driving growth from a population and economic perspective.

In November 2009, Council resolved to change the purpose of reserve 31611, develop a Structure Plan and design guidelines for the proposed town centre and develop a business plan for the proposed development.

The change of reserve purpose has been initiated and the structure plan will be considered as a separate town planning item at the February 2010 Ordinary Council Meeting. Council is now required to consider the Business Plan prepared by the Chief Executive Officer to initiate the required land development process under the Local Government Act 1995.

CONSULTATION

From a legislative perspective, this proposed development and subsequent business plan will require statewide advertising.

COMMENT

The subject land is under a management order in favour of the Shire of Jerramungup for the purpose of 'recreation'. In November 2009, Council authorised the Chief Executive Officer to write to State Land Services requesting that the purpose of reserve 31611 is changed from 'recreation' to a more appropriate and compatible use that will allow for civic, offices, community purpose, shops, and medium density residential uses.

It is anticipated that the Shire will receive confirmation of this change of purpose within the coming weeks.

Preliminary investigations suggest that the cost of acquiring the subject land in a freehold capacity would be unaffordable from the Shire's perspective. In response, it is proposed that the Shire will apply the State Governments Superlot Policy.

Under this policy, the Shire can develop the land in stages and subsequently purchase the land from the State in order to meet demand. As the development contains a significant civic precinct including water features, parkland and landscaping, it is proposed that this land is not converted to freehold but rather stays as a reserve for the Shire's purpose. This philosophy can also be applied to various residential blocks that the Shire may develop and wish to retain for the purpose of staff housing.

The State Government's Superlot Policy seeks to facilitate regional development where demand can be demonstrated and a local government is prepared to undertake the development to meet local needs.

Under this policy, reservations and management orders are placed with local governments and are followed by sale. The sale price to local governments is generally unimproved market value.

The sale price can accommodate development costs such that the land is sold to the Shire at its subdivisional development value rather than its englobo value as would be the case with a private developer.

STATUTORY REQUIREMENTS

Section 3.59 of the Local Government Act 1995 places certain requirements on Local Governments when entering into commercial enterprises. This section of the Act applies to the proposed town centre as the development is defined as a major land transaction. Under this section of the Act, before a local government enters into a major land transaction the local government is to prepare a business plan.

The local government is required to give State wide public notice stating that —

1. The local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
2. A copy of the business plan may be inspected or obtained at any place specified in the notice; and
3. Submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

** Absolute majority required.*

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;

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

FINANCIAL IMPLICATIONS

Financially, the total project cost for the Bremer Bay Town Centre is estimated at \$4,008,503. The associated costs will cover site clearing and reinstatement, the construction of local streets, boulevards and lanes, the soft and hard landscaping associated with the civic precinct and the connection of essential services.

Given the costs associated with the project, it is envisaged that the proposed development will occur in stages.

Stage One

Stage one will see the construction of the Main North/South Street. Stage one will also see this Main Street complimented by a civic precinct, main commercial precinct and a medium density residential component.

Stage Two

Stage two will see the completion of the main commercial precinct, remaining residential component and the construction of various East West Streets.

Stage Three

Stage three will require further Town Planning Scheme Amendments to increase the potential landuse within the town centre.

The required revenue will be generated by Roads to Recovery Grants, Royalties for Regions Funding and other grant funding that will be dependent upon successful applications.

	STAGE 1A	STAGE 1B	STAGE 1C	TOTAL
INCOME				
Roads to Recovery 2010/11	\$260,000			\$260,000
Future Roads to Recovery			\$260,000	\$260,000
Royalties for Regions 2010/11	\$300,000			\$300,000
Royalties for Regions 2011/12		\$300,000		\$300,000
Future Budget Contribution			\$100,000	\$100,000
Grant Funding (GSDC)	\$100,000	\$100,000		\$200,000
Landcorp Contribution	\$1,485,184	\$666,647	\$436,672	\$2,588,503
TOTAL INCOME	\$2,145,184	\$1,066,647	\$796,672	\$4,008,503
EXPENSES				
General Items	\$105,609	\$52,512	\$39,221	\$197,342
Site Clearing Reinstatement	\$51,943	\$72,380	\$12,740	\$137,063
Civil Works - Boulevards	\$396,624	\$100,849	\$100,849	\$598,323
Civil Works - Local Streets	\$0	\$124,300	\$94,723	\$219,023
Civil Works - Lanes	\$0	\$57,990	\$0	\$57,990
Civil Works - Civic Precinct	\$308,060	\$0	\$0	\$308,060
Civil Works - Commercial Precinct	\$72,358	\$0	\$0	\$72,358
Drainage	\$204,450	\$54,200	\$77,050	\$335,700
Sewerage Works	\$113,000	\$92,000	\$76,000	\$281,000
Water Reticulation	\$56,500	\$46,000	\$38,000	\$140,500
Electrical	\$154,000	\$127,400	\$103,600	\$385,000
Miscellaneous	\$4,250	\$1,700	\$2,550	\$8,500
Professional Fees	\$183,349	\$91,166	\$68,092	\$342,607
Sub Total	\$1,650,142	\$820,498	\$612,825	\$3,083,464
Contingency (30%)	\$495,043	\$246,149	\$183,847	\$925,039
TOTAL EXPENSES	\$2,145,184	\$1,066,647	\$796,672	\$4,008,503
NETT PROFIT (LOSS)	\$0	\$0	\$0	\$0

POLICY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council receive the Council Business Plan – Bremer Bay Town Centre and adopt the following recommendations;

1. Give State wide public notice stating that the Shire of Jerramungup proposes to enter into a major land transaction and that a copy of the business plan may be inspected or obtained at the Shire of Jerramungup, Vasey Street Jerramungup.
2. Authorise the Chief Executive Officer to submit a funding application under the Great Southern Development Commissions Regional Grants Scheme for \$200,000.
3. Authorise the Chief Executive Officer to submit a funding application under Landcorp's Townsite Development Program for \$2,588,503.

OC021015 Moved Cr Barrett / Seconded Cr Iffla

That Council receive the Council Business Plan – Bremer Bay Town Centre and adopt the following recommendations;

- 1. Give State wide public notice stating that the Shire of Jerramungup proposes to enter into a major land transaction and that a copy of the business plan may be inspected or obtained at the Shire of Jerramungup, Vasey Street Jerramungup.**
- 2. Authorise the Chief Executive Officer to submit a funding application under the Great Southern Development Commissions Regional Grants Scheme for \$200,000.**
- 3. Authorise the Chief Executive Officer to submit a funding application under Landcorp's Townsite Development Program for \$2,588,503.**

Carried by Absolute Majority 6/0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.3
SUBJECT:	Residential Land Sydney Street
LOCATION/ADDRESS:	Sydney Street Jerramungup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	27 October 2009

SUMMARY

In November 2009, Council resolved to

1. Receive the Council Business Plan – Residential Land Development Sydney Street Jerramungup.
2. Give State wide public notice stating that the Shire of Jerramungup proposes to enter into a major land transaction and that a copy of the business plan may be inspected or obtained at the Shire of Jerramungup, Vasey Street Jerramungup

The period required for public consultation (6 weeks) closed at 2:00pm 18 January 2009. No submissions were received.

Council is now required to consider moving forward with this development.

ATTACHMENT

Business Plan – Residential Land Development Sydney Street Jerramungup.
Financial Assessment
Management Order
Superlot Policy

BACKGROUND

Given the shortage of residential land in Jerramungup, the Shire attempted to rezone reserve 27494 from recreation and open space to residential. This reserve was previously the old sporting oval.

Initially, the proposed rezoning was supported by a majority of stakeholders. However the Water Corporation intervened and expressed their concern over the proposed development. The rezoning was therefore declined by the Western Australian Planning Commission due to its proximity to the town's water catchment area.

In response, the Shire shifted its focus to a portion of unallocated crown land in Sydney Street, Jerramungup. This land is subdivided and appropriately zoned for residential purposes.

The appropriate applications were made to State Land Services (SLS). In response, SLS commissioned a native title working party to assess the land. This assessment was completed in June 2009. The working party identified that no significant native title

issues existed on the subject site.

In September 2009, the Shire received a taking order for the land in Sydney Street. A management order in favour of the Shire for the “use and requirements of the Shire of Jerramungup” was received on 8 September 2009.

In November 2009, Council resolved to

1. Receive the Council Business Plan – Residential Land Development Sydney Street Jerramungup.
2. Give State wide public notice stating that the Shire of Jerramungup proposes to enter into a major land transaction and that a copy of the business plan may be inspected or obtained at the Shire of Jerramungup, Vasey Street Jerramungup

This public consultation period has now expired and Council is required to consider moving forward with this development.

CONSULTATION

In accordance with section 3.59 (4) of the Local Government Act 1995, the Shire gave Statewide public notice stating that the Shire of Jerramungup proposes to commence a major land transaction and that a copy of the business plan could be inspected at the Shire Administration Office in Jerramungup.

No responses or comments were received.

COMMENT

The land on Sydney Street was previously unallocated crown land and is now under a management order in favour of the Shire of Jerramungup for the purpose of ‘use and requirements of the Shire of Jerramungup’. Given this tenure and under the State Governments Superlot Policy, the Shire can develop the land in stages and subsequently purchase the land from the State in order to meet demand.

The State Governments Superlot Policy seeks to facilitate regional development where demand can be demonstrated and a local government is prepared to undertake the development to meet local needs.

Under this policy, reservations and management orders are placed with local governments and are followed by sale. The sale price to local governments is generally unimproved market value.

The sale price can accommodate development costs such that the land is sold to the Shire at its subdivisional development value rather than its englobo value as would be the case with a private developer.

STATUTORY REQUIREMENTS

Section 3.59 of the Local Government Act 1995 places certain requirements on Local Governments when entering into commercial enterprises. This section of the Act applies to the proposed development in Sydney Street as the development is defined as a major land transaction.

As Council has successfully advertised the proposed development, Council is now required under section 3.59 (5) of the Local Government Act 1995 to;

- (5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

** Absolute majority required.*

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 Ensuring that growth occurs in a controlled and sustainable manner.

FINANCIAL IMPLICATIONS

The proposal for a self financing development on Sydney Street will not have a net impact on the 10 Year Financial plan as it will be financed externally by loans and the sale of land. Council will be faced with a greater loan liability and carry the risk of principal and interest repayments from municipal funds should blocks not sell. This risk has been minimised by staging this development across 10 years which can be extended depending on the demand for blocks.

The detailed financial component is outlined within the attached financial assessment.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council;

1. After satisfying the requirements under section 3.59 (4) of the Local Government Act 1995, decides to proceed with the Sydney Street development as proposed within the Council Business Plan - Residential Land Development Sydney Street Jerramungup.
2. Commence detailed design for the residential land development in Sydney Street Jerramungup

3. Upon the completion of the detailed design and preparation of tender documentation, call for tenders for the construction of the residential land development in Sydney Street Jerramungup

OC021016 Moved Cr Bailey / Seconded Cr Barrett

That Council;

1. **After satisfying the requirements under section 3.59 (4) of the Local Government Act 1995, decides to proceed with the Sydney Street development as proposed within the Council Business Plan - Residential Land Development Sydney Street Jerramungup.**
2. **Commence detailed design for the residential land development in Sydney Street Jerramungup**
3. **Upon the completion of the detailed design and preparation of tender documentation, call for tenders for the construction of the residential land development in Sydney Street Jerramungup**

Carried 6/0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.4
SUBJECT:	Bremer Bay Fish Factory Lease
LOCATION/ADDRESS:	to Freehold Wellstead Road Bremer Bay
NAME OF APPLICANT:	Department of Regional Development and Lands
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	1 February 2010

SUMMARY

The Department of Regional Development and Lands has received a request to convert a lease over Lot 648 Wellstead Road Bremer Bay to freehold.

The Department is seeking Council's comments on this matter.

ATTACHMENT

Letter from the Department of Regional Development and Lands

BACKGROUND

On 10 December 2009, the Shire received correspondence from the Department of Regional Development and Lands with regard to Lot 648 Wellstead Road Bremer Bay. The Department has received a request to convert the lease to freehold. The Department is seeking Council's comments on this matter.

CONSULTATION

Nil

COMMENT

Under the Shire of Jerramungup Local Planning Scheme No 2 ("the Scheme") Lot 648 Wellstead Road Bremer Bay is zoned 'Service Commercial'.

The landuse of 'Light Industry' is discretionary in the 'Service Commercial' zone. The current facility operates in accordance with a light industry planning approval.

Although the Department of Regional Development and Lands requests input from local authorities on such matters, Council has very little involvement/influence over the conversion process. The existing land use is compliant with the requirements under the Shire's Town Planning Scheme, and there appears to be no significant issues with the request to transfer this lease to freehold from a local government perspective.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire receives rates for this land while leased. The conversion to freehold will not impact upon the revenue received for this property.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council advise the Department of Regional Development and Lands that it supports the conversion of the lease over Lot 648 Wellstead Road Bremer Bay to freehold.

OC021017 Moved Cr Atkin / Seconded Cr Lester

That Council advise the Department of Regional Development and Lands that it supports the conversion of the lease over Lot 648 Wellstead Road Bremer Bay to freehold.

Carried 6/0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.5
SUBJECT:	Jerramungup District High School Pool – community use agreement.
LOCATION/ADDRESS:	
NAME OF APPLICANT:	
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	1 st February 2010

SUMMARY

Council is required to consider a new licence agreement for community access to the Jerramungup School Pool.

ATTACHMENT

Attachment 10.4.5 (1) Legal Advice
Attachment 10.4.5 (2) Proposed Licence Agreement
Attachment 10.4.5 (3) Statement of Operations

BACKGROUND

In 1990, an agreement was executed between the Jerramungup P&C Association, the Ministry of Education and the Shire Council for public access to the Jerramungup School Pool.

On 28 July 2006, the Shire received correspondence from the Department of Education and Training seeking a new agreement to formalise community use of the pool. In formalising this access the Department was seeking a joint 50/50 contribution for any future major operational repairs. This contribution differed significantly from the original 1990 agreement in that all major operational repairs were the responsibility of the Ministry of Education (Department of Education and Training).

Since 2006, the Shire has entered into a number of temporary agreements whilst legal advice and political assistance has been sought. The Shire's primary objective was to perpetually enjoy the conditions as outlined within the original 1990 agreement.

In late 2009, the Shire was advised that the Department was prepared to relax its stance and that the conditions contained within the original agreement would be honoured in the form of a new licence agreement.

The new agreement has been prepared and received by the Shire of Jerramungup. On receipt of this document, the Shire referred the agreement to McLeods Barristers and Solicitors for perusal and to ensure that the conditions contained within the original agreement had been transferred to the new document.

The response from the Shire's solicitor was received with comments/concerns being forwarded to the Department. The Department has agreed verbally to incorporate the suggestions. The amended agreement is now placed before Council for consideration.

CONSULTATION

The Shire has consulted with representatives from the Department of Education and Training, members State Parliament, Councillors and staff.

COMMENT

Although the Shire has managed to successfully negotiate the terms of the new agreement, a significant cost is still associated with the ongoing operations of the School Pool as the Shire is responsible for cleaning and the overall management of the facility.

In saying this, if the community is to continue to enjoy access to this facility certain costs will apply. It is recommended that the new agreement is supported given the overall benefit to the Jerramungup community.

The new agreement also makes reference to the establishment of a management committee. The agreement explicitly states that the care and management of the facilities shall be undertaken by a Management Committee. Membership of the Management Committee shall consist of 6 members (or such other number as the Parties may from time to time agree) who, subject to this Agreement and any direction from the Parties, shall:

- (i) monitor, review and evaluate use of the Facilities by the Parties; and
- (ii) exercise the functions set out in Annexure A

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The agreement will confirm each party's financial responsibilities in relation to the Jerramungup School Pool. At present Council budgets approximately \$28,500 for the ongoing operation of the pool including chemicals, staff and incidental maintenance. This is offset by approximately \$8,000 in income from keys and state government grants.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

1. Endorse the 2010 License Agreement between the Minister for Education and the Shire of Jerramungup to use the Jerramungup School Pool for community recreational purposes during the Shire's authorised times of use.
2. Subject to no substantial changes, authorise the Shire President and Chief Executive Officer to execute the License Agreement.
3. Appoint the Chief Executive Officer, Deputy Chief Executive Officer and Cr _____ to the management committee to undertake the care and management of the facilities as outlined with the license agreement.

OC021018 Moved Cr Bailey / Seconded Cr Iffla

That Council:

1. **Endorse the 2010 License Agreement between the Minister for Education and the Shire of Jerramungup to use the Jerramungup School Pool for community recreational purposes during the Shire's authorised times of use.**
2. **Subject to no substantial changes, authorise the Shire President and Chief Executive Officer to execute the License Agreement.**
3. **Appoint the Chief Executive Officer, Deputy Chief Executive Officer and Cr Barrett to the management committee to undertake the care and management of the facilities as outlined with the license agreement.**

Carried 6/0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.6
SUBJECT:	Purchase of Land Bremer Bay
LOCATION/ADDRESS:	208 McGlade Street Bremer Bay
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	1 February 2010

SUMMARY

Contained within the 2009/10 Annual Budget is an allocation for the Shire of Jerramungup to purchase residential land in Bremer Bay.

In December 2009, the Shire purchased a single residential block for \$85,000. Since this time, another block has become available. The Shire has completed an offer and acceptance for this land. The offer is subject to Council approval.

Council is therefore required to make a decision on this purchase.

ATTACHMENT

Contract for Sale of Land

BACKGROUND

In December 2008, the Elected Group and Executive Team developed a new strategic plan for the period 2009-2014. The development of this plan incorporated a systematic internal and external analysis that resulted in a vision, key focus areas and the broad objectives of the local government being established.

As a part of the strategic planning process, Council identified a number of key projects requiring completion or commencement during the period under assessment. In response to the analysis completed, purchasing residential land in Bremer Bay was included as a key strategic project. This project has been discussed for a number of years and has been identified as a necessity in terms of diversifying the location the Shire's housing stock.

During the 2009/10 Budget deliberations, Council allocated \$200,000 to purchase residential land in Bremer Bay.

The decision to purchase residential land in Bremer Bay was further emphasised in November 2009 when it was included as a Key Performance Indicator for the Chief Executive Officer.

In December 2009, the Shire purchased lot 218 McGlade Close Bremer Bay for \$85,000. This purchased settled on 1 February 2010.

Since this date, another block in McGlade Close has become available. Given the emphasis that has been placed upon the purchase of residential land in Bremer Bay

and the remaining budget allocation, the Shire executed a contract for sale of land subject to a positive resolution of Council at the February Ordinary Council Meeting. The contract for sale of land is \$120,000.

CONSULTATION

Council has been extensively consulted on this matter through the strategic planning process and in setting the Chief Executive Officer's Key Performance Indicators.

COMMENT

The purchase of residential land in Bremer Bay has been identified as a key component to diversifying the Shire's housing stock from a location perspective and to also address the absence of staff housing in Bremer Bay.

As the Shire grows from a development and infrastructure perspective, the requirement to base staff in Bremer Bay will become a necessity from a service delivery and staff attraction perspective. For these reasons, it is recommended that the Shire purchase lot 208 McGlade Close Bremer Bay.

STATUTORY REQUIREMENTS

As the purchase price for this land is significantly below the amount prescribed within the Local Government Act 1995 to define a major land transaction, the application of section 3.59 and the requirement to prepare a business plan for this purchase does not apply.

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;

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

FINANCIAL IMPLICATIONS

Any variance to the original budget will be minimal (less than the required 10% reportable variance). Any variance will be adjusted at the statutory budget review in March 2010.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council, taking into consideration the strategic relevance, 2009/10 budget allocation and key performance indicators set for the Chief Executive Officer, resolve to purchase lot 208 McGlade Street Bremer Bay as presented within the Contract for Sale of Land dated 25 January 2010.

OC021019 Moved Cr Atkin / Seconded Cr Lester

That Council, taking into consideration the strategic relevance, 2009/10 budget allocation and key performance indicators set for the Chief Executive Officer, resolve to purchase lot 208 McGlade Street Bremer Bay as presented within the Contract for Sale of Land dated 25 January 2010.

Carried 6/0

2.30pm Mr Edwards entered the meeting

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.7
SUBJECT:	Bremer Bay Community Development Committee Meeting Minutes
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bev Hatch
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	5 February 2010

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

THAT the minutes of the Bremer Bay Community Development Committee meeting held on Thursday 4th February be received (copy of minutes are included in the Attachments) and the following recommendations be considered:

1. That the Bremer Bay Development Committee be given an opportunity at Council's earliest convenience to present opportunities and constraints for the town centre site and that clarification be given on what the Gray & Lewis plans represent.
2. That Council consider reopening alternate access points from the caravan park.

OC021020 Moved Cr Iffla / Seconded Cr Bailey

1. **That the Bremer Bay Development Committee be given an opportunity at Council's earliest convenience to present opportunities and constraints for the town centre site and that clarification be given on what the Gray & Lewis plans represent.**

Motion Lost 0-6

Reason: Council feels as though the development process and public consultation period proposed is sufficient to deliver a good community outcome and that the BBCDC will have an opportunity to discuss this matter at their next meeting. Members of the public will have the opportunity to make submissions on the proposed development plans for the town centre through the formal and preliminary public consultation period.

Council also advise the public that the current proposal is only for discussion and the final development may differ significantly subject to public consultation period and submissions received.

OC021021 Moved Cr Bailey / Seconded Cr Iffla

- 1. That Council consider reopening alternate access points from the caravan park.**

Motion Lost 0/6

Reason: Council does not support reopening access points from the walk trail to the footpath and request that those areas are revegetated by the lead agency who upgraded the walk trail.

OC021022 Moved Cr Iffla / Seconded Cr Atkin

THAT the minutes of the Bremer Bay Community Development Committee meeting held on Thursday 4th February be received.

Carried 6/0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.8
SUBJECT:	Annual Meeting of Electors Minutes
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	Nil
AUTHOR:	Charmaine Solomon
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	9 February 2010

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Minutes of the Annual Meeting of Electors held on 3rd February 2010 (copy contained within agenda attachments) be received.

OC021023 Moved Cr Barrett / Seconded Cr Bailey

That the Minutes of the Annual Meeting of Electors held on 3rd February 2010 (copy contained within agenda attachments) be received.

Carried 6/0

COUNCILLOR REPORTS

11. **COUNCILLOR REPORTS**

Cr Barrett

Attended a Annual Meeting of Electors

Cr Iffla

Attended the Opening of the Doctor's House

Attended a Annual Meeting of Electors

Attended the Australia Day Breakfast

Attended a FOWEG Meeting

Attended a BBCDC Meeting

Cr Bailey

Attended the Australia Day Breakfast

Attended a Annual Meeting of Electors

Attended a meeting on Structural Reform

Cr Atkin

Attended a Telecentre Committee meeting

Cr Trevaskis

Attended the Opening of the Doctor's House

Attended a Annual Meeting of Electors

Attended the Australia Day Breakfast

Attended a BBCDC Meeting

Attended a Regional Road Group Meeting

Attended a meeting on Structural reform

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

12.1 From Officers

12.2 From Elected Members

Cr Barrett requested that we nominate delegates for the committees former Cr Williams was involved in.

Mr Parker responded that the issue would be raised at the March 2010 Ordinary Meeting of Council.

Cr Trevaskis noted all community projects on Council's reserve land which isn't subject to a formal lease requires a maintenance fund to be forwarded to Council to be held in trust for asset management purposes.

The Executive Manager of Infrastructure Services will present an item to Council at the March meeting to formalise a policy in this manner.

13. NEXT MEETING/S

13.1 Ordinary Meeting – 16th March 2010 to be held at the Council Chambers, Jerramungup.

14. CLOSURE

The President declared the meeting closed at 2.50pm.