

SHIRE OF JERRAMUNGUP



MINUTES

COUNCIL ORDINARY MEETING

15th December 2009

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SHIRE OF JERRAMUNGUP

ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS,
JERRAMUNGUP ON TUESDAY 15TH DECEMBER 2009, COMMENCING AT
10.30AM.

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

The President declared the meeting open at 10.30 am.

2. **RECORD OF ATTENDANCE**

Cr B Trevaskis	President
Cr W Bailey	Deputy President
Cr T Barrett	Member
Cr C Hobbs	Member
Cr R Williams	Member
Cr J Iffla	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 Ross Williamson
Mrs Tara Pittard

3. **APOLOGIES**

Nil

4. **LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

5. **PUBLIC QUESTION TIME**

Nil

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

OC120901 Moved Cr Iffla/Seconded Cr Williams

Cr Hobbs applied for leave of absence for the February 2010 Ordinary Meeting of Council.

Carried 7/0

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

Mr Ross Williamson spoke on behalf of his application lodged for a proposed subdivision Lot 109 Mary Street, Bremer Bay.

Mr Williamson referred to the report 10.3.3 prepared by the Shire's Planning Consultant stating that the application is inconsistent with current and future zoning and has recommended that Council refuse the application based on this and the outstanding Urban Water Management Plan.

Mr Williamson stated his subdivision application could be supported by Council irrespective of the zoning and that it was not an application for dual coding.

Cr Trevaskis noted that a uniform structured approach is needed to consider any subdivision application and that Council would consider Mr Williamson's comments when considering the item.

8. DECLARATIONS OF FINANCIAL INTEREST

Cr Iffla declared an impartiality interest in Item 10.4.4. The nature of the interest is the nominee is an extended family member.

Cr Williams declared an impartiality interest in Item 10.4.4. The nature of the interest is the nominee is an extended family member.

Cr Hobbs declared an impartiality interest in Item 10.4.7. The nature of the interest is she is being nominated to be a member of the Bremer Bay Community Development Committee.

9. CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting of 17th November 2009

OC120902 Moved Cr Iffla / Seconded Cr Williams

That the Minutes of the Ordinary Meeting of Council held 17th November 2009 be confirmed.

Carried 7/0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.3
SUBJECT:	Proposed subdivision – Lot 109 Mary Street, Bremer Bay
LOCATION/ADDRESS:	as above
NAME OF APPLICANT:	Civil Technology for Anglo Estates 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:	4 December 2009

SUMMARY

A subdivision application has been lodged for Lot 109 Mary Street, Bremer Bay – refer Attachment A.

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

It is recommended that Council resolve to recommend that the Western Australian Planning Commission refuse the application.

ATTACHMENT

Confidential Attachment A – Current Subdivision Plan
Confidential Attachment B - Previous subdivision application WAPC 140134 (subject to SAT review)

BACKGROUND

- ***Current Zoning***

A north / north east triangular portion Lot 109 is currently zoned 'R2/15' and the bulk of the lot (southern portion) is zoned 'Rural Residential 2' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme').

The minimum lot size under the base coding of 'Residential R2' is 5000m². For the 'Rural Residential' zone a Subdivision Guide Plan is required to guide future subdivision.

Any subdivision proceeding under the current zoning has potential to prejudice future planning for the area (as proposed under Amendment 3), and could cause conflict between the 'Residential 2' zone and 'Rural Residential' zone.

The proposed subdivision traverses the two existing zonings.

- ***Proposed Zoning – Amendment 3 (May meeting)***

Council adopted Amendment 3 for final approval at its meeting held on 19 May 2009.

The amendment proposes to re-classify a portion of Lot 109 Bremer Bay Road, Bremer Bay from 'Rural Residential Zone', 'Residential R2/15' zone and 'Recreation and Open Space' local scheme to 'Residential Development' zone and 'Recreation and Open Space' local scheme reserve. It also proposes to re-classify Lot 9000 Goorie Way, Bremer Bay from 'Residential R2/15' zone to 'Residential Development'.

Council resolved not to adopt an Outline Development Plan as part of the amendment as:

1. The Department of Water recommended that an Urban Water Management Plan be compiled. These generally deal with drainage and can have an impact on subdivision design.
2. Max Wellstead had lodged a submission and photographs on Amendment 3 outlining concerns over drainage in the area.

The Outline Development Plan will require separate formal adoption by both the Shire and Western Australian Planning Commission (WAPC) under the proposed Amendment 3 scheme provisions.

- ***Previous subdivision application for southern portion of lot – WAPC: 140134 (August meeting)***

A subdivision application for this the southern portion of this lot was considered by Council at its meeting held on the 18 August 2009 (Item 10.3.4).

Council resolved to note the subdivision application (WAPC: 140134) however advise the WAPC and applicant (Williamson Brothers Property Pty Ltd) that;

- 1. There is currently no approved Outline Development Plan with accompanying Urban Water Management Plan, therefore Council is unfortunately not in a position to support the application at this time. Due to drainage issues an Urban Water Management Plan needs to be compiled 'up front' as it may impact on design and has been recommended by the Department of Water.*
- 2. Subsequent to lodgement of a submission by the Department of Water on Amendment 3, Planwest had been advised that an Outline Development Plan for Lot 109 and 9000 Goorie Way still requires separate approval and should be accompanied by an Urban Water Management Plan. Once and ODP has been adopted by Council, then it will be able to provide a recommendation to WAPC on the subdivision application'.*

A copy of the subdivision plan is included as Attachment B.

- ***Appeal to State Administrative Tribunal on previous subdivision for southern portion of lot – WAPC : 140134***

The Western Australian Planning Commission has 90 days in which to determine a subdivision application.

If an application has not been determined within 90 days, then the applicant can choose to take the 'non decision' as a 'deemed refusal', which activates a right of appeal to the State Administrative Tribunal (SAT).

The WAPC was unable to determine the previous subdivision application (WAPC: 140134) as it was substantially premature as:

1. Amendment 3 is still being assessed by the WAPC and requires Ministerial approval. The WAPC cannot issue a subdivision approval as that would be pre-empting the Minister's decision.
2. An Urban Water Management Plan and Outline Development Plan for the area needs to be supported by both the Council and the Western Australian Planning Commission as a basis for subdivision. To date neither document has been lodged as requested by the Shire.

Even though the subdivision application (WAPC:140134) was premature, the applicant still has a right of appeal and has lodged an application to SAT.

The WAPC will be the respondent for the subdivision appeal however Council Officers (and Gray & Lewis) will also need to participate in mediation sessions to represent the Shire (as the main recommending authority).

The lodgement of a SAT application is disappointing as it will require resources to be expended by the WAPC and Shire. Gray & Lewis is attending a mediation session in January 2010 at the Perth SAT office. It is likely that a separate future report on the SAT review will be forwarded to a future Council meeting next year.

CONSULTATION

- ***Liaison on Amendment 3***

The owner and the planning consultant have been advised on a number of occasions that an Urban Water Management Plan and Outline Development Plan needs to be progressed prior to subdivision.

Gray & Lewis were recently contacted by Wood Grieves Engineers and it is understood that they are progressing a Water Management Strategy and liaising with the Department of Water. Several issues have arisen at this juncture it is likely that the WAPC will require amendment to the proposed zoning plan (to increase the public one space area) and the Draft Outline Development Plan will require modifications.

- ***Consultation on current subdivision application***

The WAPC has referred the application to the Shire for comment along with other authorities including Western Power, Water Corporation, Telstra, Department of Water, Department of Industry and Resources, Ministry of Education, Fire and Emergency Services Authority, and Health Department of WA.

Comments to the WAPC have been requested by 23 December 2009.

COMMENT

- ***Description of application***

The application proposes 20 lots ranging from 4010m² to 6650m² concentrated on the northern portion of the lot, with a balance lot area of 35.2 hectares remaining to the south (Attachment A).

The application includes smaller lots 'dotted in' within the larger lot area indicating an intent for more intensive residential subdivision to occur in the future.

- ***Comment on proposed design approach***

The applicant's approach to create large lots initially with the intention to allow for further future residential subdivision at a later date is not supported, and is contrary to Council's direction to the applicant that it wanted this area to be developed at a 'flat' density code.

When the Shire was first approached regarding Amendment 3 (in 2007) a similar design approach was proposed and was not support by Council. Council did not initiate the amendment as it did not support this 'staged' incremental subdivision pattern like that which has occurred to the immediate east.

Council made it clear in dealing with Amendment 3 that (i) it was not supportive of allowing a flexible coded area (similar to adjacent land to the east) or (ii) large lots which would be 'incrementally' subdivided further as sewer became available (Item 11.3.4 – OCM September 2007).

Amendment 3 was only initiated by Council once the applicant lodged an amended proposal for an R5 flat density code, and then a 'Residential Development' zone was agreed to as it was preferred by the WAPC.

In this subdivision the owners are attempting to revisit past issues and are seeking an approach which Council has previously not supported.

- ***Process / Recommendation***

In dealing with the first subdivision application (WAPC: 140134) Gray & Lewis recommended that determination be deferred (which was reasonably generous to the applicant given that the land hasn't actually been re-zoned).

The same approach is not recommended in this case as it is not considered appropriate to encourage the owners to continue to lodge premature subdivision applications (and possibly further SAT appeals) for this land. Gray & Lewis consider that these applications are tying up Council resources which can be better expended on strategic planning issues.

The basic orderly and proper planning process involves:

1. The land to be rezoned. Amendment 3 has not been finalised and it is likely to require modifications.
2. An Outline Development Plan (with the Urban Water Management Strategy) to be substantially progressed to the point that it can be endorsed by the Shire (as a basis for future subdivision and to address drainage). WAPC has indicated concerns over on site effluent and the need for winter on site testing.

3. A subdivision application to be lodged. This would normally occur after rezoning and adoption of an ODP by the WAPC. If the amendment and ODP is substantially progressed then it may be appropriate for a subdivision application to be lodged (which is not the case for this land).

Accordingly it is recommended that Council recommend that the WAPC refuse the application. It is also recommended that the applicant and owner be advised that Council does not support a subdivision design that allows for ad hoc incremental future subdivision (akin to that of a flexible code) which was clearly outlined when Council was initially approached with Amendment 3, and it would only be prepared to consider a subdivision application that conforms with a substantially progressed Outline Development Plan endorsed by the Shire.

It is also recommended that the WAPC determine the application within the statutory 90 day time period so if another SAT application is lodged, there are reasons for the decision explained in a formal refusal letter.

STATUTORY REQUIREMENTS

Amendment 3

Once initiated, all amendments must be referred to the WAPC for final endorsement and require approval from the Minister for Planning. Until an amendment is approved by the Minister the final scheme provisions for this land are not known (as he may require modifications).

As Amendment 3 has been substantially progressed it is appropriate that Council have high regard for the proposed zoning as well as the existing zoning under the Scheme.

Right of Appeal

If the WAPC does not determine the application within 90 days (unless otherwise agreed to in writing with the applicant) then the applicant has a right to lodge an application for review of a 'deemed refusal' to the State Administrative Tribunal. If WAPC refuse the application then the applicant also has right of appeal within 28 days of the decision letter.

STRATEGIC IMPLICATIONS

In the longer term Council may consider updating its Planning Strategy to reflect the amendment once approved.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Write to the Western Australian Planning Commission and recommend that the subdivision application (WAPC 140924) lodged by Civil Technology on behalf of Anglo Estates Pty Ltd be refused for the following reasons:
 - (i) The application traverses an existing 'Residential R2/15' zone and 'Rural Residential 2' zone. Any subdivision proceeding under the current zoning has potential to prejudice future planning for the area (as proposed under Amendment 3), and could cause landuse conflict between the 'Residential 2' zone and 'Rural Residential' zone. In addition a Subdivision Guide Plan is required for the 'Rural Residential' zone (under Clause 5.25.2 (b), and the Shires planning consultants are not aware of any existing approved SGP that covers the entire lot area.
 - (ii) Amendment 3 has substantially progressed to the point where it should be given high regard in assessing any subdivision proposal, and approval of this application could prejudice future planning for residential development. In dealing with Amendment 3 several issues have been identified such as drainage.
 - (iii) Council does not support large lot subdivision which will allow for future ad hoc incremental residential infill (as indicated in the 'dotted' lines on the subdivision plan). This issue was already considered when Council was first approached with Amendment 3 in 2007 and their concern over issues such as:
 - The creating lot sizes with future subdivision potential will cause an unrealistic expectation for future landowners especially where there are issues such as timing for water and sewer availability.
 - Whilst a R15 overlay plan can be provided, there is concern how future subdivision would realistically be implemented (e.g. services).
 - There is potential for future conflict as some landowners may want to subdivide in the long term and others may buy larger lots for lifestyle reasons.
 - There is no certainty or protection of amenity for landowners who purchase larger lots for lifestyle reasons as they may ultimately be surrounded by smaller R15 development.
 - An undesirable streetscape pattern may emerge if some of the lots remain at R5 and others are subdivided at R15.
 - The applicant discusses the possibility of R15 future subdivision, however Council may also be faced with a series of R15 'grouped dwelling' applications (i.e. strata development at R15 density off the existing roads without further 'green title' subdivision. Sewerage would be required).
2. Write to the applicant (Civil Technology) and advise them of the Council decision.

3. Write to the owner (Anglo Estates Pty Ltd) and;
- Advise of the Council decision and provide a copy of the minutes and;
 - Advise that whilst the Shire will assist to facilitate reasonable planned subdivision that undergoes the normal proper planning process, it does not support the design approach under this application.

Council does not support a subdivision design that allow for ad hoc incremental future subdivision (akin to that of a flexible code) which was clearly outlined when Council was initially approached with Amendment 3, and it would only be prepared to consider a subdivision application that conforms with a substantially progressed Outline Development Plan endorsed by the Shire.

Council did not initiate the first version of Amendment 3 in 2007 as it did not support a 'staged' incremental subdivision pattern like that which has occurred to the immediate east.

OC120903 Moved Cr Barrett/ Seconded Cr Bailey

The Council lay the matter on the table until the February 2010 Ordinary Meeting of Council.

Carried 7/0

Reason for Variation: 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.

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:	2 December 2009

CONSTRUCTION

The 2009 / 2010 Road Construction and Flood Damage Programme is temporarily suspended while attention is focused on maintaining roads through the harvest period and preparing for the Christmas at Bremer Bay.

MAINTENANCE

Generally roads have coped satisfactorily to date during harvest although some of the usual, heavier trafficked roads are beginning to require attention. During November maintenance was undertaken on:

Bowra Road	Boxwood- Borden Road	Boxwood-Ongerup Road
Bremer Bay Road	Bremer Bay Streets	Brook Road
Brown Road	Buck Street	Cameron Road
Cardinniniup Road	Carlawillup Road	Carlawillup South Road
Carney Road	Circuit Road	Corackerup Road
Cowellelup Road	Derrick Street	Devils Creek Road
Diagonal Road	Dingo Road	Doubtful Island Road
Exchange Road	Fitzgerald Road	Frantom Way
Gairdner South Road	George Street	Jacup North Road
Jerramungup North Road	Kokoda Road	Lancaster Road
Mallee Road	Marnigarup Road	Marnigarup South Road
Marnigarup West Road	Meechi Road	Memorial Road
Middamidjup Road	Millers Point Road	Monjebup Road
Monkey Rock Road	Needilup North Road	Perron Road
Point Henry Road	Rabbit Proof Fence Road	Reid Road
Short Beach Road	South Coast Hwy	Swamp Road
Taidia Road	Tobruk Road	Vasey Street
Wellstead Road	White Road	

RECOMMENDATION

That the Works Report be received.

OC120904 Moved Cr Barrett / Seconded Cr Williams

That the Works Report be received.

Carried 7/0

10.45 am Mr Ross Williamson and Mrs Tara Pittard left the meeting.

SUBMISSION TO:	Works
AGENDA REFERENCE:	10.1.2
SUBJECT:	Resting Place, Jacup
LOCATION/ADDRESS:	Reserve 1028 South Coast Highway
NAME OF APPLICANT:	N/A
FILE REFERENCE:	10.13
AUTHOR:	Graham Edwards
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	2 December 2009

SUMMARY

The purpose of the report is to consider the future of facilities provided at Reserve 1028, which is approximately 35km east of Jerramungup, with the designated purpose of "Resting Place".

ATTACHMENT

Attached are:

1. A plan of Reserve 1028.
2. An aerial photograph showing the extent of the resting place in relation to the South Coast Highway road reserve.
3. Details of Reserve 1028 status.
4. Photographs of facilities at the resting place.

BACKGROUND

Reserve 1028 "Resting Place" is located at Jacup, on the northern side of South Coast Highway, approximately 35 km east of Jerramungup and 900 metres west of the Fitzgerald River. It straddles the boundary, to be partly on the road reserve and partly on the south western corner of Reserve 1028, which is a 240 hectare area of unallocated crown land (UCL).

The resting place is well used for short term camping and facilities include:

1. Trafficable hard stand areas, rubbish bins and picnic tables, which have been provided and are maintained by Main Roads Western Australia.
2. A toilet, swing, gas barbeque and information board, which were installed some years ago by the Jerramungup Lions Club.

Maintenance of the toilet is occasionally undertaken by the Shire of Jerramungup but no regular servicing is provided.

CONSULTATION

Background information was obtained from:

1. Main Roads Great Southern, which advised that resting places were provided to assist drivers with fatigue management but didn't usually include toilets or barbecues to accommodate camping.

The Jacup site is however a popular rest area, which is nominated as a campsite in various traveller publications. Although not to the preferred Main Roads standard, it might be prudent to retain a toilet and perhaps a barbecue to discourage the lighting of open fires.

Main Roads would be prepared to discuss a maintenance arrangement with the Shire of Jerramungup.

2. Mrs Linda Deegan representing the Jerramungup Lions Club, who advised that the facilities were installed on behalf of the Fitzgerald Progress Association, to acquit grant funding obtained for the purpose.

The Lions Club did not commit to routine servicing or continuing maintenance at that time.

COMMENT

Technically the rest area is not a responsibility of the Shire of Jerramungup, but as the land managers responsibility rests with Main Roads WA and State Land Services.

As the Shire of Jerramungup does not have management of the land, it therefore has a limited influence regarding use of the site as a resting or short term camping place.

Regardless of management tenure however, the information board promotes the Jerramungup Shire as an area of interest and a plaque acknowledges the contribution made by the Jerramungup Lions Club. This creates a public perception that the Shire of Jerramungup is responsible for the rest area.

It might then be assumed that travellers could form a positive or negative impression about the Jerramungup Shire when stopping at the site.

Complaints are relatively infrequent, but they are commonly from travellers and usually scathing about the condition of the toilet. Additionally:

1. The barbecue is vandalised and inoperable.
2. The sign and information board require maintenance.

Alternatively, although updating is required, the information display is at a popular location, presents the attractions of the district positively and promotes the towns of Jerramungup and Bremer Bay.

Considerations for the Council include assessing the significance of:

1. Seeking management orders in favour of the Shire of Jerramungup for Reserve 1028 versus maintaining the existing land tenure.
2. Providing facilities, which might encourage camping at the site to the detriment of commercial accommodation at Jerramungup against the benefits which might be achieved from promoting the district.
3. The negative impact on Jerramungup from minimally serviced and maintained facilities, which are perceived to be the responsibility of the Shire of Jerramungup, versus the positive image from regularly serviced and well maintained facilities.

The issues are not urgent but it is suggested that commencing 1 July 2010:

1. The Shire of Jerramungup accepts responsibility for the facilities at Reserve 1028, other than those which are routinely maintained by Main Roads WA.
2. Whilst not to preferred standards, the toilet is repaired and serviced weekly.
3. The information bay is maintained and the display updated.
4. The swing is maintained whilst serviceable and low risk, but removed thereafter.
5. The barbeque is removed.
6. Main Roads is consulted with regard to the establishing of a co-operative arrangement for maintaining and servicing facilities at the site.

STATUTORY REQUIREMENTS

The Land Administration Act 1997 will apply, should the Council seek management orders in favour of the Shire of Jerramungup, for Reserve 1028.

STRATEGIC IMPLICATIONS

The following associations can be drawn with the Shire of Jerramungup's 2009-2014 Strategic Plan.

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

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

1. *Recognising our heritage and the contributions that war settlement and indigenous people have made to the community.*

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:

1. *Supporting a range of community services that enhances the community fabric.*
2. *Working in partnership with key agencies to deliver environmentally responsible services.*

FINANCIAL IMPLICATIONS

There is no specific budgetary allocation for the servicing and maintaining of facilities at Reserve 1028 and as they arise, expenses are currently absorbed into reserve operating budgets.

It is estimated that approximately \$5,000 will be required for maintenance to the toilet, swing and information bay and that servicing will cost approximately \$3,000 annually.

Part of the servicing cost is already being incurred by the Shire of Jerramungup and Main Roads WA might contribute towards the expenses.

It is suggested that maintenance and regular servicing commences following a budgetary allocation in the 2010 / 2011 financial year.

POLICY IMPLICATIONS

There are no policy implications from this matter.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That consideration is given in the 2010 / 2011 budget to the allocation of \$8,000 for the maintenance and servicing of facilities at the Reserve 1028 "Resting Place" at Jacup with:

1. The Shire of Jerramungup to accept responsibility for the facilities at Reserve 1028 Jacup, other than those facilities which are routinely maintained by Main Roads WA.
2. The toilet to be repaired and serviced weekly.
3. The information bay to receive preservation maintenance and the display updated.
4. The swing to be maintained whilst serviceable, but removed thereafter.
5. The barbeque to be removed.

6. Main Roads to be consulted about establishing a co-operative arrangement for the future maintaining and servicing of facilities at the site.

OC120905 Moved Cr Hobbs / Seconded Cr Bailey

1) That the Shire rationalise all infrastructure at Reserve 1028 “resting place” and advise the Jerramungup Lions Club and Main Roads WA that the Shire is relinquishing its implied responsibility for the rest area to encourage travellers to stop in the Jerramungup townsite and mitigate safety concerns associated with the facilities.

2) That the Shire write to caravan and camping publications citing the rest area as a rest stop with toilets and camping facilities and advise them that the facilities have been removed.

Carried 7/0

Reason for Variation: Council felt it was more appropriate to rationalise the facilities rather than continue with an ongoing maintenance burden.

11.00 am Mrs Tara Pittard re-entered the meeting.

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:	7 th December 2009

ATTACHMENT

BACKGROUND

FUND	VOUCHERS	AMOUNTS
Municipal Account	25888	Last cheque used
	EFT2687 – EFT2765	\$470,136.60
	EFT2766	Cancelled
	EFT2767-2773	\$99,294.78
	25830-25833	\$1,014.98
	25834	Cancelled
	25835-25842	\$7,131.22
	25843-25844	Cancelled
	25845-24847	\$471.54
	25848	Cancelled
	25849-25888	\$112,807.56
	Direct Debits	\$57,923.05
	Municipal Account Total	\$748,779.73
	GRAND TOTAL	\$748,779.73

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 \$748,779.73 which was submitted to the Full Council on 15th December 2009 be endorsed.

SIGNATURES

Author

Chief Executive Officer

OC120906 Moved Cr Williams / Seconded Cr Barrett

That the schedule of direct debits and accounts payable, totalling \$748,779.73 which was submitted to the Full Council on 15th December 2009 be endorsed.

SIGNATURES

Author

Chief Executive Officer

Carried 7/0

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 December 2009

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 30 November 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 expenditure.

A recommendation is included this month for the removal of Job – MR1 being the sealing of roads to Point Anne following confirmation from MRWA that this project will not proceed this financial year.

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

Absolute Majority.

RECOMMENDATION

- 1) That Council receive the Monthly Financial Report for the period ending 30 November 2009 in accordance with Section 6.4 of the Local Government Act 1995.
- 2) That Council resolve to amend the 2009/2010 annual budget and withdraw job MR1 - \$1,750,000 and corresponding grant income \$1,750,000

OC120907 Moved Cr Iffla / Seconded Cr Bailey

- 1) That Council receive the Monthly Financial Report for the period ending 30 November 2009 in accordance with Section 6.4 of the Local Government Act 1995.
- 2) That Council resolve to amend the 2009/2010 annual budget and withdraw job MR1 - \$1,750,000 and corresponding grant income \$1,750,000

Carried by Absolute Majority 7/0

**HEALTH,
BUILDING
&
TOWN PLANNING**

SUBMISSION TO: Health, Building and Town Planning
AGENDA REFERENCE: 10.3.1
SUBJECT: Proposed subdivision – Lot 811 Barnes Drive, Bremer Bay
LOCATION/ADDRESS: As above
NAME OF APPLICANT: 35 Degrees South on behalf of Value Plus Trading Pty Ltd (owner)
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: 4 December 2009

SUMMARY

A subdivision application has been lodged for Lot 811 Barnes Drive, Bremer Bay to create two lots of 2648m² respectively.

The land is subject to a flexible 'R2/15' code, and any subdivision above the base code of R2 requires connection to sewer. The proposed subdivision into 2 lots does not comply with the base R5 lot sizes (5000m²) therefore refusal is recommended.

ATTACHMENT

Attachment A - Subdivision Plan

BACKGROUND

- **Current Zoning**

The property is zoned 'Residential R2/15' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme'). The 'R-Code' applicable simply dictates the minimum/ average lot size and site requirements.

At the base coding of 'Residential R2' the minimum lot size is 5000m².

Council has discretion to support subdivision up to a maximum density of 'Residential R15' subject to all new lots being connected to reticulated sewer (Clause 5.3(c) of the Scheme).

CONSULTATION

The WAPC has referred the application to the Shire for comment along with other authorities including Western Power and the Water Corporation.

Comments to the WAPC have been requested by 1 January 2010.

COMMENT

The application proposes two 2648m² lots. The southern lot would have direct road access to Barnes Drive and the northern lot would have access from a right of way.

The existing subdivision of the area has been created at the base code (R5 – 5000m² required per dwelling), and any further subdivision to create any lots less than 5000m² cannot be supported without a demonstrated sewer connection.

The applicant has not demonstrated that they can connect to sewer. It is highly likely that they propose on site effluent disposal as it would unlikely be cost effective or feasible to provide sewer for large lots.

In addition to the above, there is a general expectation that this area will be developed into residential lots so ultimately there will be a consistent subdivision pattern.

The application does not comply with the base coding, cannot be supported without sewer and accordingly refusal is recommended.

STATUTORY REQUIREMENTS

Shire of Jerramungup Local Planning Scheme No 2

Clause 5.3 (c) of the Scheme requires '*Land in the Residential zone in the Bremer Bay townsite with R2/15 density code is not to be developed to a density greater than R2 unless reticulated sewerage is provided to the land in which development may be permitted up to a maximum of R15*'.

Right of Appeal

If the WAPC does not determine the application within 90 days (unless otherwise agreed to in writing with the applicant) then the applicant has a right to lodge an application for review of a 'deemed refusal' to the State Administrative Tribunal. If WAPC refuse the application then the applicant also has a right of appeal within 28 days of the decision letter.

STRATEGIC IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

N/A.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Write to the Western Australian Planning Commission and recommend that the subdivision application (WAPC: 141026) lodged by 35 Degrees South on behalf of Value Plus Trading Pty Ltd be refused for the following reasons;
 - (i) The property is zoned 'Residential R2/15' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme').

The existing subdivision of the area has been created at the base code (R5 – 5000m² required per dwelling), and any further subdivision to create any lots less than 5000m² cannot be supported without a demonstrated sewer connection.
 - (ii) The application proposes lot sizes substantially below the 5000m² minimum permissible under the base code of 'Residential R2'.
 - (iii) Subdivision of this nature is inconsistent with the ultimate planned R15 density future infill which is subject to connection to sewer. There is concern that any support for larger lot subdivision with effluent disposal would set an undesirable precedent for similar proposals in the immediate locality, and result in an undesirable streetscape and ad hoc lot pattern.
2. Write to the applicant (35 Degrees South) and owner (Value Plus Trading Pty Ltd) and advise them of the Council decision, however that they should note that the final determination will be undertaken by the WAPC.

OC120908 Moved Cr Iffla / Seconded Cr Bailey

That Council;

1. Write to the Western Australian Planning Commission and recommend that the subdivision application (WAPC: 141026) lodged by 35 Degrees South on behalf of Value Plus Trading Pty Ltd be refused for the following reasons;
 - (i) The property is zoned 'Residential R2/15' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme').

The existing subdivision of the area has been created at the base code (R5 – 5000m² required per dwelling), and any further subdivision to create any lots less than 5000m² cannot be supported without a demonstrated sewer connection.
 - (ii) The application proposes lot sizes substantially below the 5000m² minimum permissible under the base code of 'Residential R2'.
 - (iii) Subdivision of this nature is inconsistent with the ultimate planned R15 density future infill which is subject to connection to sewer. There is concern that any support for larger lot subdivision with effluent disposal

would set an undesirable precedent for similar proposals in the immediate locality, and result in an undesirable streetscape and ad hoc lot pattern.

2. Write to the applicant (35 Degrees South) and owner (Value Plus Trading Pty Ltd) and advise them of the Council decision, however that they should note that the final determination will be undertaken by the WAPC.

Carried 7/0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.2
SUBJECT:	Proposed verandah / awning addition to existing building and relocated and new advertising signs
LOCATION/ADDRESS:	Lot 21 (no. 4) Tobruk Road, Jerramungup
NAME OF APPLICANT:	Maureen Prior
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:	4 December 2009

BACKGROUND

An application has been lodged for a new awning / verandah and signage for an existing building known as 'Tobruk Traders' located on Lot 21 Tobruk Road, Jerramungup.

This report recommends that the application be approved subject to conditions.

ATTACHMENT

Confidential Attachment A – site plan
Attachment B – Photographs

BACKGROUND

Site Description

Lot 21 is located on the corner of Tobruk Road and Mooreshead Street Jerramungup.

The site contains an existing brick building used as cafe, newsagency and petrol station.

Zoning

The lot is zoned 'Light Industry' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme').

COMMENT

Application

An application has been lodged for an addition to the existing building and signage as summarised below;

- The applicant advises that the awning will measure 2.6 metres by 6.8 metres and is proposed to be attached to the front of the existing building.

- The applicant has advised that the structure is steel with a hard canvas roof. It appears that the awning is currently attached to another shop and will be brought to the site, and they have indicated that it will be extended over the front door as they state that *'I propose to have a further awning the width of the original ramp to go over the main door to finish it all off'*.
- The awning will necessitate changes to the existing sign locations on the front facade. The existing 'Tobruk Traders' sign which measures 1.2 metres by 4.2 metres is proposed to be moved to the east, as is the existing 'West Australian' sign. The applicant has shown the sign relocation on a photograph – refer Attachment B.
- The applicant proposes a new sign on the western portion of the building facade above the new awning for 'havealook'. The sign would measure 0.75 metres by 4 metres. The position is indicated in Attachment B.

Scheme Requirements

Under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme'), there are specific site requirements for the 'Light Industry' zone.

A front setback of 7.5 metres applies and it appears that the awning complies (if the scale on the plan is correct).

The Scheme also has requirements for landscaping etc however as the building is existing Gray & Lewis has only assessed the new proposed development, and is not privy to any existing planning approvals or conditions.

Proposed Awning

It appears that a portion of the proposed awning will encroach into the existing bitumen area directly in front of the building. As cars likely drive past and through this area to gain access to the petrol bowsers on site, it is recommended that a condition be imposed requiring bollards at each 'corner' of the awning for safety – refer to notes on site plan.

This will avoid a situation where the awning could collapse if hit by a car, as there is no kerbing or visual delineation on site between the bitumen paving and the front section of the underneath of the awning.

It does not appear that the awning will adversely impact on the provision of parking on site.

Proposed Signage

Local Planning No 4 – Advertising Signs has guidelines for different types of signage. All of the signs on the facade would be classified as 'wall signs' under the Policy.

Under the Policy it allows a maximum aggregate area of 8m² for the sign face areas, however Council has the ability to approve greater sign areas if there is an overall sign strategy approved for the site.

The aggregate wall sign area exceeds the Policy Guidelines of 8m² as the combined areas of the 'Tobruk' sign and the new 'Have a Look' sign is 8.04m², and this does include the 'West Australian' sign for which no dimensions has been provided.

Council can approve the application as an 'overall sign strategy' which is recommended as;

- The aggregate areas only marginally exceed the aggregate guidelines under the Policy
- Two of the signs are existing and were constructed prior to the Policy becoming effective.
- Gray & Lewis does not consider that the new sign will not have a detrimental visual impact.

Gray & Lewis would be concerned over any proposed additional signs in the future and recommends that if Council supports the applicant, the applicant be advised that it is unlikely that any future additional wall signs will be supported.

Aesthetics

The existing building is relatively plain and has no substantial architectural features. Aesthetics are subjective however the proposed awning may assist to provide some articulation and interest to the front facade.

The applicant has lodged a photograph of the awning attached to another shop building. The awning looks aesthetically pleasing in the photograph largely because it ties in with the building which is painted cream to match the awning roof. It is recommended that a footnote be included on any approval to encourage the applicant to consider painting the building facade cream to improve its street appeal and tie in with the proposed awning colour.

Conclusion

The application is supported subject to conditions.

STRATEGIC IMPLICATIONS

Nil.

STATUTORY REQUIREMENTS

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

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Local Planning Policy No 4 – Advertising Signs

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Approve the application lodged by Maureen Prior an addition (awning / veranda) to the existing building and relocated and new signs subject to the following conditions;
 - (i) Bollards are to be erected by the owner at each outer corner pole of the proposed awning/ verandah structure as part of its construction for vehicle safety.
2. Advise the applicant in footnotes on the planning approval that;
 - (a) Planning approval is not consent for site works or construction. A building licence is required prior to any commencement of works.
 - (b) Council would encourage the applicant to consider painting the building facade cream to improve its street appeal and tie in with the proposed awning colour. The photograph provided of the awning tied in the with the building largely because it was painted cream so the two structures had common elements.

OC120909 Moved Cr Williams / Seconded Cr Atkin

That Council;

1. Approve the application lodged by Maureen Prior an addition (awning / veranda) to the existing building and relocated and new signs subject to the following conditions;
 - (i) Bollards are to be erected by the owner at each outer corner pole of the proposed awning/ verandah structure as part of its construction for vehicle safety.
2. Advise the applicant in footnotes on the planning approval that;
 - (a) Planning approval is not consent for site works or construction. A building licence is required prior to any commencement of works.
 - (b) Council would encourage the applicant to consider painting the building facade cream to improve its street appeal and tie in with the proposed awning colour. The photograph provided of the awning tied in the with the building largely because it was painted cream so the two structures had common elements.

Carried 7/0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.4
SUBJECT:	Fire Management Plan and revised Outline Development Plan – Lot 89 Point Henry Road, Bremer Bay
LOCATION/ADDRESS:	As above
NAME OF APPLICANT:	Harley Survey Group
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 December 2009

SUMMARY

Council is to consider an amended Fire Management Plan and Outline Development Plan for Lot 89 Point Henry Road, Bremer Bay. The (original) documents form part of a revised version of the Amendment 4 documents (which has been lodged with the WAPC).

This report recommends that the principles of the amended Fire Management Plan and a revised Outline Development Plan be generally supported. The FMP will need to be further revised to reflect a new ODP lodged on 8 December 2009.

ATTACHMENT

Attachment A	-	Revised Subdivision Guide Plan (original – now superceded)
Attachment B	-	Revised Subdivision Guide Plan (lodged 8 December 2009)
Attachment C	-	Revised Fire Management Plan (plan only) – requires revision to reflect amended ODP
Attachment D	-	Sketch by Gray & Lewis showing issue with building envelopes (based on Attachment A original SGP)
Attachment E	-	Sketch by Gray & Lewis showing new proposal (based on Attachment B revised SGP)

A full copy of the fire management plan is available to Councillors on request.

BACKGROUND

- ***October 2007 (formal initiation)***

Council initiated Amendment 4 to re-zone Lot 89 Point Henry Road from 'Rural' to 'Rural Residential' in October 2007 (refer Item 11.3.5) subject to minor modifications.

- ***August 2008 (final adoption)***

Council adopted Amendment 4 for final approval in August 2008 (refer Item 11.3.3).

- ***Request for Modifications by WAPC***

Amendment 4 was lodged with the Western Australian Planning Commission (WAPC) on 1 October 2008 seeking final approval from the Minister for Planning.

On the 25 March 2009 the WAPC advised that the Minister had decided not to approve the amendment until a number of modifications were made.

Modified documents were lodged however the WAPC has further advised that not all of the modifications were completed to their satisfaction.

In particular they requested changes to the Fire Management Plan to recognise the 'extreme' fire danger and to be prepared 'in consultation with FESA'.

They also requested that the Shires Chief Executive Officer endorse the revised Outline Development Plan. The latter could not be undertaken without this further report to Council as;

1. Whilst the re-zoning was supported the Fire Management Plan was not adopted by Council as part of the amendment.
2. In turn, the ODP was also not adopted by the Shire for final approval.

CONSULTATION

A number of issues arose with the Fire Management Plan for adjacent Lot 400 Wellstead Road which in turn had implications for the Fire Management Plan for Lot 89.

The revised Fire Management Plan was referred to FESA and they have advised that they are satisfied with the amended documents. They have verbally indicated that at subdivision stage, it will be essential to include a southern (secondary) emergency egress consistent with the approach taken for Lot 400.

COMMENT

Fire Management Plan

FESA has provided great assistance in dealing with the Fire Management Plan for adjacent Lot 400 and it is important that the Fire Management Plan for Lot 89 marries with the plans for the lot to the west. The revised Fire Management Plan for Lot 89 now identifies the fire hazard as 'extreme' as requested by WAPC.

Building Protection Zones (BPZ) around each dwelling will need to be provided and will vary according to slope (as outlined in the FMP);

Slope (in degrees)	Building Protection Zone
0-5.....20 metres
5-10.....20 metres
10-15.....25 metres
15-20.....30 metres
Over 20.....40 metres

Importantly a 100 metre hazard separation zone (between proposed buildings to vegetation) was required for adjacent Lot 400, and is also proposed in the amended Fire Management Plan for Lot 89.

The revised Fire Management Plan notes that all lots will have to be maintained in a fuel reduced state (slashed to < 100mm) and that this will have to be *'implemented by the developer at the time of development and then maintained by individual lot owners'*.

In the event that Lot 400 and Lot 89 are developed separately, the plan also acknowledges that a southern second emergency egress will be required.

Council should note that the Shire will play an important role in the FMP implementation as;

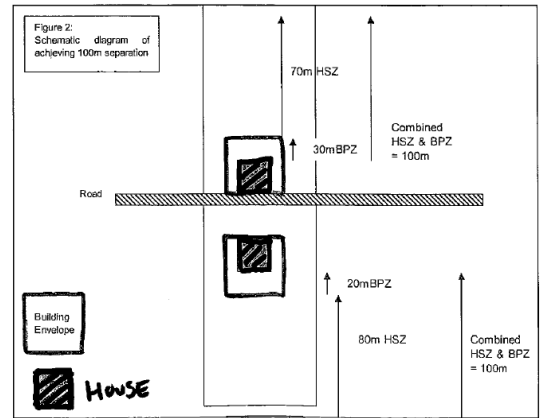
1. At subdivision stage it will be important to ensure that the building envelope is pegged and cleared by the developer, and the HSZ is slashed. This will need to be done prior to the Shire issuing clearance for any subdivision.
2. Clear and concise conditions for fire management will need to be placed on any future subdivision application, similar to those supported by Council for adjacent Lot 400. Gray & Lewis will ensure that this occurs at subdivision stage.
3. The Building Protection zones should be examined at development stage to ensure that new dwellings maintain a 20/ 30 metre BPZ around their entire circumference. To assist with implementation of the BPZ at development stage the applicant has agreed to provide slope details for each lot.

The general objectives and basic requirements of the Fire Management Plan are supported, however the document will need to be amended to reflect a new revised ODP (Attachment B). The modifications required will be minor and it is recommended that Council allow the modified FMP to be dealt with by the Chief Executive Officer under delegated authority.

Outline Development Plan

Gray & Lewis identified some conflict between the original revised ODP (Attachment A) and requirements of the Fire Management Plan as;

- The proposed Scheme provisions require all Building Protection zones to be contained within the building envelope.
- The FMP included a 20 metre Building Protection zone within a number of building envelopes (to form part of a 100 metre HSZ) which would substantially restrict land left for development of a house, water tanks and outbuildings – refer Figure 2 below and a sketch by Gray & Lewis – Attachment D.



Gray & Lewis has liaised with the applicant (Harley Survey Group) to try and resolve this issue expediently (given that the next available Council meeting is February 2010).

The applicant has lodged a second revised ODP (Attachment B) and advised that the changes include;

- Building envelopes have been modified to be 40m by 50m in size and have retained their setbacks required in the scheme provisions.
- The distance to fire source is now 100m to both the north and south from edge of building envelope.
- The Building Protection zone (BPZ) is now just a part of the HSZ and not to be contained in the building envelope – in a similar manner to the neighbouring subdivision
- The overall impact is that the “conservation lot” has reduced in size from 37.9ha to 36.3ha and the lots have moved the equivalent of 20m further north.
- We will liaise with WAPC and advise that a scheme provision will need to change to allow BPZ outside of the building envelope.

In regards to the amended SGP Gray & Lewis advises that;

1. The modified 100 metre Hazard Separation zone which is now fully located outside of the building envelopes is supported.
2. The building envelopes are of a sufficient size, however for them to be developed (depending on where the dwelling is located) they may rely on areas outside of the building envelope for the 20 metre Building Protection zone – refer example sketch by Gray & Lewis in Attachment E.

Conclusion

Council does not have the ability to modify the amendment as it is now in the jurisdiction of the WAPC and Minister for Planning. For the building envelopes to be workable, WAPC (and Minister) will need to agree to allow clearing outside of the building envelopes (for the BPZ).

This approach is supported by Gray & Lewis as a workable solution, and clearing between the envelopes may increase emergency vehicle accessibility and fire safety. The Fire Management Plan will need to be amended to reflect this approach.

It is recognised that allowing further clearing outside of the building envelopes does change the nature of the subdivision, and Council will need to consider whether it supports this approach. The only other option is to reduce the number of lots and increase their size/width, resulting in likely more radical changes to the design.

STATUTORY REQUIREMENTS

Once initiated, all amendments must be referred to the WAPC for final endorsement and require approval from the Minister for Planning. The Minister has already requested modifications to the amendment, however the modifications (to the Fire Management Plan) have had implications on the design.

STRATEGIC IMPLICATIONS

The amendments for Lot 400 Wellstead Road and Lot 89 Point Henry Road have highlighted the complexities that can occur to address fire management as it can impact on design.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

FESA has suggested that the Shire develop a Local Planning Policy on Fire Management Plan requirements to guide future applicants. Having now been involved with the processing of a number of fire management plans, Gray & Lewis can prepare a future policy.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Generally support the principles of the Fire Management Plan however request the applicant to lodge a revised version for separate written approval by the Chief Executive Officer to reflect the modified Outline Development Plan lodged on the 8 December 2009, and clearly show/explain the Building Protection zones for each lot. The FMP should identify any lots that require BPZ exceeding 20 metres so it is clear to future owners, and Figure 2 should show the BPZ around the entire perimeter of dwellings.
2. The applicant be advised to liaise with the WAPC as they may require the Fire Management Plan in Amendment 4 documents to be replaced.
3. Authorise the Chief Executive Officer to endorse (sign) the modified Outline Development Plan (Attachment B) and lodge it with the Western Australian Planning Commission with written advice that;
 - (i) The modified ODP is reliant on a revised Fire Management Plan. A revised FMP will be forwarded by the Shire once it has been lodged by the applicant.
 - (ii) FESA is supportive of the existing Fire Management Plan that forms part of the Amendment 4 documents. Unfortunately the building envelopes

- would be substantially diminished by the combined HSZ and BPZ and would not be able to accommodate development.
- (iii) The applicant has advised that they will liaise with WAPC direct as they propose to utilise areas outside of the building envelopes to implement the Fire Management Plan and accommodate BPZ. Currently Amendment 4 requires the BPZ to be in the building envelope.
4. A copy of this report and all Attachments is to be provided to the WAPC.
 5. In accordance with Clause 11.3.1 of the Shire of Jerramungup Local Planning Scheme No 2 grant delegated authority to the Chief Executive Officer to approve a revised Fire Management Plan (that reflects the revised ODP lodged 8 December 2009).
 6. Advise the applicant that any further modifications to the ODP (if required by the WAPC) will need to be reported to Council.

OC120910 Moved Cr Bailey / Seconded Cr Iffla

That Council;

1. Generally support the principles of the Fire Management Plan however request the applicant to lodge a revised version for separate written approval by the Chief Executive Officer to reflect the modified Outline Development Plan lodged on the 8 December 2009, and clearly show/explain the Building Protection zones for each lot. The FMP should identify any lots that require BPZ exceeding 20 metres so it is clear to future owners, and Figure 2 should show the BPZ around the entire perimeter of dwellings.
2. The applicant be advised to liaise with the WAPC as they may require the Fire Management Plan in Amendment 4 documents to be replaced.
3. Authorise the Chief Executive Officer to endorse (sign) the modified Outline Development Plan (Attachment B) and lodge it with the Western Australian Planning Commission with written advice that;
 - (iv) The modified ODP is reliant on a revised Fire Management Plan. A revised FMP will be forwarded by the Shire once it has been lodged by the applicant.
 - (v) FESA is supportive of the existing Fire Management Plan that forms part of the Amendment 4 documents. Unfortunately the building envelopes would be substantially diminished by the combined HSZ and BPZ and would not be able to accommodate development.
 - (vi) The applicant has advised that they will liaise with WAPC direct as they propose to utilise areas outside of the building envelopes to implement the Fire Management Plan and accommodate BPZ. Currently Amendment 4 requires the BPZ to be in the building envelope.
4. A copy of this report and all Attachments is to be provided to the WAPC.
5. In accordance with Clause 11.3.1 of the Shire of Jerramungup Local Planning Scheme No 2 grant delegated authority to the Chief Executive Officer to approve a revised Fire Management Plan (that reflects the revised ODP lodged 8 December 2009).
6. Advise the applicant that any further modifications to the ODP (if required by the WAPC) will need to be reported to Council.

Carried 7/0

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:	11 November 2009

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

At the November Ordinary Council Meeting, Council resolved to cease negotiations with regard to leasing the Youth Camp until such time as the transportable buildings were removed and the toilet facility repaired to the Shires satisfaction.

A tender for the purchase and removal of the transportable buildings will be presented to Council at this meeting.

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.

This land transaction and subsequent business plan has been advertised. The period for public comment closes at 2:00pm 18 January 2009.

This item will be presented to Council in February for final consideration.

3) Farmland Water Response Planning

Council will consider a license agreement in relation to this matter.

No feedback has been received in relation to the funding application.

4) Jerramungup Community Pool

The CEO has discussed this issue with Minister Waldron on a number of occasions. The Department of Education is in the process of preparing a new

access agreement which will be examined for terms consistent with the original agreement.

It is anticipated this new agreement will be finalised early in 2010.

5) Police Station and Housing

The new Police Station was delivered in early December 2009. It is anticipated that the new station will be operational from 13 January 2010.

6) Industrial Land Bremer Bay

Council resolved to adopt Amendment No 6 to the Shire of Jerramungup Local Planning Scheme No 2 at the November Ordinary Council Meeting.

The amendment documents have been executed and lodged with the WAPC for final approval

7) Bremer Bay Medical Centre

No further information on this matter.

8) Local Government Amalgamations

The Shire expects an announcement in January/February 2010.

9) Bremer Bay Town Centre

The Shire has commissioned Gray & Lewis Landuse Planners to prepare a structure plan for the subject area. This structure plan will be presented to Council in February 2010 for consideration and adoption.

This structure plan will guide the subdivision process.

10) Town Site Revitalisation – Jerramungup

Quotes have been received and assessed from three organisations capable of delivering this project from a design and documentation perspective.

The Shire will commence negotiations with a designer to further refine the development proposal.

The Shire will appoint an appropriate designer when the second round of Royalties for Regions has been released.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.2
SUBJECT:	South Coast Management Group-Community Representative
LOCATION/ADDRESS:	
NAME OF APPLICANT:	
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	24 November 2009

SUMMARY

The purpose of this report is to put before Council a nomination for the position of Community Representative for the Shire of Jerramungup on the South Coast Management Group.

ATTACHMENT

Application Form – Kelvin Flugge

BACKGROUND

In the mid 1990's community representatives, Local and State Government representatives formed the South Coast Management Group (SCMG) - a regional representative body of coastal planners and managers on the South Coast. SCMG provides a forum for the discussion of issues relating to coastal and marine planning and management and also actively promotes best practice coastal management in the South Coast Region (Denmark to Esperance).

The Shire of Jerramungup appoints two community representatives to represent the Shire on this group.

The contribution of individual members of SCMG is critical to its successful operation. Individuals must have the capacity to put views clearly and concisely and be prepared to negotiate to achieve acceptable compromises where necessary. This process must avoid members pursuing individual agendas or attacking opposing views, to act in the best interests of the objects of SCMG, putting forward views in an objective and impartial manner.

SCMG comprises the Chief Executive Officer (or their proxy), two elected members (Councillors) and two community members appointed by each Local Government.

Elected and community members are appointed for a two year term to coincide with the Ordinary Local Government election process.

Advertisements were placed in local publications calling for nominations with the closing date being Friday 6 November 2009.

CONSULTATION

N/A

COMMENT

At the close of nominations, the Shire had received one nomination from Anne Gadsby. This nomination was endorsed by Council at the November 2009 Ordinary Council Meeting.

The Shire has since received a second application from Kelvin Flugge.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

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

Key Focus Area Two: Service Delivery & the Environment

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

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

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council appoint Kelvin Flugge as the Shire of Jerramungup Community Representative to the South Coast Management Group.

OC120911 Moved Cr Hobbs/ Seconded Cr Bailey

That Council appoint Kelvin Flugge as the Shire of Jerramungup Community Representative to the South Coast Management Group.

Carried 7/0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.3
SUBJECT:	Annual Report
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Shire of Jerramungup
FILE REFERENCE:	16.4
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	2 December 2009

SUMMARY

This item addresses Council's Annual Report and Annual Financial Report. The recommendation is to receive the reports for presentation at the Annual Electors meeting.

ATTACHMENT

Annual Reports will be distributed to Councillors with Agendas
Public copies are available for purchase at Shire offices or free at the annual electors meeting and Council's website when received.

BACKGROUND

The Annual Financial Statements have been prepared in accordance with the Local Government Act 1995 and Local Government Financial Management Regulations 1996. The audit this year was carried out by Lincolns Accountants and Business Advisors with the statements being made available on 4 December 2009.

CONSULTATIONS

Lincolns Accountants and Business Advisors

COMMENT

Council is required by the Local Government Act 1995 to hold an annual electors meeting once the annual report is accepted. The latest date for the electors meeting is Tuesday 9 February 2010, being 56 days after the Council acceptance of the annual report.

Contained the in the annual report is the audit letter from Council's auditors. There are no qualifications or matters raised in the audit letter.

Once the Council has accepted the annual financial report, the Chief Executive Officer is to give local public notice of its availability and send a copy to the Department of Local Government and Regional Development.

STATUTORY REQUIREMENTS

Local Government Act 1995 - Section 5.27, 5.53 - 5.55

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice,of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president;
 - (b) a report from the CEO;
 - [(c), (d) deleted]*
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
 - (f) the financial report for the financial year;
 - (g) such information as may be prescribed in relation to the payments made to employees;
 - (h) the auditor's report for the financial year;
 - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*;
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints;
 - (ii) how the recorded complaints were dealt with; and

- (iii) any other details that the regulations may require;
- and
- (i) such other information as may be prescribed.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The Annual Financial Statements document Council's financial position at June 30 2009 and reflect the years financial performance.

POLICY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1) Accept the Annual Report for the 2008-2009 financial year.
- 2) Accept the Annual Financial Statements for the 2008-2009 financial year.
- 3) That Council set the date for the annual electors meeting as Wednesday 3rd of February at the Cameron Business Centre Jerramungup.

OC120912 Moved Cr Hobbs/ Seconded Cr Atkin

That Council:

- 1) Accept the Annual Report for the 2008-2009 financial year.
- 2) Accept the Annual Financial Statements for the 2008-2009 financial year.
- 3) That Council set the date for the annual electors meeting as Wednesday 3rd of February at the Cameron Business Centre Jerramungup.

Carried by Absolute Majority 7/0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.4
SUBJECT:	Citizenship and Sporting Awards
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Shire of Jerramungup
FILE REFERENCE:	4.17
AUTHOR:	Charmaine Solomon
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	8 December 2009

SUMMARY

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

ATTACHMENT

Attachment - Selection Criteria
Confidential Attachment – Nominees

BACKGROUND

As part of Council's annual traditions Citizenship and Sporting Awards are presented each year at the Australia Day Breakfast.

CONSULTATION

Community nominations are sought for these awards.

COMMENT

Copies of the nominations will be presented to the Council meeting and Council may like to close the meeting to the public to consider the nominations in "committee". Council set guidelines for the selection of winners of the Sports Star awards at the November 2007 Council meeting.

Nominations for the awards closed on December 1 2009.

The award winners will be recorded in the official minutes however in order to maintain confidentiality the names will not be published in community minutes until after the presentation.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

- 1) That Council close the meeting to the public at _____to consider the nominations in confidence.
- 2) That Council award the 2009 Citizenship Award to _____, with it being presented to the recipient on 26 January 2010 at the Australia Day Breakfast Function.
- 3) That Council award the 2009 Junior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2010 at the Australia Day Breakfast Function.
- 4) That Council open the meeting to the public at _____.

OC120913 Moved Cr Atkin / Seconded Cr Barrett

- 1) That Council close the meeting to the public at 11:34am to consider the nominations in confidence.

Carried 7/0

OC120914 Moved Cr Barrett / Seconded Cr Bailey

- 1) That Council award the 2009 Citizenship Award to _____and _____, with it being presented to the recipients on 26 January 2010 at the Australia Day Breakfast Function.
- 2) That Council award the 2009 Junior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2010 at the Australia Day Breakfast Function.

Carried 7/0

OC120915 Moved Cr Williams / Seconded Cr Atkin

- 1) That Council open the meeting to the public at 11:38am.

Carried 7/0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.5
SUBJECT:	Accommodation Units Tender 08/09
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Shire of Jerramungup
FILE REFERENCE:	
AUTHOR:	Charmaine Solomon
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	4 th December 2009

SUMMARY

This agenda item is for the tender for the sale of accommodation units & kitchen facilities located on Lot 155 Bremer Bay Road Bremer Bay. The tender has been advertised in accordance with statutory requirements. There was one tender received.

ATTACHMENT

Nil

BACKGROUND

Council conceded that the resources required to rectify and rebuild the Youth Camp to an adequate safety and health standard were unachievable without significant external funding.

At the September 2009 Ordinary Meeting, Council authorised the Chief Executive Officer to call for tenders for the sale and removal of the accommodation units & kitchen facilities.

Tenders closed Friday 30th October 2009.

CONSULTATION

McLeod's Barristers & Solicitors

COMMENT

The tenders received were from;

Mr Ken Goldsworthy \$ 10,000 for all accommodation units & kitchen facilities.
Price includes removal.

It is recommended that Council accept this tender.

STATUTORY REQUIREMENTS

Section 3.58 Local Government Act 1995 Disposing of Property

The Local Government Act 1995 applies to this proposed land transaction. Section 3.58 of the Act requires a local government to perform certain functions prior to disposing of land.

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

- (i) describing the property concerned;
- (ii) giving details of the proposed disposition; and
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

- (a) the names of all other parties concerned;
- (b) the consideration to be received by the local government for the disposition; and
- (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

STRATEGIC IMPLICATIONS

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

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

Key Focus Area Three: Building & Road Infrastructure

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

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

3.2 Adopting whole of life asset management principles.

FINANCIAL IMPLICATIONS

\$10,000 to be recognised as income.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council accept the tender of \$10,000 inc GST by Mr K Goldsworthy for the purchase and removal of accommodation units & kitchen facilities located on Lot 155 Bremer Bay Road, Bremer Bay.

OC120916 Moved Cr Iffla / Seconded Cr Bailey

That Council accept the tender of \$10,000 inc GST by Mr K Goldsworthy for the purchase and removal of accommodation units & kitchen facilities located on Lot 155 Bremer Bay Road, Bremer Bay.

Carried 7/0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.6
SUBJECT:	Council Meeting Dates
LOCATION/ADDRESS:	
NAME OF APPLICANT:	
FILE REFERENCE:	
AUTHOR:	Charmaine Solomon
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	8 December 2009

SUMMARY

The purpose of this report is to put before Council proposed meeting times and dates for the Ordinary Council meetings for the 2010 year.

ATTACHMENT

Nil

BACKGROUND

At the Chief Executive Officer's review in 2007 it was recommended that regular Council briefing sessions be conducted before Ordinary Council Meetings.

CONSULTATION

Nil

COMMENT

Nil

STATUTORY REQUIREMENTS

The following sections of the Local Government Act have relevance:

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

(a) if called for by either —

(i) the mayor or president; or

(ii) at least 1/3 of the councillors,

in a notice to the CEO setting out the date and purpose of the proposed meeting; or

(b) if so decided by the council

5.5. Convening council meetings

(1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

(2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.

The Local Government (Administration) Regulations provide:

12. Public notice of council or committee meetings — s. 5.25(1)(g)

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

are to be held in the next 12 months.

(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

(3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.

(4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

The Local Government Act provides that local public notice is as follows;

1.7. Local public notice

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —

(a) published in a newspaper circulating generally throughout the district;

(b) exhibited to the public on a notice board at the local government's offices; and

(c) exhibited to the public on a notice board at every local government library in the district.

(2) Unless expressly stated otherwise it is sufficient if the notice is —

(a) published under subsection (1)(a) on at least one occasion; and

(b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —

(i) the time prescribed for the purposes of this paragraph; or

(ii) if no time is prescribed, 7 days.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the following meeting dates and times apply for the 2010 year:

Council Meeting Dates 2010		
16 February 2010	12.30pm	Council Chambers, Jerramungup
16 March 2010	12.30pm	Council Chambers, Jerramungup
20 April 2010	12.30pm	Town Hall, Bremer Bay

18 May 2010	12.30pm	Council Chambers, Jerramungup
15 June 2010	12.30pm	Council Chambers, Jerramungup
20 July 2009	12.30pm	Town Hall, Bremer Bay
17 August 2010	12.30pm	Council Chambers, Jerramungup
14 September 2009	12.30pm	Council Chambers, Jerramungup
19 October 2010	12.30pm	Town Hall, Bremer Bay
16 November 2010	12.30pm	Council Chambers, Jerramungup
14 December 2009	12.30pm	Council Chambers, Jerramungup

OC120917 Moved Cr Iffla / Seconded Cr Hobbs

That the following meeting dates and times apply for the 2010 year:

Council Meeting Dates 2010

16 February 2010	10.30am	Council Chambers, Jerramungup
16 March 2010	10.30am	Council Chambers, Jerramungup
20 April 2010	10.30am	Town Hall, Bremer Bay
18 May 2010	10.30am	Council Chambers, Jerramungup
15 June 2010	10.30am	Council Chambers, Jerramungup
20 July 2009	10.30am	Town Hall, Bremer Bay
17 August 2010	10.30am	Council Chambers, Jerramungup
14 September 2009	10.30am	Council Chambers, Jerramungup
19 October 2010	10.30am	Town Hall, Bremer Bay
16 November 2010	10.30am	Council Chambers, Jerramungup
14 December 2009	10.30am	Council Chambers, Jerramungup

Carried 7/0

11.48 am Cr Hobbs left the meeting after declaring an interest. Item 10.4.7.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.7
SUBJECT:	Bremer Bay Community Development Community Meeting Minutes
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Charmaine Solomon
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	7 December 2009

RECOMMENDATION

THAT the minutes of the Bremer Bay Community Development Committee meeting held on Friday 4th December be received (copy of minutes are included in the Attachments 10.4.7) and the following recommendation adopted;

1. That Council appoints Corrine Hobbs on to the BBCDC committee as a representative of the Bremer Bay Telecentre Management Committee.

Voting Requirement: Absolute Majority

OC120918 Moved Cr Williams / Seconded Cr Iffla

1. That Council appoints Corrine Hobbs on to the BBCDC committee as a representative of the Bremer Bay Telecentre Management Committee.

Carried by Absolute Majority 6/0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.8
SUBJECT:	Emergency Water Supply - Jacup
LOCATION/ADDRESS:	South Coast Highway Jacup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	02 December 2009

SUMMARY

Council has requested that the CEO explore establishing an emergency stock water supply in Jacup.

This item seeks Council's support to further progress this project and enter into a licence agreement with the land owner.

ATTACHMENT

Attachment A - Licence Agreement
Attachment B - Section 70A Notification
Attachment C - Application – Department for Water.

BACKGROUND

A number of years ago, a 30,000 cubic metre dam was constructed on private property at Jacup that collects water from the CBH grain facility. The dam is fully operational and collects a significant amount of water each year.

So that the community can utilise this water source, the Shire has submitted a funding application to the Department for Water to purchase a submersible pump, pipe system, storage tank and standpipe.

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

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

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

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

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

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

CONSULTATION

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

COMMENT

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

In an effort to complete this emergency water network, the installation of this additional infrastructure at the Jacup community dam is required.

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

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

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

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

Based upon the survey commissioned by the Shire, it is apparent that farmers in the Jacup area have significant stock and cropping programs and may need to cart water from outside the farm gate into the future in the event that on-farm water supplies fail during extended periods of low rainfall. For this reason, the Shire feels that the Jacup water supply project is justified.

The benefits that will be derived from this project include;

1. Improving access to emergency water supplies

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

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

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

Key Focus Area Two: Service Delivery & the Environment

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

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

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

FINANCIAL IMPLICATIONS

The total costs associated with this project are \$42,987. Of this \$34,868 has been requested from the Department of Water.

The Shire will be responsible for the costs associated with labour, equipment and materials to construct the catchment for the dam. Additionally, the Shire is responsible for the preparation of the license and section 70A Notification. These costs are anticipated to be \$8119.

The associated costs are adequately covered within 2009/10 Budget.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

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

OC120919 Moved Cr Bailey/ Seconded Cr Atkin

That Council;

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

Carried 7/0

12.00 pm Council adjourned for lunch.

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

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.9
SUBJECT:	Extraordinary Election
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	8 December 2009

SUMMARY

On 7 December 2009, Councillor Rhonda Williams provided the Chief Executive Officer with written confirmation of her intention to resign from the position of Councillor effective 18 December 2009.

In response to this letter, the Chief Executive Officer has commenced a process to replace Councillor Williams.

ATTACHMENT

Attachment A - Letter of Resignation

Attachment B - Email requesting Electoral Commissioner to conduct extraordinary election

Attachment C - Response from Electoral Commissioner

BACKGROUND

On 7 December 2009, Councillor Rhonda Williams notified the Chief Executive Officer of her intent to resign from the position of Councillor effective 18 December 2009. The Chief Executive Officer has instigated a process to replace Councillor Williams via extraordinary election.

In commencing this process, the Chief Executive Officer contacted the Electoral Commission to establish if the Commissioner would be prepared to conduct the Election.

The current procedure required by the *Local Government Act 1995* is that written agreement from the Electoral Commissioner has to be obtained before the Shire can declare that the Electoral Commissioner will be responsible for elections. The Commissioner has agreed to be responsible for the conduct of the extraordinary election in accordance with Section 4.20(4) of the *Local Government Act 1995*. The Electoral Commissioner will only conduct the election if the method is a postal election.

In order to achieve this, the following two motions need to be passed by absolute majority:

- i) Declare, in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the extraordinary election; and

- ii) Decide, in accordance with Section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.

Alternatively, Council does have the option of not replacing Councillor Williams until the next Ordinary Election in October 2011. Given that the local government is not divided into wards and 80% of the seats remain filled, section 4.17(3) of the *Local Government Act 1995* can be applied. The legislative implications of this decision are outlined below.

CONSULTATION

Community feedback has been received with regard to the process applied to previous elections. From the limited feedback received, it appears that some members of the community feel marginalised through the application of in person elections. These people often live in town sites that do not have polling booths due to their small populations. This combined with limited transport options makes attending a polling booth on election day difficult.

By conducting a postal election, these logistical issues are reduced significantly.

COMMENT

The Electoral Commission states higher turnout figures that clearly indicate that electors are more prepared to vote in postal elections; and cite the following advantages:

Advantages for electors

- Convenience of casting a vote in their own homes – particularly for disabled and aged voters and those without access to transport.
- Provision of candidate profiles to each elector to assist in their decision-making.
- Time to contact candidates and make an informed decision.
- Reduced costs in time and travel in casting a vote.

Advantages for candidates

- Availability of an experienced Returning Officer “at arms length” from Local Government business.
- Detailed candidates’ guides prepared by the Electoral Commission.
- An opportunity to reach all eligible electors at no cost through the candidate profile.
- Confidence that the election is being run by the State’s independent Electoral Commission.
- Elected candidates have an increased support base.

Advantages for the Local Government

- All eligible electors are given information about the election.
- Electors can vote more easily as there are virtually no barriers to voting.
- Elections are seen to be conducted by the impartial Western Australian Electoral Commission.
- The workload for the CEO is reduced in an area that is not core business.
- The vast majority of elector and candidate enquiries are received and resolved by either the Returning Officer or the Electoral Commissioner
- Statutory requirements are fulfilled.

- A full election report (including statistics) is prepared by the Electoral Commission for presentation to Council.
- Materials and equipment used in the processes meet contemporary electoral standards.
- Economies of scale can reduce some of the costs.
- Elected Councillors have a high level of support from the local community.

STATUTORY REQUIREMENTS

Section 2.31, 2.32, 4.8, 4.17, 4.61 of the Local Government Act 1995, states in part as follows:

2.31. Resignation

- (1) An elector mayor or president may resign from the office of mayor or president.
- (2) A councillor may —
 - (a) resign from the office of councillor;
 - (b) resign from the office of councillor mayor or president, deputy mayor or deputy president.
- (3) Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO.
- (4) The resignation takes effect from the date of delivery of the notice or from a later day specified in the notice.

2.32. How extraordinary vacancies occur in offices elected by electors

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —

- (a) dies;
- (b) resigns from the office;

4.8. Extraordinary elections

- (1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 or 2.33 an election to fill the office is to be held.
- (2) An election is also to be held under this section if section 4.57 or 4.58 so requires.
- (3) An election under this section is called an ***extraordinary election***.

4.17. Cases in which vacant offices can remain unfilled

- (3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

** Absolute majority required.*

(4A) Subsection (3) applies —

- (a) if —
 - (i) the office is for a district that has no wards; and
 - (ii) at least 80% of the number of offices of member of the council in the district are still filled;

4.61. Choice of methods of conducting the election

(1) The election can be conducted as a **postal election** which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

Voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

(2) The local government may decide* to conduct the election as a postal election.

* *Absolute majority required.*

(4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.

Section 4.20 (4) of the Act states as follows:

(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

* *Absolute majority required.*

STRATEGIC IMPLICATIONS

This item directly relates to the following elements from the Shire of Jerramungup Strategic Plan 2009-2014;

Mission Statement:

A united workforce dedicated to providing quality services to our Community.

FINANCIAL IMPLICATIONS

The cost for the Electoral Commissioner to conduct the extraordinary election will be approximately \$9,500.

The 2009/10 budget contains an election allocation of \$9,000. The Shire did not utilise a majority of these funds as the ordinary election in October 2009 was uncontested. Therefore, funds are available for the Electoral Commissioner to conduct this extraordinary election. Any budget variance will be adjusted at the statutory budget review in March 2010.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

THAT Council:

- iii) Declare, in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the extraordinary election; and
- iv) Decide, in accordance with Section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.
- v) Allocate, \$9,500 to conduct the election and that this amount is subject to the next quarterly review; and
- vi) Confirm the suggested polling date; being Friday 12 March 2010.

Voting Requirement: Absolute Majority

THAT Council:-

Defer filling the vacancy created by the resignation of Councillor Rhonda Williams until the next ordinary local government election in October 2011.

Voting Requirement: Absolute Majority

OC120920 Moved Cr Bailey / Seconded Cr Hobbs

THAT Council:

- i) Declare, in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the extraordinary election; and
- ii) Decide, in accordance with Section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.
- iii) Allocate, \$9,500 to conduct the election and that this amount is subject to the next quarterly review; and
- iv) Confirm the suggested polling date; being Friday 12 March 2010.

Carried 7/0

COUNCILLOR REPORTS

11. **COUNCILLOR REPORTS**

Cr Hobbs

Attended a Bremer Bay Community Development Committee meeting

Cr Iffla

Attended a Regional Recreation Advisory Committee meeting

Cr Williams

Attended a Bremer Bay Community Development Committee meeting

Attended a WALGA Zone Annual General meeting

Attended a meeting in Demark targeting Natural Resource Management in Local Government's.

Attended a WEAC meeting

Cr Atkin

Attended a Telecentre meeting

Cr Trevaskis

Attended a Bremer Bay Community Development Committee meeting

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

12.1 From Officers

12.2 From Elected Members

Cr Hobbs informed Council that there is a need for a school bus turn around for Point Henry.

Mr Edwards advised that the school needs to make an application to the Department of Transport for the turnaround.

Cr Hobbs advised that the transfer bin tarp is not restrained on removal causing a build up of blown rubbish.

Mr Parker noted that he would contact the contractors involved.

Cr Hobbs advised that the survey pegs along Borden-Bremer Bay Road pose a safety hazard as they are no longer required.

Mr Edwards advised he would instruct the works crew to remove the survey pegs.

Cr Hobbs requested information on the presence of a ranger in Bremer Bay.

Mr Parker advised that Mr Jolly would be spending the majority of his time in Bremer Bay over the holiday season working in conjunction with Police.

13. NEXT MEETING/S

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

14. CLOSURE

The President declared the meeting closed at 1:35 pm.