

NOT CONFIRMED BY COUNCIL

SHIRE OF JERRAMUNGUP



MINUTES

COUNCIL ORDINARY MEETING

15th September 2009

ORDINARY MINUTES – 15th September 2009**INDEX**

ITEM NO.	DETAILS	PAGE
9.1	Confirmation of Minutes	4
WORKS		
10.1.1	Works Report	6
10.1.2	Access to Lot 3 Wellstead Road	8
FINANCE		
10.2.1	Accounts Payable	13
10.2.2	Monthly Financial Report to 31 st August 2009	15
HEALTH, BUILDING & TOWN PLANNING		
10.3.1	Proposed sand extraction & concrete processing	19
10.3.2	Proposed home business-Lot 776 Freeman Drive Bremer Bay	27
10.3.3	Information Item-Amendment 2 to the Shire of Jerramungup Local Planning Scheme No 2	31
10.3.4	Proposed new dwelling & outbuilding Lot 50 Point Henry Road	34
10.3.5	Proposed new dwelling Lot 104 Point Henry road	39
10.3.6	Confidential Item-Proposed plantation amended plan for condition 2 of existing planning approval	44
10.3.7	Confidential Item – Consider options for dealing with a breach of a planning condition & note a current SAT application-Lot 1,228 & 1893 South Coast Highway	45
ADMIN		
10.4.1	Administration Status Report	48
10.4.2	Integrated communications & customer service strategy	50
10.4.3	New fire break order	53
10.4.4	Bremer Bay youth camp	57
10.4.5	Council Strategy – Occupational health & safety	62
10.4.6	FESA Memorandums of understanding	64
10.4.7	Structural Reform	66
COUNCILLOR REPORT		
11	Councillor	72
NEW BUSINESS OF AN URGENT NATURE		

SHIRE OF JERRAMUNGUP

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

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

The President declared the meeting open at 10.35am.

2. **RECORD OF ATTENDANCE**

Cr B Trevaskis	President
Cr W Bailey	Deputy President
Cr T Barrett	Member
Cr C Hobbs	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

Ms Tara Pittard Member of the Public

3. **APOLOGIES**

Nil

4. **LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr Williams has previously approved leave of absence for the September 2009 Ordinary Meeting of Council.

5. **PUBLIC QUESTION TIME**

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

OC090902 Moved Cr Iffla / Seconded Cr Hobbs

Cr Barrett has applied for leave of October 09 Meeting of Council

Carried 6-0

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8. DECLARATIONS OF FINANCIAL INTEREST

Nil

9. CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting of 21st August 2009

OC090903 Moved Cr Bailey / Seconded Cr Atkin

That the Minutes of the Ordinary Meeting of Council held 21st August 2009 be confirmed.

Carried 6-0

WORKS

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:	7 September 2009

CONSTRUCTION

The 2009 / 2010 Road Construction and Flood Damage Programme has commenced with work in progress on the forming and gravel sheeting of Fitzgerald Road.

Forming and gravel sheeting on Fitzgerald Road is due for completion by mid September. Construction will then proceed on Jacup North Road before attention switches to flood damage repairs and responses as necessary during the harvest period.

MAINTENANCE

Roads where maintenance has been undertaken during July and August include:

Barbara Street	Barnes Drive	Batt Close
Bowra Road	Boxwood-Borden Road	Boxwood-Ongerup Road
Bremer Bay Road	Bremer Bay Streets	Brook Road
Brown Road	Cameron Road	Cardinniniup Road
Carlawillup Road	Carney Road	Chittowurrup Road
Corackerup Road	Cowellelup Road	Cuneo Drive
Derrick Street	Devils Creek Road	Dillon Bay Road
Doubtful Island Road	Emma Street	Exchange Road
Fitzgerald Road	Freeman Drive	Gairdner South Road
Garnett Road	Gnombup Terrace	Hakea Street
Heath Street	Jacup South Road	Java Sea Road
Jerramungup North Road	Jerramungup Streets	Kokoda Road
Lake Magenta Road	Lake North Road	Lancaster Road
Little Boat Harbour Road	Marnigarup Road	Mallee Road
Mary Street	Melaleuca Court	Meechi Road
Memorial Road	Millers Point Road	Monkey Rock Road
Mount Joy Road	Murray Road	Needilup Road
Needilup North Road	Norman Road	Point Henry Road
Progress Drive	Quiss Road	Rabbit Proof Fence Road
Reserve Road	Roberts Road	South Coast Hwy
Stock Road	Susan Street	Swamp Road
Tobruk Road	Vasey Street	Wellstead Road
White Trail Road	Witt Road	

RECOMMENDATION

That the Works Report be received.

OC090904 Moved Cr Hobbs / Seconded Cr Iffla

That the Works Report be received.

Carried 6-0

SUBMISSION TO:	Works
AGENDA REFERENCE:	10.1.2
SUBJECT:	Access to Lot 3 Wellstead Road
LOCATION/ADDRESS:	Lot 3, location 50 Wellstead Road
NAME OF APPLICANT:	Harley Survey Group.
FILE REFERENCE:	Lot 3 Wellstead Road
AUTHOR:	Graham Edwards
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	7 September 2009

SUMMARY

The purpose of the report is to consider a request by the Harley Survey Group for the establishment of a formal access easement to leased lot 3 on deposited plan 37534, lot 50 Wellstead Road Bremer Bay.

The proposed easement is along the alignment of an existing constructed access through reserve 511, which has management orders issued in favour of the Shire of Jerramungup.

ATTACHMENT

Correspondence from the Harley Survey Group showing leased lot 3 and the proposed access through reserve 511 is attached.

BACKGROUND

There has been a constructed access from Wellstead Road to leased lot 3, through reserve 511, for a number of years. Leased lot 3 does not have a formal access and is the subject of an arrangement between the landowner Mr W. M. Wellstead and another party.

As advised in the attached correspondence, during a review of the lease arrangement for lot 3 the Department for Planning and Infrastructure has indicated the requirement for a formal access arrangement.

CONSULTATION

The applicant Harley Survey Group is consulting the Shire of Jerramungup, which is the management authority for reserve 511, about an access easement to leased lot 3.

The author has contacted State Land Services for advice. State Land Services has indicated that, an easement appears to be applicable however the appropriate means of providing access would best be determined following the receipt of a request and comment by the Shire of Jerramungup.

COMMENT

As the management authority for reserve 511 the Shire of Jerramungup is solely responsible for maintaining the existing constructed access to lot 3.

Options for the Shire are to:

1. Maintain the current arrangement, continue to allow access to lot 3 through reserve 511, and accept sole responsibility for maintaining that access. This however would still leave leased lot 3 without a formal access.
2. Refuse access to leased lot 3 through reserve 511 and perhaps suggest that the applicant seeks an access arrangement through adjoining freehold property.
3. Support the establishment of a formal access with the landowner being responsible for:
 - a) All costs associated with establishing the formal access.
 - b) Maintaining the access at a standard satisfactory to the Shire of Jerramungup.

It is suggested that:

1. The most convenient and practical formal access to leased lot 3 is along the constructed alignment through reserve 511 and as proposed by the applicant.
2. Option 3 presents a reasonable outcome for all concerned.

STATUTORY REQUIREMENTS

There is no statutory requirement that the Shire of Jerramungup agrees to the establishment of a formal arrangement for access to leased lot 3 through reserve 511.

Assuming that the Jerramungup Shire Council supports the establishment of a formal access arrangement, it is anticipated that the Land Administration Act 1997 will apply.

STRATEGIC IMPLICATIONS

The 2009 - 2014 Strategic Plan states that the Shire of Jerramungup will "Ensure that growth occurs in a controlled and sustainable manner."

FINANCIAL IMPLICATIONS

It is not anticipated that the Shire of Jerramungup will be liable for expenses other than those associated with presenting a report for the consideration of Council and the subsequent administration.

POLICY IMPLICATIONS

There are no policy implications associated with this matter.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That the:

1. Jerramungup Shire Council supports the establishment of a formal access to leased lot 3, lot 50 Wellstead Road Bremer Bay, through reserve 511.
2. Formal arrangement is supported along the alignment of the existing constructed access through reserve 511 and as shown on the attached Harley Survey Group "*Proposed Access Plan*" dated 26 August 2009.
3. Chief Executive Officer consults and requests that State Land Services implements an easement or other appropriate means of formal access to lease lot 3 lot 50 Wellstead Road Bremer Bay through reserve 511.
4. Costs associated with establishing a formal access to leased lot 3, lot 50 Wellstead Road Bremer Bay are met by the applicant / landowner.
5. Agreement by the Jerramungup Shire Council is subject to the access being maintained by the owner of lot 3, lot 50 Wellstead Road at a standard satisfactory to the Shire of Jerramungup.

OC090905

Moved Cr Bailey/ Seconded Cr Barrett

That the:

1. Jerramungup Shire Council supports the establishment of a formal access to leased lot 3, lot 50 Wellstead Road Bremer Bay, through reserve 511.
2. Formal arrangement is supported along the alignment of the existing constructed access through reserve 511 and as shown on the attached Harley Survey Group "*Proposed Access Plan*" dated 26 August 2009.

SIGNED BY PRESIDENT

20th October 2009

3. Chief Executive Officer consults and requests that State Land Services implements an easement or other appropriate means of formal access to lease lot 3 lot 50 Wellstead Road Bremer Bay through reserve 511.
4. Costs associated with establishing a formal access to leased lot 3, lot 50 Wellstead Road Bremer Bay are met by the applicant / landowner.
5. Agreement by the Jerramungup Shire Council is subject to the access being maintained by the owner of lot 3, lot 50 Wellstead Road at a standard satisfactory to the Shire of Jerramungup.

Carried 6-0

FINANCE

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.1
SUBJECT:	Accounts Payable
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	
FILE REFERENCE:	16.7
AUTHOR:	Cailee Felesina
DISCLOSURE OF ANY INTEREST:	
DATE OF REPORT:	9 th September 2009

ATTACHMENT

BACKGROUND

FUND	VOUCHERS	AMOUNTS
Municipal Account	25673	Last cheque used
	EFT2450 – EFT2457	\$101,309.58
	EFT2458	Cancelled
	EFT2459 – EFT2481	\$84,656.19
	EFT2482	Cancelled
	EFT2483 – EFT2486	\$1,420.09
	EFT2487	Cancelled
	EFT2488 – EFT2489	\$7,530.06
	EFT2490 – EFT 2491	Cancelled
	EFT2492 – EFT2518	\$47,287.83
	25674 – 25696	\$99,714.82
	25697	Cancelled
	25698 – 25718	\$35,559.66
	Direct Debits	\$68,112.58
Trust Account	000156 – 000161	\$3,316.00
	Municipal Account Total	\$445,590.81
	Trust Account Total	\$3,316.00
	GRAND TOTAL	\$448,906.81

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

SIGNED BY PRESIDENT

20th October 2009

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 \$448,906.81 which was submitted to the Full Council on 15^h September 2009 be endorsed.

SIGNATURES

Author

Chief Executive Officer

OC090906 Moved Cr Hobbs / Seconded Cr Barrett

That the schedule of direct debits and accounts payable, totalling \$448,906.81 which was submitted to the Full Council on 15th September 2009 be endorsed.

SIGNATURES

Author

Chief Executive Officer

Carried 6-0

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.2
SUBJECT:	Monthly Financial Report
LOCATION/ADDRESS:	Shire of Jerramungup
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	3 September 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 31 August 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.

This report also recommends writing off the debtor balance for Debtor 83067. Significant resources have been invested in the collection of this debt and Council has spent approximately \$600 in legal fees chasing the debt to date. The debtor remains untraceable and it is expected that further investigation and collection costs will outweigh the total remaining debt. The total remaining debt includes the legal fees incurred.

STATUTORY REQUIREMENTS

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

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

STRATEGIC IMPLICATIONS

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

FINANCIAL IMPLICATIONS

As detailed within the Monthly Financial Report

POLICY IMPLICATIONS

Finance Policy 2: Detailed within Monthly Financial Report

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

- 1) That Council receive the Monthly Financial Report for the period ending 31 August 2009 in accordance with Section 6.4 of the Local Government Act 1995.
- 2) That Council resolve to write off debtor balance for Debtor 83067 - \$1405.56.

OC090907 Moved Cr Iffla / Seconded Cr Bailey

- 1) That Council receive the Monthly Financial Report for the period ending 31 August 2009 in accordance with Section 6.4 of the Local Government Act 1995.
- 2) That Council resolve to write off debtor balance for Debtor 83067 - \$1405.56.

Carried 6-0

**HEALTH,
BUILDING
&
TOWN
PLANNING**

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.1
SUBJECT:	Proposed sand extraction and concrete processing
LOCATION/ADDRESS:	Lot details to be confirmed – Wellstead Road, Bremer Bay
NAME OF APPLICANT:	Tara & Wayne Pittard
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 September 2009

SUMMARY

- Council is to consider an application for sand extraction and concrete batching on a lease area of a property on Wellstead Road.
- This report recommends that additional information be requested from the applicant and that the application be advertised for public comment.

ATTACHMENT

Attachment (a) – Location Plan
Attachment (b) - Previous letter requesting additional information by Gray & Lewis
Attachment (c) – Plans
Attachment (d) – Applicant letter

BACKGROUND

Zoning

The lot is located on the western side of Wellstead Road and is zoned 'Rural' under the Shire of Jerramungup Local Planning Scheme No 2. ('the Scheme'). The northern portion of the lot is shown within the P1 area.

The lease location as it relates to the Lot 50 boundary needs to be clarified to ensure the development is outside of the P1 area. The applicant has advised in writing that it is located outside of priority water areas.

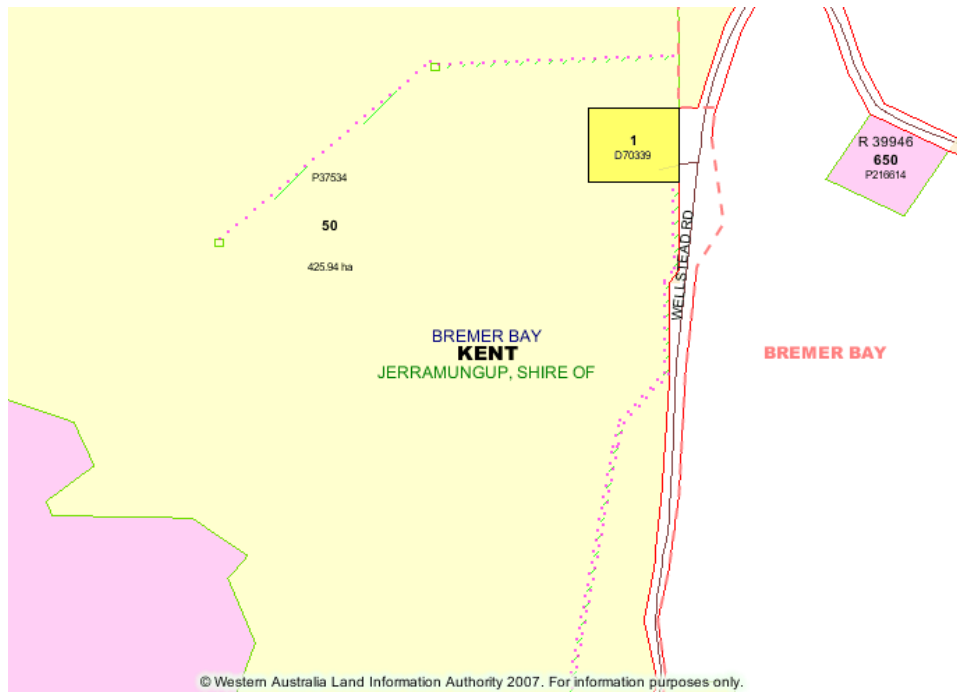
Location

The applicant has provided details of the lease area proposed to be used for the development, which is directly to the south of a Lot 1 Wellstead Road. The Certificate of Title details provided on the application form appear incorrect as did not exist on Landgate (titles information system).

From the Lot 1 location and looking at the Landgate cadasta, the lease area appears to be on a portion of Lot 50 Wellstead Road – refer to Attachment (a) and cadasta plan overpage.

SIGNED BY PRESIDENT

20th October 2009



Lot 50 has an area of approximately 425 hectares, however the lease area is approximately 11 hectares.

Preliminary Plans and previous advice to the applicant

The applicant lodged preliminary plans with Gray & Lewis in early July for a mobile concrete batching plant. At that time the applicant was advised that it was not considered that Council had discretion to consider the use as proposed on Rural zoned land, however that there may be an opportunity for a concrete batching plant to be considered if combined with substantial sand extraction.

In July 2009 Gray & Lewis provided the applicant with written advice on the information that would be required if they proceeded with an application – refer Attachment (b). Some of this information is still required for a complete assessment to be undertaken.

The sketch plan submitted is of insufficient quality for a complete assessment and it is strongly recommended that the applicant be advised to lodge detailed accurate and professional plans as previously requested. This will likely entail the need for the applicant to employ a planning consultant which would be of great benefit for progression of their application.

Gray & Lewis seeks to assist the applicant however also needs to safeguard the Shire and have a full understanding of the proposed development. The additional information required is detailed in the recommendation.

It is recommended that additional information be sought from the applicant prior to advertising of the application.

SIGNED BY PRESIDENT

COMMENT

Application

The applicant has lodged a reasonably detailed letter describing the proposed business which is included as Attachment (d).

A summary of the application is included below;

- The applicants currently operate a concrete batching plant from an existing Rural property however there is no record of any formal approval for the operation.
- Whilst an Industrial area is being pursued by the Shire through a Scheme amendment, there is currently limited site opportunities for industrial type landuses in the Shire.
- The application proposes to undertake sand extraction and processing of the sand into concrete mixing/batching.
- A silo will be developed on the site to store cement until required for mixing.
- There is an existing bore on site which will be used as water supply for the mixing process.
- Currently the operator hoses water into an agitator bowl and premix is emptied into the hopper of the elevator with a bobcat. Cement bags are then emptied onto the hopper which shoots it into the truck agitator bowl. The applicant advises that a silo will eliminate dust as cement will no longer have to go up the elevator.
- Waste concrete will be emptied into moulds for concrete retainer blocks, septic tanks etc.
- A wash down bay will be installed and will include a sump for sediments and allow for waste water to be reused. The water will flow into a storage tank for recycling.
- A small storage shed will also be used once the business is established.
- The business uses 2 concrete trucks with agitator bowls, a bobcat, an elevator, water tank and silo.
- It is operated by one person however one of the truck drivers may also be involved in concrete pouring in the future.
- There is an existing lease to the rear of the site for 'gardening' and the remaining area is used for grazing.

Scheme Requirements

The Scheme defines 'Extractive Industry' as '*means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are being extracted, but does not include industry-mining*'.

The application can be construed as an 'extraction industry' if it involves a substantial sand extraction component, and the proposed concrete batching utilises the sand as part of the processing and manufacturing of concrete. The landuse 'extractive industry' is permitted in the Rural zone.

Environmental Protection Authority

The applicant has indicated that mixed concrete is fed into two concrete trucks (one 6 cubic metres and the other 8 cubic metres) so it appears a relatively small scale operation, however Gray & Lewis does not have advice on the maximum tonnage produced per year (to be clarified with applicant).

The EPA Guidelines recommend a buffer of 300-500 metres between concrete mixing / processing and any sensitive landuse (includes any residential dwellings) where the premises mixes up to 5000 tonnes per year, and that buffer increases as tonnage increases.

It appears that buffers will not be an issue for the site however the applicant is to confirm the nearest dwelling location or submit a location plan with a 500 metre buffer line drawn from the lease boundary.

Gray & Lewis has had preliminary discussions with the EPA in regards to the application as they can require registration for the new premises and have discretion to require a works licence.

Their requirements are outlined in the Environmental Protection Regulations 1998 which have been provided to the applicant. The applicant has been advised that the EPA Regulations will be used as a guide for assessment of the application.

Consultation

Whilst consultation is not compulsory under the Scheme, Gray & Lewis recommends that the application be advertised for public comment on receipt of detailed plans and additional information by the applicant.

Even if the lease area is located outside of the 'P1' area it is recommended that the application be referred to the Department of Water for advice, especially due to the inclusion of a wash down bay. Consultation should also include the Department of Environment and Conservation (due to nearby reserves) and EPA.

STRATEGIC IMPLICATIONS

Sensitive landuses such as dwellings should not be approved within any buffer area to avoid any future landuse conflict. For this reason it is important to obtain an accurate location and site plan.

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

Any establishment of industry is likely to have positive financial implications for the Shire in terms of employment.

POLICY IMPLICATIONS

There is an old Extractive Industry Policy (No. 20) which has not been adopted by Council under the new Scheme, and a draft new Policy has been partially compiled by Gray & Lewis however has yet to be finalised. Gray & Lewis will have regard for the existing and proposed Policies in the more detailed assessment.

At this juncture Gray & Lewis wanted to bring the application before Council for preliminary consideration and to allow for commencement of advertising.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Advise the applicant that the additional information is requested to allow for a full assessment of the application;
 - (i) A detailed accurate professional site plan to scale showing information such as;
 - the property boundary dimensions.
 - Any existing landuses/ buildings (eg. garden centre).
 - Proposed lease area in relation to the entire lot boundary – the lease area can then be a plan insert.
 - Lot number and dimensions, north point, existing features such as topography / contours or levels, crossovers, internal accesses or driveways, watercourses and any environmentally sensitive area or major features (such as vegetation).
 - Any proposed cleared areas.
 - The area proposed for sand extraction and the proposed different uses (batching area).
 - It would also be beneficial to show any information that assists to support the proposed use such as location of existing wind tree belts or areas of vegetation.
 - The site plan needs to show all proposed development including the silos, washdown bay, loading areas, any new access or hardstand areas, watertanks, proposed buildings etc.
 - (ii) Strongly recommends that the applicant engage a planning consultant to assist in preparing a plan suitable for completion of the development application, and that some additional site photographs be submitted to assist in the assessment.
 - (iii) Request a revised Form 1 planning application with correct lot and title details, and a copy of the Certificate of Title. The title details provided were incorrect accordingly to Landgate and although the lease area appears to form part of Lot 50 Wellstead Road which needs to be confirmed.

- (iv) Request written confirmation on the nearest dwelling/ or accommodation or submission of a location plan with a 500 metre buffer line drawn from the lease boundary.
- (v) Written clarification on the following matters;
 - Provide more information on the proposed sand extraction as the written information lodged concentrates on the concrete batching. Council is considering the use as ‘extractive industry’ on the basis of the sand extraction component.
 - The total capacity of cubic metres of concrete product per production cycle – provide an explanation of scale/ volumes being handled and produced. It is unclear whether only one load for each truck is done in one day or what the maximum volume per day is.
 - Maximum tonnage of product per year.
 - Anticipated traffic volumes into the site/ advice on how many times the two trucks enter and depart the site per day or week.
 - Volumes of wastewater produced or volumes to be recycled through the washdown bay. Clarify if there is any wastewater disposed off on site.
 - There is an indication that dust will be better managed through use of a silo for the concrete batching, however it is not clear how dust is prevented with the elevator. There is also no explanation regarding the sand extraction, whether there will be on site stockpiles and how dust for extraction will be managed.
 - Confirm that any proposed storage silo would be fitted with an air cleaning system.
- 2. Seek confirmation from the applicant that they can comply with the Environmental Protection Regulations 1998 provided previously by Gray & Lewis.
- 3. Advise the applicant that on receipt of additional information, the application will be advertised for public comment including referral to relevant authorities.

OC090908

Moved Cr Bailey / Seconded Cr Hobbs

That Council;

- 1. Advise the applicant that the additional information is requested to allow for a full assessment of the application;
 - (i) A detailed accurate professional site plan to scale showing information such as;
 - the property boundary dimensions.
 - Any existing landuses/ buildings (eg. garden centre).

SIGNED BY PRESIDENT

20th October 2009

- Proposed lease area in relation to the entire lot boundary – the lease area can then be a plan insert.
 - Lot number and dimensions, north point, existing features such as topography / contours or levels, crossovers, internal accesses or driveways, watercourses and any environmentally sensitive area or major features (such as vegetation).
 - Any proposed cleared areas.
 - The area proposed for sand extraction and the proposed different uses (batching area).
 - It would also be beneficial to show any information that assists to support the proposed use such as location of existing wind tree belts or areas of vegetation.
 - The site plan needs to show all proposed development including the silos, washdown bay, loading areas, any new access or hardstand areas, watertanks, proposed buildings etc.
- (ii) Strongly recommends that the applicant engage a planning consultant to assist in preparing a plan suitable for completion of the development application, and that some additional site photographs be submitted to assist in the assessment.
- (iii) Request a revised Form 1 planning application with correct lot and title details, and a copy of the Certificate of Title. The title details provided were incorrect accordingly to Landgate and although the lease area appears to form part of Lot 50 Wellstead Road which needs to be confirmed.
- (iv) Request written confirmation on the nearest dwelling/ or accommodation or submission of a location plan with a 500 metre buffer line drawn from the lease boundary.
- (v) Written clarification on the following matters;
- Provide more information on the proposed sand extraction as the written information lodged concentrates on the concrete batching. Council is considering the use as 'extractive industry' on the basis of the sand extraction component.
 - The total capacity of cubic metres of concrete product per production cycle – provide an explanation of scale/ volumes being handled and produced. It is unclear whether only one load for each truck is done in one day or what the maximum volume per day is.
 - Maximum tonnage of product per year.
 - Anticipated traffic volumes into the site/ advice on how many times the two trucks enter and depart the site per day or week.
 - Volumes of wastewater produced or volumes to be recycled through the washdown bay. Clarify if there is any wastewater disposed off on site.
 - There is an indication that dust will be better managed through use of a silo for the concrete batching, however it is not clear how dust is prevented with the elevator. There is also no explanation regarding the sand extraction, whether there will be on site stockpiles and how dust for extraction will be managed.

- Confirm that any proposed storage silo would be fitted with an air cleaning system.
- 2. Seek confirmation from the applicant that they can comply with the Environmental Protection Regulations 1998 provided previously by Gray & Lewis.
- 3. Advise the applicant that on receipt of additional information, the application will be advertised for public comment including referral to relevant authorities.

Carried 6-0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.2
SUBJECT:	Proposed home business
LOCATION/ADDRESS:	Lot 776 Freeman Drive, Bremer Bay
NAME OF APPLICANT:	Charmaine Debra La Rosa
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 September 2009

SUMMARY

- Council is to consider an application for a home business (real estate office) on Lot 776 Freeman Drive, Bremer Bay
- The application has been advertised for public comment and at the time of writing this report no submissions had been received.
- This reports recommends that the application be approved subject to conditions

ATTACHMENT

Attachment – Confidential plans

BACKGROUND

Zoning

The property is zoned 'Residential R2/15' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme').

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

Under the 'Residential R15' code the minimum lot size is 580m² per lot, with an average of 666m² per lot.

COMMENT

Application

The application involves the following;

- The applicant already operates a home occupation for a small real estate agency (Bremer Bay Realty) from 2 Roderick Street, Bremer Bay. She has been operating the existing office since October 2008.

SIGNED BY PRESIDENT

20th October 2009

- The applicant proposes to relocate the business to Lot 776 Freeman Drive once the house on the lot is constructed.
- The applicant seeks to use one room in the house as an office (36.16m²) and a smaller room as a foyer (10.76m²).
- The office will only be operated by Ms La Rosa who has advised that most of time she meets clients on site. There may be times where clients will attend the office however she does not anticipate that there would be more than 5-8 maximum visits by clients per day.
- The majority of customers would only attend the site by appointment so traffic and number of visitors can be controlled.
- If approved, home businesses are permitted to have a small advertising sign. Due to the sign, there may be the occasional client attend from the street.
- There is an existing sign that the business uses at 2 Roderick Street and that same sign would be used when they relocate to Freeman Drive.
- Parking will be contained on site.
- Whilst the applicant intends to continue as a sole operator, any approval for a home business would provide them with the flexibility to employ no more than two persons not members of the occupiers household.

Scheme Requirements

The Scheme has a definition for both a 'home occupation' and 'home business'. A 'home occupation' is restricted to an area no greater than 20m² whereas a 'home business' can occupy up to 50m².

The applicant already operates a real estate office as a 'home occupation' from a property in Roderick Street however is constructing a new dwelling in Freeman Drive. This application will allow for relocation by the time the new dwelling is constructed.

The total combined area proposed to be used for an office and waiting foyer is 46.92m² therefore the applicant has decide to apply for a 'home business' which allows the greater floor area.

A 'home business' is defined as '*means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which;*

- Does not employ more than 2 people not members of the occupiers household;*
- Will not cause injury to or adversely affect the amenity of the neighbourhood;*
- Does not occupy an area greater than 50m²;*
- Does not involve the retail sale, display, or hire of goods of any nature;*
- In relation to vehicles and parking, does not result in traffic difficulties as a result of inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- Does not involve the use of an essential service of greater capacity than normally required in the zone. '*

Consultation

The application has been referred to surrounding landowners for comment and closes on 7 September 2009. At the time of writing this report (4 September 2009) no submissions had been received.

STRATEGIC IMPLICATIONS

Home businesses allow for small businesses to operate from a residential area and creates an opportunity for local employment.

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

Any establishment of a local business is likely to have positive financial implications for the Shire.

POLICY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Approve the application lodged by Charmaine Debra La Rosa for a home business (real estate office) on Lot 776 Freeman Drive, Bremer Bay subject to the following conditions;
 - (i) All visitor parking shall be contained on site within the property boundaries.
 - (ii) The business is approved for use of a real estate office only.
 - (iii) A sign is not to exceed 0.2 square metres and be fully located within the property boundary.
 - (iv) No more than 2 people can be employed at any one time who are not members of the occupiers household.

That Council;

1. Approve the application lodged by Charmaine Debra La Rosa for a home business (real estate office) on Lot 776 Freeman Drive, Bremer Bay subject to the following conditions;
 - (i) All visitor parking shall be contained on site within the property boundaries.
 - (ii) The business is approved for use of a real estate office only.
 - (iii) A sign is not to exceed 0.2 square metres and be fully located within the property boundary.
 - (iv) No more than 2 people can be employed at any one time who are not members of the occupiers household.

Carried 6-0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.3
SUBJECT:	Information Item - Amendment 2 to the Shire of Jerramungup Local Planning Scheme No 2
LOCATION/ADDRESS:	Reserve 27494 (Lot 149) Monash Avenue, Jerramungup.
NAME OF APPLICANT:	Gray & Lewis on behalf of the Shire of Jerramungup
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 September 2009

SUMMARY

- Council is to note the Ministers request for modifications to Amendment 2.
- This is an information item only.

ATTACHMENT

Attachment – Rezoning plan

BACKGROUND

The Shire investigated the possible rezoning of Reserve 27494 during 2006/2007 however had difficulties obtaining advice from the Water Corporation on water supply requirements. Initially the Water Corporation advised that water supply could not be provided, however subsequently indicated that they could undertake further engineering investigations to examine the matter further.

Ultimately the required information from Water Corporation was not forthcoming, and it was decided to progress the amendment so the Water Corporation could provide comment during formal advertising.

In June 2007, Council resolved to formally initiate Amendment 2 to the Shire of Jerramungup Local Planning Scheme No 2 (“the Scheme”) to;

1. Reclassify a portion of Reserve 27494 (Lot 149) Monash Avenue, Jerramungup, from ‘Local Reserve for Recreation and Open Space’ to ‘Residential Zone R15/30’ and ‘Local Reserve for Conservation’; and
2. Delete point 4 (a) of Rural-Residential Zone 3 in Schedule 11, which reads:

“4. Access – Landscape Protection

- (a) *driveway access is not permitted from Point Henry Road to development on proposed Lots 101, 102 and 103 as identified on Subdivision Guide Plan – Pt. Kent Location 111. Arrangements*

SIGNED BY PRESIDENT

20th October 2009

may be required at the subdivision stage to ensure that driveway access to development on these lots is provided from Short Beach Road by way of the strategic firebreak along the eastern boundary of proposed Lots 101 and 102. These arrangements may entail battleaxe access with reciprocal rights of access or access easements. These measures are intended to minimise visual impact of driveways to these lots.”

The second part of the amendment was simply to fix an anomaly in the scheme text.

The Amendment was referred to the EPA who recommended modifications. A report was referred to Council in September 2007 to adopt the modified amendment prior to advertising.

Advertising occurred between the 26 March 2008 and 26 May 2008. The amendment was adopted for final approval by Council in June 2008, and lodged with the WA Planning Commission seeking Ministerial approval.

COMMENT

During advertising the Water Corporation lodged a written letter of ‘no objection’. It is understood however that the WAPC had subsequent discussions with the Water Corporation and they then advised that a water supply could not be provided.

As a result the Minister for Planning has refused the portion of the amendment proposing to re-zone Reserve 27494, and only the minor text change contained in Point 2 has been approved in the amendment.

Gray & Lewis has modified the amendment documents as directed by the Western Australian Planning Commission and re-lodged them for the final Ministerial endorsement (to comply with relevant regulations).

The purpose of this report is to simply advise Council of the Ministers decision.

The actions of the Water Corporation have been disappointing as the Shire endeavoured to consult with them ‘up front’ and had difficulties getting information, and the amendment process is lengthy and time consuming.

It is recommended that Council note the Ministers decision, and take the opportunity to write to the Water Corporation outlining its disappointment that there has been conflicting advice given in regards to this area and that the Shire has incurred significant costs over progressing amendment 2.

STRATEGIC IMPLICATIONS

The reserve was one of the few opportunities for residential expansion for the Jerramungup townsite.

STATUTORY REQUIREMENTS

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

SIGNED BY PRESIDENT

20th October 2009

FINANCIAL IMPLICATIONS

The amendment process is lengthy and the Shire has incurred consultancy costs and advertising costs.

POLICY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Note the Minister for Plannings' decision not to approve re-zoning of Reserve 27494 Monash Avenue as part of Amendment 2.
2. Authorise the Chief Executive Officer to write to the Water Corporation outlining its disappointment that there has been conflicting advice given in regards to this area and that the Shire has incurred significant costs over progressing Amendment 2.

OC090910 Moved Cr Trevaskis / Seconded Cr Hobbs

That Council;

1. Note the Minister for Plannings' decision not to approve re-zoning of Reserve 27494 Monash Avenue as part of Amendment 2.
2. Authorise the Chief Executive Officer to write to the Water Corporation and the Minister outlining its disappointment that there has been conflicting advice given in regards to this area and that the Shire has incurred significant costs over progressing Amendment 2.

Carried 6-0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.4
SUBJECT:	Proposed new dwelling and outbuilding
LOCATION/ADDRESS:	Lot 50 Point Henry Road, Bremer Bay
NAME OF APPLICANT:	Mr Adam Johnston for Peter and Christine Bracknell (owners)
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:	28 August 2009

ATTACHMENT

Attachment 10.3.4 – site photos
Confidential Attachment – plans

BACKGROUND

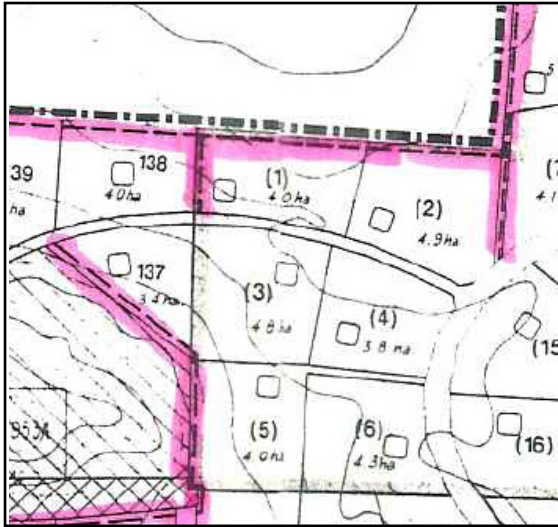
Zoning

The lot is zoned 'Rural Residential 1' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme'). All development in this zone requires planning approval and special provisions apply under Schedule 11 of the Scheme.

History of Subdivision relative to Subdivision Guide Plan

Lots 1, 2, 3 and 4 as shown on the Subdivision Guide Plan are actually known as Lots 49, 50, 48 and 47 respectively. These four lots originally formed one larger land parcel known as Lot 116 Point Henry Road. Subdivision of the original Lot 116 was staged and Lot 50 was created under a 2003 WAPC approval (121393).

In most cases the lot numbers allocated as part of the subdivision process match those nominated on the Point Henry Subdivision Guide Plan.



In this case however Lot 50 is actually shown as Lot 2 on the Subdivision Guide Plan (SGP) – refer left plan.

Whilst the SGP shows a road servicing the four lots it was not constructed.

The eastern Lots 48 (shown as Lot 3 on the SGP) and Lot 49 (shown as Lot 1 on the SGP) are serviced by battleaxe legs in lieu of the previous proposed road.

COMMENT

Application

The application is summarised below;

- The building envelope has already been cleared and the dwelling is proposed within the approved building envelope as shown on the Subdivision Guide Plan.
- The site has been inspected by the Shire's Building Surveyor to check the information / cut as shown on the plans submitted. The proposed dwelling and approved building envelope is on a higher peak of the lot.
- A two storey dwelling is proposed however no portion exceeds 5 meters as measured from natural ground level due to cut already undertaken in the cleared building envelope.
- The dwelling is proposed to be constructed out of timber frame with external walls and roof in 'deep ocean' colorbond. It includes an upper storey verandah around all four walls.
- A 15 metre by 7.5 metre (112.5m²) colorbond outbuilding is also proposed in the building envelope.

The applicants have submitted photographs of the site which are included in Attachment A.

Technically it could be argued that site works such as 'cutting' into the lot is development requiring approval, and it is generally preferable that site works commence after planning approval be issued.

Notwithstanding the above, it is also recognised that;

- Many owners maintain clearance of their building envelopes and driveways prior to development of a dwelling;
- Due to the topography it would be difficult to maintain a cleared building envelope on Lot 50 without undertaking some cut/site works;
- It is not known when the cut was undertaken or by who. The cut has simply been covered with gravel at this point for weed management.

In any event the proposed 'cut' is supported as it essentially assists to lower the levels for development, and ensures the dwelling complies with the maximum height. It is

however recommended that a condition be placed on development requiring a geotechnical / engineering report prior to the issue if a building licence. Gray & Lewis has liaised with the Shire's Building Surveyor regarding this matter and considers such a condition to be reasonable.

A confidential copy of the plans is included in the confidential attachments 10.3.4.

Scheme Requirements – Proposed dwelling

There are specific provisions applicable to the Rural Residential zone and Council can have regard for matters such as colours, materials, building height and bulk, architectural design, relationship to surrounding development and bush fire control.

General compliance with the Scheme is summarised below;

Clause	Summary	Comment	Compliance
5.75.3(e)	All buildings to be contained in the building envelope	The dwelling is in the original approved building envelope as shown on the SGP.	Complies – all buildings are within an approved building envelope.
5.75.3(h)	Driveways to be located to minimise soil erosion and visibility of driveways	There is an existing driveway.	Complies.
5.73.3(i)	Materials to be non reflective and blend with the environment	The new dwelling is proposed to be constructed out of colorbond. The colour is non reflective.	Complies.
5.73.3(j)	Buildings are not to exceed 5 metres in height from natural ground level to the apex of the roof unless the local government is satisfied a higher building will not be visually obtrusive	The residence height does not exceed 5 metres from natural ground level due to the 'cut' into the lot. This is shown in the site photographs provided by the applicant.	Complies.
5.73.3(l)	Require 92 kilolitre tank and on site effluent disposal prior to occupation of dwelling.	92, 000 litre rainwater tanks are shown on the site plan and there will be a condition requiring installation.	Complies
Schedule 11	20 metre front setback and 15 metre setback from all other boundaries	The setbacks exceed the minimums.	Complies.

Policy Requirements – Proposed Outbuilding

Council adopted Local Planning Policy No 16 – Outbuildings for final approval on the 16 September 2008. The table below summarises the applicable requirements.

	Maximum Wall Height (metres)	Maximum Ridge Height (metres)	Maximum floor area (aggregate)
Requirements for Rural Residential	4.2	5	240m ²
Proposed	3.9	4.929	112.5m ²

The outbuilding is also proposed to be constructed out of non reflective colorbond to match the proposed dwelling and complies with the Shire's Policy requirements.

Conclusion

The application generally complies with the Scheme requirements and conditional approval is recommended.

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

The Shire pays Gray & Lewis planning fees for the assessment of applications.

POLICY IMPLICATIONS

Explained in the body of this report.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Approve the application lodged by Mr Adam Johnson on behalf Peter and Christine Bracknell for a single dwelling and outbuilding subject to the following conditions;

SIGNED BY PRESIDENT

20th October 2009

- (i) The external walls of the residence and outbuilding are to be constructed out of non reflective materials as stated on the plans submitted.
 - (ii) Water tank(s) with a minimum capacity of 92 kilolitres and approved on site effluent disposal must be installed and in operation prior to occupation of dwelling.
 - (iii) The height of the dwelling is not to exceed 5 metres as measured from natural ground level as stated in the application and on the plans submitted.
 - (iv) A Geotechnical Report to be submitted and earthworks certified by an Engineer to the satisfaction of the Chief Executive Officer prior to the issue of a building licence.
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.

OC090911 Moved Cr Barrett / Seconded Cr Bailey

That Council;

1. Approve the application lodged by Mr Adam Johnson on behalf Peter and Christine Bracknell for a single dwelling and outbuilding subject to the following conditions;
- (i) The external walls of the residence and outbuilding are to be constructed out of non reflective materials as stated on the plans submitted.
 - (ii) Water tank(s) with a minimum capacity of 92 kilolitres and approved on site effluent disposal must be installed and in operation prior to occupation of dwelling.
 - (iii) The height of the dwelling is not to exceed 5 metres as measured from natural ground level as stated in the application and on the plans submitted.
 - (iv) A Geotechnical Report to be submitted and earthworks certified by an Engineer to the satisfaction of the Chief Executive Officer prior to the issue of a building licence.
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.

Carried 6-0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.5
SUBJECT:	Proposed new dwelling and outbuilding
LOCATION/ADDRESS:	Lot 104 Point Henry Road, Bremer Bay
NAME OF APPLICANT:	Mr Ian Weir (owner and applicant)
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:	28 August 2009

ATTACHMENT

Confidential Attachment 10.3.5 – site plan

BACKGROUND

Site Description

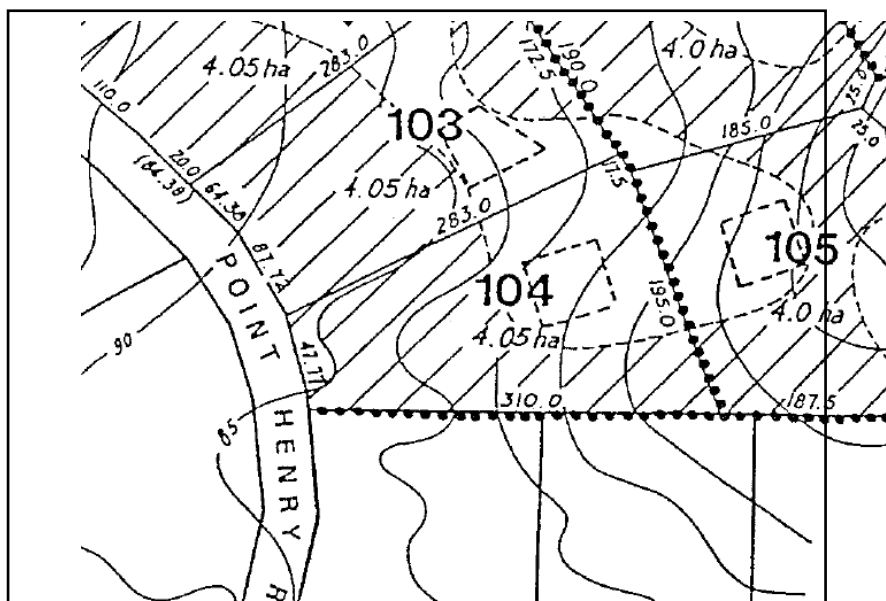
Lot 104 is located on the eastern side of Point Henry Road and is currently vacant.

Zoning

The lot is zoned 'Rural Residential 3' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme'). All development in this zone requires planning approval and special provisions apply under Schedule 11 of the Scheme

Building Envelope

A Subdivision Guide Plan with building envelopes applies to the lot – refer plan below.



Existing Approvals

The owner previously obtained planning approval for a dwelling on this lot, however did not proceed to construction. The owner has a new house design which is sufficiently different to the original approved design to warrant a new planning application.

Whilst the actual house design is different from that originally approval, the location and floor area remains similar to that already approved.

COMMENT

Application

The application is summarised below;

- A new 50m² one bedroom dwelling and stand alone 16m² outbuilding within an approved building envelope.
- The dwelling will be over 150 metres from Point Henry Road and is screened through existing dense vegetation.
- The residence has a varied total height (due to topography) however no portion will exceed 5 metres as measured from natural ground level due to cut and fill proposed.
- The dwelling proposed is two storey and includes an upper storey bedroom and roof deck. It has been cited in a manner to be visually unobtrusive due to existing topography, distances to adjacent dwellings and lot boundaries and existing vegetation.
- The dwelling is proposed to have a flat roof and be constructed out of 'Jasper' and 'Woodland Grey' colorbond material.

The applicants have submitted photographs of the site and a letter in support of the application which is included in Attachment A. A confidential copy of the plans and perspective drawing are included as Attachment (b).

Scheme Requirements – Proposed dwelling

There are specific provisions applicable to the Rural Residential zone and Council can have regard for matters such as colours, materials, building height and bulk, architectural design, relationship to surrounding development and bush fire control.

General compliance with the Scheme is summarised below;

Clause	Summary	Comment	Compliance
5.75.3(e)	All buildings to be contained in the building envelope	The dwelling is in an approved building envelope.	Complies – all buildings are within an approved building envelope.
5.75.3(h)	Driveways to be located to minimise soil erosion and visibility of driveways	There is an existing driveway.	Complies.

Clause	Summary	Comment	Compliance
5.73.3(i)	Materials to be non reflective and blend with the environment	The new dwelling is proposed to be constructed out of colorbond. The colours are non reflective.	Complies.
5.73.3(j)	Buildings are not to exceed 5 metres in height from natural ground level to the apex of the roof unless the local government is satisfied a higher building will not be visually obtrusive	The residence height does not exceed 5 metres from natural ground level due to proposed 'cutting' into the lot, even though it includes an upper storey bedroom.	Complies. Photographs have been lodged showing there is good vegetation coverage which will visually screen the proposed dwelling.
5.73.3(l)	Require 92 kilolitre tank and on site effluent disposal prior to occupation of dwelling.	92, 000 litre rainwater tanks are shown on the site plan and there will be a condition requiring installation.	Complies
Schedule 11	20 metre front setback and 15 metre setback from all other boundaries	The setbacks exceed the minimums.	Complies.

Policy Requirements – Proposed Outbuilding

Council adopted Local Planning Policy No 16 – Outbuildings for final approval on the 16 September 2008. The table below summarises the applicable requirements.

	Maximum Wall Height (metres)	Maximum Ridge Height (metres)	Maximum floor area (aggregate)
Requirements for Rural Residential	4.2	5	240m ²
Proposed	2.25 wall height to lower (verandah) gutter and 3.0 metres to highest gutter point (excludes roof peak)	4.3	16m ² with 8m ² verandah.

The outbuilding is also proposed to be constructed out of non reflective colorbond to match the proposed dwelling and complies with the Shire's Policy requirements.

Conclusion

The application generally complies with the Scheme requirements and conditional approval is recommended.

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

The Shire pays Gray & Lewis planning fees for the assessment of applications.

POLICY IMPLICATIONS

Explained in the body of this report.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Approve the application lodged by Mr Ian Weir (owner and applicant) for a single dwelling and outbuilding subject to the following conditions;
 - (i) The external walls of the residence and outbuilding are to be constructed out of non reflective materials as stated on the plans submitted.
 - (ii) Water tank(s) with a minimum capacity of 92 kilolitres and approved on site effluent disposal must be installed and in operation prior to occupation of dwelling.
 - (iii) The height of the dwelling is not to exceed 5 metres as measured from natural ground level as stated in the application and on the plans submitted.
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.

OC090912

Moved Cr Hobbs / Seconded Cr Iffla

That Council;

1. Approve the application lodged by Mr Ian Weir (owner and applicant) for a single dwelling and outbuilding subject to the following conditions;
 - (i) The external walls of the residence and outbuilding are to be constructed out of non reflective materials as stated on the plans submitted.
 - (ii) Water tank(s) with a minimum capacity of 92 kilolitres and approved on site effluent disposal must be installed and in operation prior to occupation of dwelling.
 - (iii) The height of the dwelling is not to exceed 5 metres as measured from natural ground level as stated in the application and on the plans submitted.
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.

Carried 6-0

11.10 am Mrs Tara Pittard left the meeting.

OC090913

Moved Cr Bailey / Seconded Cr Atkin

That the meeting be closed to the public.

Carried 6-0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.6
SUBJECT:	Proposed Plantation – Amended Plan for condition 2 of existing planning approval.
LOCATION/ADDRESS:	Lots 1, 228 and 1893 South Coast Highway, Boxwood Hill. Condition 2 only relates to Lot 1.
NAME OF APPLICANT:	Forest Products Commission for Andrew Gooch (on behalf of Cherelle-Louise Collier)
FILE REFERENCE:	
AUTHOR:	Gray & Lewis
DISCLOSURE OF ANY INTEREST:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i>
DATE OF REPORT:	1 September 2009

OC090914 Moved Cr Bailey / Seconded Cr Hobbs

That Council;

1. Authorise the Chief Executive Officer to endorse the amended plan lodged on the 25 August 2009 by the Forest Products Commission on behalf of Eric Gooch (owner).
2. Advise the Forest Products Commission that;
 - (i) Council retrospectively accepts the amended plan as being sufficient to meet Condition 2 of the planning approval issued on the 19 June 2009 based on the site specific benefits such as protection of the river and to mitigate early signs of salinity.
 - (ii) Acknowledges the FPC apology however expresses extreme disappointment over the handling of this matter and that the installation of planting had not been disclosed to Council sooner (in the SAT application for review or at directions). The sentiment of the apology is appreciated however Council expects FPC to check compliance with the conditions of approvals issued to date and notes that this issue has only come to the Shires attention as a direct result of the SAT application and mediation site visit.

Carried 6-0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.7
SUBJECT:	Consider options for dealing with a breach of a planning condition and note a current SAT application
LOCATION/ADDRESS:	Lots 1, 228 and 1893 South Coast Highway, Boxwood Hill. Condition 2 only relates to Lot 1.
NAME OF APPLICANT:	Forest Products Commission for Cherelle-Louise Collier (owner)
FILE REFERENCE:	
AUTHOR:	Gray & Lewis
DISCLOSURE OF ANY INTEREST:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i>
DATE OF REPORT:	3 September 2009

OC090915 Moved Cr Iffla / Seconded Cr Bailey

That Council;

- A. Authorise the Chief Executive Officer to write to the owner of Lot 1 South Coast Highway and the Forest Products Commission advising that the planting that has occurred on Lot 1 is in direct breach of Condition 2 of the planning approval issued on the 19 June 2009 as it was installed prior to any amended plan being lodged or endorsed and explain;
- (i) The Scheme requirements and that a breach of a condition of planning approval is a direct breach of the Scheme.
 - (ii) That under Clause 218 of the Town Planning and Development Act 2005, a person who contravenes a local planning scheme commits an offence.
 - (iii) Council can take action against the owner of the land for any proven breach of the Scheme including taking the owner to court and pursuing prosecution, issuing a written direction for the plantings to be removed and the land restored to pre-development state, or issuing a fine in accordance with the Planning and Development Regulations 2009.
 - (iv) Council is extremely disappointed with the actions of the Forest Products Commission and it is important to recognise that these actions are not in the interest of the owner of the land as they can be prosecuted for the breach of planning approval.
 - (v) Notwithstanding the above, Council in this case has decided not to take any action as the FPC has lodged an apology and an amended plan has been retrospectively approved for Lot 1.
 - (vi) The Forest Products Commission should note that Council will not tolerate similar future actions and may undertake spot inspections of approved plantation sites on an intermittent basis to check compliance with conditions.
- B. Note that there is a current State Administrative Tribunal review application relating to Condition 2 of the plantation approval issued on the 19 June 2009 for

SIGNED BY PRESIDENT

20th October 2009

Lots 1, 228 and 1893 South Coast highway, Boxwood Hill which is subject to mediation.

OC090916 Moved Cr Iffla / Seconded Cr Bailey

That the meeting be reopened to the public.

Carried 6-0

A D M I N

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.1
SUBJECT:	Administration Status Report
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Shire of Jerramungup
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	8 September 2009

SUMMARY

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

ATTACHMENT

Correspondence from State Land Services

PROJECT UPDATE

1) Bremer Bay Youth Camp

This item will be considered at this meeting.

2) Jerramungup Residential Land Developments

The Shire has received a taking order for the land in Sydney Street. A reservation and management order in favour of the Shire will now be created. It is expected that these documents will be executed within the next few weeks.

From the Shire's perspective, the extent of the development i.e. retaining walls, street upgrades and provision of services will now require consideration.

3) Farmland Water Response Planning

Quotes have been received and an application will be prepared within the coming weeks.

4) Jerramungup Community Pool

The Shire expects a response from the Minister within the coming weeks.

5) Police Station and Housing

It is anticipated that the Police Station will be delivered to Jerramungup in late November 2009.

The framing has commenced on the residential dwellings.

6) Industrial Land Bremer Bay

The proposed rezoning has been advertised for public comment in response to positive feedback from the EPA.

7) Bremer Bay Medical Centre

No further information on this matter.

8) Local Government Amalgamations

This item will be considered at this meeting.

9) Bremer Bay Town Centre

An expression of interest will be prepared for submission to Landcorp. Some preliminary work has commenced on this submission, however time limitations resulting from the structural reform process has stifled further development.

12.00 pm Council convened for lunch

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

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.2
SUBJECT:	Integrated Communications and Customer Service Strategy
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	2 September 2009

SUMMARY

On 22 October 2008, Council formalised a series of key focus areas for the Chief Executive Officer.

Contained within these key focus areas was the requirement for the Chief Executive Officer to develop a public relations program incorporating the media and more accurate information on the Shire's website.

ATTACHMENT

Integrated Communications and Customer Service Strategy

BACKGROUND

As outlined above, Council identified the need to develop a public relations program incorporating the media and more accurate information on the Shire's website.

In response to this criteria, an Integrated Communications and Customer Service Strategy has been developed. This document assesses both the internal and external service environment and proposes a plan of action from a customer service and integrated communications perspective that will facilitate the provision of outstanding service and improved public perception of the Shire of Jerramungup.

CONSULTATION

Informal and formal meetings have occurred with staff members, elected members and the community. Aspects of these discussions and concerns expressed during this consultation has been incorporated into this strategy.

COMMENT

Until recently, the provision of sound customer service was not a priority for many local government authorities, as customers that received poor service could not defect to alternative service providers. This laid-back, easy going approach to service delivery has been replaced more recently as local and state government authorities realise that good customer service is efficient, can build advocacy and support for an organisation and provides staff with fulfillment and satisfaction.

Outstanding customer service and increasing public perception is very hard to achieve

SIGNED BY PRESIDENT

20th October 2009

within a local government setting. This difficulty in achieving outstanding service is symptomatic of the service industry generally as the product offering lacks physical characteristics, therefore making it difficult for customers to evaluate and determine their overall level of satisfaction.

In response to addressing emerging trends within the internal and external environment, this strategy responds to community feedback and applies the extended services marketing mix to nurture and strengthen our service delivery reputation within the Jerramungup community.

It is envisaged that the additional human resource identified within the 2009/10 budget process will guide the implementation of this strategy. Once this strategy is adopted, this position will be advertised.

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...

- 2.3 Ensuring that the service delivery process is supported by appropriately skilled, qualified and enthusiastic staff members.

FINANCIAL IMPLICATIONS

The actions requiring financial contributions have either been funded through the normal budget process or will be presented to Council for specific budget reallocations upon receipt of external funding.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council adopt the Integrated Communications and Customer Service Strategy as presented within the agenda attachments.

OC090917

Moved Cr Bailey / Seconded Cr Hobbs

That Council adopt the Integrated Communications and Customer Service Strategy as presented within the agenda attachments.

Carried 6-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.3
SUBJECT:	New Fire Break Order
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	1 September 2009

SUMMARY

At the May 2009 Ordinary Council Meeting, Council received the Jerramungup Bushfire Advisory Committee Meeting Minutes held on 29 April 2009 and adopted a series of recommendations that transpired from this meeting.

Of significance to this item was the recommendation to establish a working party consisting of Bill Parker, Murray Hatton, Wes Thomas, Dave Edwards and Trevor Ross to review the bush fire notice and review the fire ban system.

ATTACHMENT

New Bush Fire Notice

BACKGROUND

As outlined within the summary, a working party was established to review the bush fire notice and review the fire ban system. This working party met on Friday 17 July 2009 and commenced working on this review.

A number of aesthetic changes were made to the notice so that it was clearer and easier to follow. Upon settlement of this document, it was forwarded to the Shire's Solicitor for comment and endorsement to ensure that the notice was legally compliant and enforceable.

It appears that the notice has grown over time and based upon the feedback from the Shire's Solicitor contains many elements that are not legally enforceable.

In consultation with staff, the Shire's Solicitor has redrafted the document removing the inaccuracies, unenforceable content and conflicting information.

The new notice has been received by the working group and is now presented to Council for endorsement prior to publication within the Government Gazette and circulation to all land owners within the Shire.

CONSULTATION

Consultation has occurred with the working party established to review the bush fire notice and review the fire ban system.

SIGNED BY PRESIDENT

20th October 2009

COMMENT

Given the fire risks identified within the Shire of Jerramungup, it is important to have a fire break order that provides land holders with clear parameters in terms of their responsibilities during the fire season. Legally, it is equally important to have an enforceable document that can be applied and tested successfully in the event that individuals do not comply with the requirements published within the order.

STATUTORY REQUIREMENTS

Section 33 of the Bush Fire Act 1954 applies to this item. This section of the act has been included within the attachments to this item.

STRATEGIC IMPLICATIONS

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

Key Focus Area Two: Service Delivery & the Environment

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

- 2.1 Supporting a range of community services that enhances the community fabric.
- 2.2 Working in partnership with key agencies to deliver environmentally responsible services.

FINANCIAL IMPLICATIONS

The financial implications associated with reviewing this document includes legal expenses, publishing and postage costs. It is anticipated that the cost will be \$3000 that has been allowed for within the 2009/10 budget.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council;

1. Endorse the Fire Break Order Notice as presented within the agenda attachments.
2. In accordance with Section 33 (1) and (2) of the Bush Fire Act 1954, authorise the Chief Executive Officer;
 - i) To publish the Fire Break Notice within the Government Gazette and in a newspaper circulating in the area.

SIGNED BY PRESIDENT

20th October 2009

- ii) To send a copy of the Notice to all land owners within the Shire of Jerramungup.

1.05 pm Mr Edwards entered the meeting

OC090918 Moved Cr Barrett / Seconded Cr Bailey

That Council;

1. Endorse the Fire Break Order Notice as presented within the agenda attachments.
2. In accordance with Section 33 (1) and (2) of the Bush Fire Act 1954, authorise the Chief Executive Officer;
 - i) To publish the Fire Break Notice within the Government Gazette and in a newspaper circulating in the area.
 - ii) To send a copy of the Notice to all land owners within the Shire of Jerramungup.

Carried 6-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.4
SUBJECT:	Bremer Bay Youth Camp
LOCATION/ADDRESS:	Bremer Bay Road
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	29 May 2009

SUMMARY

At the June Ordinary Council Meeting, Council formed a position with regard to the future of the Bremer Bay Youth Camp.

At this meeting, Council resolved to relinquish control of the site to the owners of the adjoining caravan park after considering public submissions. The owners of the park have responded to Council's resolution with a alternative proposal.

Council is now required to consider this new proposal.

ATTACHMENT

Alternative Proposal – Bremer Bay Youth Camp

BACKGROUND

The Bremer Bay Youth Camp was established by the Shire of Gnowangerup in approximately 1971. It consisted of a kitchen, dining/recreation area, accommodation units and two ablution facilities. All of the infrastructure was transportable and acquired from a mine site in the Kalgoorlie/Norseman area.

The original management structure consisted of a management committee. In 2002/03 the Council dissolved the committee and took over the day to day management of the Youth Camp.

Although the facility received ongoing maintenance and various upgrades, the current kitchen, dining and accommodation units are very old and have been assessed as being in poor condition.

A business case was prepared and received by Council at the June 2009 Ordinary Council Meeting. At this meeting Council resolved;

That Council receives the Business Case – Bremer Bay Youth Camp and adopts the following recommendations;

- 1. Agrees in principle to relinquish the control and management of the Bremer Bay Youth Camp.*
- 2. a) In accordance with s 3.28 (3)(ii) of the Local Government Act 1995, authorises the Chief Executive Officer to give local public notice of the Shire's intention to dispose of Reserve 24619; and*

SIGNED BY PRESIDENT

20th October 2009

- b) That the notice of proposed disposition is to include;*
- i) the names of all other parties concerned*
 - ii) The consideration to be received by the local government for this disposition being \$15,500 per annum.*
 - iii) the market value of the disposition as ascertained by a valuation*
 - iv) a maximum lease term of 10 years expiring in 2019.*
3. *After considering the public submissions and prior to entering into a formal lease agreement, invites the proponent to submit a detailed development plan that indicates the proponent's development intentions during the term of the proposed lease.*

This recommendation was forwarded to the owners of the caravan park who have responded accordingly. The owners of the caravan park initially requested a greater lease term. As Council were not prepared to entertain this request, the owners have requested a modified annual lease fee.

Council is now required to consider this alternative proposal.

CONSULTATION

As stated below, the Local Government Act requires extensive consultation in relation to the disposition of property in this manner. Therefore, Council will have the opportunity to consider community feedback prior to making a final determination.

In addition, significant community feedback has been received in relation to this item with a majority of respondents very disappointed that the Youth Camp is no longer taking bookings.

COMMENT

In considering this item previously, 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. The Shire's 10 Year Financial Management Plan makes no provision for significant upgrades to the Youth Camp through either general purpose funding or loans.

It was also recognised that the management of the Youth Camp was outside of the Shire's core business and within the current political amalgamation climate, all avenues to achieve greater efficiencies needed to be investigated. As a result, staff advised the Council that from a resource perspective, the Shire did not have the capacity internally to take bookings, arrange cleaning, general maintenance and other activities associated with running a Youth Camp.

STATUTORY REQUIREMENTS

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;

SIGNED BY PRESIDENT

20th October 2009

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 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

An annual lease component of \$10,000 would be recognised as general revenue for the Shire of Jerramungup.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

SIGNED BY PRESIDENT

20th October 2009

RECOMMENDATION

That Council;

1. a) In accordance with s 3.28 (3)(ii) of the Local Government Act 1995, authorises the Chief Executive Officer to give local public notice of the Shire's intention to dispose of Reserve 24619; and
b) That the notice of proposed disposition is to include;
 - i) the names of all other parties concerned.
 - ii) the consideration to be received by the local government for this disposition being \$10,000 per annum.
 - iii) the market value of the disposition as ascertained by a valuation being \$15,500.
 - iv) a maximum lease term of 10 years expiring in 2019.
2. After considering the public submissions and prior to entering into a formal lease agreement, invites the proponent to submit a detailed development plan, for inclusion into the lease document that indicates the proponent's development intentions during the 10 year term of the proposed lease.
3. Once a formal lease agreement is in place;
 - i) agrees to undertake the programmed maintenance work associated with the current Bremer Bay Youth Camp ablution block as outlined within the 2009/10 budget
 - ii) agrees to remove the existing Youth Camp buildings
4. Endorses all upgrades to power, water and fire suppression services. These services are to be established as an independent system and not reliant on existing infrastructure within the adjoining caravan park.
5. Declines the proponents request to contribute towards the preparation of a lease document (all costs associated with the preparation of the lease documentation are to be borne by the proponent).

OC090919 Moved Cr Iffla / Seconded Cr Hobbs

That Council;

1. a) In accordance with s 3.28 (3)(ii) of the Local Government Act 1995, authorises the Chief Executive Officer to give local public notice of the Shire's intention to dispose of Reserve 24619; and
b) That the notice of proposed disposition is to include;
 - i) the names of all other parties concerned.
 - ii) the consideration to be received by the local government for this disposition being \$10,000 per annum.
 - iii) the market value of the disposition as ascertained by a valuation being \$15,500.
 - iv) a maximum lease term of 10 years expiring in 2019.
2. After considering the public submissions and prior to entering into a formal lease agreement, invites the proponent to submit a detailed development plan, for

SIGNED BY PRESIDENT

20th October 2009

- inclusion into the lease document that indicates the proponent's development intentions during the 10 year term of the proposed lease.
3. Once a formal lease agreement is in place;
 - i) agrees to undertake the programmed maintenance work associated with the current Bremer Bay Youth Camp ablution block as outlined within the 2009/10 budget
 - ii) agrees to remove the existing Youth Camp buildings
 4. Endorses all upgrades to power, water and fire suppression services. These services are to be established as an independent system and not reliant on existing infrastructure within the adjoining caravan park.
 5. Authorise the Chief Executive Officer to call for tenders for the sale and removal of the accommodation units and kitchen facilities.

Carried 6-0

Reason for Variation – The Council wanted to remove the substandard buildings as soon as possible due to safety concerns.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.5
SUBJECT:	Council Strategy – Occupational Health and Safety
LOCATION/ADDRESS:	Shire of Jerramungup
FILE REFERENCE:	
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	3 September 2008

SUMMARY

This item presents the Shire of Jerramungup Occupational Health and Safety Strategy to Council for adoption. The Occupational Health and Safety Strategy seeks to set a clear direction in delivering a safe and healthy workplace at the Shire of Jerramungup.

ATTACHMENT

Council Strategy – Occupational Health and Safety

BACKGROUND

Continuing on from the Human Resources Strategy which was adopted by Council at the August Ordinary Meeting this Occupational Health and Safety Strategy will formalise the future direction for health and safety practices and targets within the organisation. Progressing towards a higher level of compliance with OSH legislation is a critical component in the delivery of services to the community.

CONSULTATION

Executive Management Team

COMMENT

With employee costs accounting for a significant portion of operational expenditure each year and a vital component of service delivery to customers it is essential to ensure that employees are working in a safe environment. Significant improvements in safety and health programs will deliver Council greater efficiencies and savings in the workplace through less employee absence, savings in workers compensation premiums and a higher degree of satisfaction from the workforce.

This strategy outlines a number of targets and objectives, assigning responsible officers with timeframes for completion. As part of the review process Council, the workforce and the community will be provided with operational scorecards in the annual report which detail the performance of Council's safety and health programs in each financial year.

It is recommended that Council adopt the Occupational Health and Safety Strategy as a means of ensuring the service delivery process provided within a safe working environment.

SIGNED BY PRESIDENT

20th October 2009

STATUTORY REQUIREMENTS

Occupational Health and Safety Act 1984

Workers Compensation and Injury Management Act 1981

STRATEGIC IMPLICATIONS

Key Focus Area 2.3

Ensuring the service delivery process is supported by appropriately skilled, qualified and enthusiastic staff members.

FINANCIAL IMPLICATIONS

Various financial implications such as training, workplace improvements and employee resources will need to be allocated to the improvement of workplace safety and health.

POLICY IMPLICATIONS

The Safety and Health Policy manual will be reviewed as part of the strategy.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council adopt the Shire of Jerramungup Occupational Health and Safety Strategy as presented within the agenda attachments.

OC090920 Moved Cr Bailey / Seconded Cr Atkin

That Council adopt the Shire of Jerramungup Occupational Health and Safety Strategy as presented within the agenda attachments.

Carried 6-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.6
SUBJECT:	FESA Memorandums of Understanding
LOCATION/ADDRESS:	Jerramungup, Bremer Bay
NAME OF APPLICANT:	FESA
FILE REFERENCE:	
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	3 September 2009

SUMMARY

This item addresses a renewal of the memorandums of understanding between the Shire of Jerramungup, Local Emergency Service Units and FESA for the use of the FESA buildings in Jerramungup and Bremer Bay. The item seeks to approve the memorandums of understanding and authorise the Shire President and Chief Executive Officer to execute these documents.

ATTACHMENT

Memorandum of Understanding – Maintenance and Support of the Bremer Bay VES Unit.

Memorandum of Understanding – Maintenance and Support of the Jerramungup VES Unit.

BACKGROUND

The Shire of Jerramungup holds the management orders over the two properties of which the Volunteer Emergency Services buildings are located on. One is on the corner of Memorial and Kokoda Road in Jerramungup and the other on the corner of Borden Bremer Bay Road and John Street in Bremer Bay.

These MOU's provide access and responsibility for the ongoing costs for the facilities to FESA and the VES units.

CONSULTATION

Local VES Units
FESA District Manager

COMMENT

The renewal of these MOU's is important to ensuring that local emergency services continue within the Shire of Jerramungup and there are no significant financial burdens placed on the Council by entering into the agreements.

STATUTORY REQUIREMENTS

Nil

SIGNED BY PRESIDENT

20th October 2009

STRATEGIC IMPLICATIONS

Key Focus Area Two:

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 authorise the Shire President and Chief Executive Officer to sign the memorandum of understanding for the maintenance and support of the Bremer Bay and Jerramungup VES Units.

OC090921 Moved Cr Barrett / Seconded Cr Iffla

That Council authorise the Shire President and Chief Executive Officer to sign the memorandum of understanding for the maintenance and support of the Bremer Bay and Jerramungup VES Units.

Carried 6-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.7
SUBJECT:	Structural Reform
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	2 September 2009

SUMMARY

In August 2009, Council was presented with the Structural Reform Report as prepared for the Shire's of Jerramungup, Gnowangerup and Ravensthorpe.

This report recommended an amalgamation between the three Shire's . Council decided to postpone a decision on this matter as the Minister for Local Government announced an extension to the reform deadline.

Submissions are now due on 30 September 2009.

ATTACHMENT

Reform Submission – J Grimoldby
Schedule 2.1 Local Government Act 1995
Division 4 — Regional local governments

BACKGROUND

In February 2009, the Minister for Local Government announced his wide-ranging Local Government Reform Strategies. As part of this, he encouraged each local government within Western Australia to embrace the opportunity for voluntary amalgamations to achieve much needed structural reform in Western Australia. As part of this initiative, the Minister also advocated for each council to have an elected member group of between six and nine.

The desired outcome of structural reform is a strong sustainable local government sector. It is anticipated that a range of benefits will be derived through the reform process being;

- increased capacity for local government to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability;
- increased capacity for local government to have adequate financial and asset management plans in place;
- enhanced efficiency in the processing of planning, building and other licence applications made by business and the community;
- greater ability to attract and retain staff including the provision of further career development opportunities; (re order)

SIGNED BY PRESIDENT

20th October 2009

- greater competition for positions on council and, in conjunction with other reforms, potential for enhanced governance capacity; and
- larger local governments with greater capacity to partner with State and Federal Government, and the private sector, to further improve services to communities.

The Shire's of Jerramungup, Gnowangerup, Kent, Lake Grace and Ravensthorpe had been discussing regional partnerships, cooperation and resource sharing prior to the Minister's announcement in February 2009.

After the Minister's announcement, many informal meetings took place as the Shire's concerned followed the process as outlined within the Local Government Structural Reform Guidelines.

By the 31 April 2009, all Councils had submitted their reform checklists. The formal advice received as a result of the submitted checklists was as follows;

Gnowangerup:

Shire of Gnowangerup was placed in Category Two: "structural reform including amalgamation/boundary adjustments and formalisation of regional groupings should be considered to enhance organisational and financial capacity to meet current and future community needs".

Jerramungup

Shire of Jerramungup was placed in Category Two: "structural reform including amalgamation/boundary adjustments and formalisation of regional groupings should be considered to enhance organisational and financial capacity to meet current and future community needs".

Ravensthorpe

The Shire of Ravensthorpe was placed in a Category Three: "significant structural reform including amalgamation and formalisation of regional groups is required to ensure long term community and organisational benefit in order that the needs of the current and future generations are met".

On 1 May 2009, the Shire's of Jerramungup, Gnowangerup, Kent, Lake Grace and Ravensthorpe met in Jerramungup to discuss the next phase of the Structural Reform process as prescribed by the Minister.

At this preliminary meeting, the Shire's of Lake Grace and Kent indicated that their Council had considered their position and had decided to pursue other regional partnerships.

The Shire's of Jerramungup, Gnowangerup and Ravensthorpe decided to proceed as a collective group and prepare a funding application to facilitate this process. The funding application was successful and the Shire's appointed Ms Jan Grimoldby to assist in the preparation of a reform submission.

Ms Grimoldby commenced work on 22nd June 2009.

Ms Grimoldby applied a process that consisted of individual Council consultation, collective Council consultation and public consultation.

SIGNED BY PRESIDENT

20th October 2009

Ms Grimoldby delivered the report 'Structural Reform Review for the Great Southern Councils Incorporating the Shire's of Gnowangerup, Jerramungup and Ravensthorpe' on Tuesday 12 August 2009. This report after considering recent political announcements recommends a 'three way' amalgamation between the Shire's of Gnowangerup, Jerramungup and Ravensthorpe.

This report was presented to Council on 18 August 2009. Council decided to postpone a decision on this matter as the Minister for Local Government announced an extension to the reform deadline.

CONSULTATION

During the preparation of the structural reform report, a letter was sent to all Jerramungup property owners and individuals on the residents roll. This letter explained the structural reform process and announcements made by the Minister. This correspondence invited individuals to a public meeting and consisted of a feedback form for residents that were unable to attend.

Since the August 2009 Ordinary Council Meeting an article was placed in all local publications indicating that the consultants report had been delivered and recommended a three Council amalgamation. Residents were encouraged to make contact with the Chief Executive Officer to express their feelings on this proposed grouping. In preparing this report, no community feedback had been received.

COMMENT

The recommendation presented to Council is yet another step in a much larger process. Although the structural reform report recommends that Council express their intentions to amalgamate, the following process will be applied in assessing the Council decision and overall structural reform report;

- Minister provides Reform Submission to Local Government Reform Steering Committee for assessment.
- Steering Committee assesses Reform Submissions and seeks further information if needed.
- Steering Committee provides advice to Minister on preferred option for reform.
- Finalised proposals referred to the Local Government Advisory Board for consideration and recommendation.

As the legislation currently stands, Schedule 2.1 of the Local Government Act 1995 outlines a significant process of investigation by the Local Government Advisory Board before a recommendation is made back to the Minister and an order is made by the Governor. At any stage in this process which currently involves significant public consultation the recommendation made by Council may be rejected and/or amended.

In consultation with the consultant, the importance of each individual Council reaching a comparable resolution was discussed. The Ravensthorpe resolution may change marginally as boundary changes that involve Munglinup must be considered.

STATUTORY REQUIREMENTS

As outlined within the comments section of this report, schedule 2.1 and section 3.61 of the Local Government Act 1995 applies to this item.

These sections of the Act have been incorporated into the agenda attachments.

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:

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

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:

1.3 Establishing partnerships with neighbouring councils to achieve service delivery efficiencies.

Key Focus Area Two: Service delivery and the environment

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

2.3 Ensuring that the service delivery process is supported by appropriately skilled, qualified and enthusiastic staff members.

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

Key Focus Area Three: Building and road infrastructure

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

3.1 Ensuring that built infrastructure is well utilised and maintained.

3.2 Adopting whole of life asset management principles.

3.3 Keeping abreast of new technology and industry best practice.

FINANCIAL IMPLICATIONS

The financial implications associated with any form of structural reform are significant. An amalgamation is estimated to cost in the vicinity of \$2.5m over three years.

If Council considers establishing a Regional Local Government, this body will require significant resources to ensure that organisational objectives are achieved. An estimated contribution towards this body of approximately \$60,000 per annum could apply.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Receive the report entitled Structural Reform Review for the Shire's of Gnowangerup, Jerramungup and Ravensthorpe.
2. Resolves to advise the Minister for Local Government;
 - i) Of its intention to create a regional local government with the Shire's of Gnowangerup and Ravensthorpe effective from 01 July 2011.
 - ii) That the proposed Regional Local Government will be established to deliver regional services to the participating local governments.
 - iii) That the Shire's current elected member representation consisting of 7 Councillors is considered appropriate.
3. Affirm that for the purposes of the Royalties for Regions funding, this council's region is resolved to be that region described by the local government areas of Gnowangerup, Jerramungup and Ravensthorpe.

OC090922 Moved Cr Bailey / Seconded Cr Iffla

That Council resolve to lay the matter on the table and hold a special meeting prior to 30th September 2009

Carried 6-0

Reason for Variation - Given recent information from Ravensthorpe about their intentions to look towards Esperance for a regional grouping, Council decided to undertake further review of the Structural Reform document.

COUNCILLOR REPORTS

11. **COUNCILLOR REPORTS**

Cr Barrett

Attended a Structural Reform meeting

Cr Hobbs

Attended a Structural Reform meeting

Attended a WEAC Meeting

Cr Iffla

Attended a Structural Reform meeting

Cr Bailey

Attended a Structural Reform meeting

Attended a FESA AGM

Cr Atkin

Attended a Structural Reform meeting

Attended a South East Shires Power Group meeting

Cr Trevaskis

Attended a Structural Reform meeting

Attended a South East Shires Power Group meeting

Attended a St John's dinner

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

12.1 From Officers

Cr Hobbs requested that a lease agreement between the Shire and the current user for the front shed on 13 John Street, Bremer Bay be investigated.

Mr Bailey responded that he would investigate the matter further.

Cr Hobbs asked if the owners had been approached regarding illegal occupancy of a shack in Bremer Bay.

Mr Parker responded that the owners of the property had been notified and they expressed their commitment to vacating any illegal occupants on the premises.

12.2 From Elected Members

13. NEXT MEETING/S

13.1 Ordinary Meeting – 20th October 2009 to be held at the Town Hall, Bremer Bay.

14. CLOSURE

The President declared the meeting closed at 3.00pm.