

SHIRE OF JERRAMUNGUP



AGENDA

COUNCIL ORDINARY MEETING

16th AUGUST 2017

Dear President and Councillors,

NOTICE OF ORDINARY COUNCIL MEETING

Please note that the next Ordinary Meeting of Council of the Shire of Jerramungup will be held in the Council Chambers, Jerramungup on Wednesday 16th August 2017, commencing at 2:00pm.

BRENT BAILEY
CHIEF EXECUTIVE OFFICER

9th August 2017

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Jerramungup - Bremer Bay

“Progressive, Prosperous and a Premium Place to Live and Visit”

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SHIRE OF JERRAMUNGUP

**ORDINARY MEETING OF COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS,
JERRAMUNGUP ON WEDNESDAY 16th AUGUST 2017, COMMENCING AT
2:00PM.**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE

3. APOLOGIES

4. LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Rex Parsons Member

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

8. DECLARATIONS OF FINANCIAL INTEREST

9. CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting held 19th July 2017

W O R K S

SUBMISSION TO:	Works
AGENDA REFERENCE:	10.1.1
SUBJECT:	Works Report
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Murray Flett
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	1 st August 2017

ATTACHMENT

Attachment 10.1.1(a) - Jerramungup, Bremer Bay & rural road maintenance report
Attachment 10.1.1(b) - Road construction program schedule

ROAD CONSTRUCTION

The Construction crew commenced forming and gravel sheeting 3kms of Rabbit Proof Fence Road. Unfortunately, these works have been suspended due to the gravel being too wet as a result of recent rains. These works will be completed when weather conditions allow.

The wet weather has also hampered Western Stabilisers from finalising the last few cement stabilised pavement failures on Gairdner South Road and seal edge repairs on Borden Bremer Bay Road. These works will be completed when weather conditions improve. Sealing works on these sections will commence later in the year. These pavement repairs have improved the ride-ability on these sections and enhanced traffic safety.

The Bremer Bay Town Centre works are now complete with the last few outstanding items being finished by the contractor. The works have been done to a very high standard and WCP Civil must be congratulated on their professionalism and workmanship not only on the town centre works, but also the Paperbarks area and the numerous other small projects they completed within the Bremer Bay town site which have enhanced the visual amenity of the area.

Attached is the completed 2016 / 2017 construction program

ROAD MAINTENANCE

The roadside spraying program has stalled due to the onset of winter rains and will commence when the weather improves to restrict weed infestations within the road reserve.

Routine Maintenance grading and gravel patching is continuing on roads in both the Bremer Bay and Jerramungup areas with emphasis on patching all the blowouts in the pavement.

Due to the wet weather onset, the crew have commenced maintenance works including gravel sheeting clay sections on bus routes as part of ongoing work to

improve safety on all bus routes. These works will continue over the coming years as part of our routine maintenance schedule.

With the onset of these winter months, please be mindful of the changing road conditions and drive accordingly

The crew are still focused on clearing of back-slopes especially on bends and intersections to improve sight distances for the road user.

TOWN SERVICES

The town services team have been gravel patching various roads and tracks in the Bremer Bay area. They have also been patching potholes in both Jerramungup and Bremer Bay town sites and some of our rural sealed roads. These potholes are reflective of the age of the seals on these roads.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026;

Aspiration 3.4: To lobby, advocate for and deliver a first class transport and telecommunications network.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

WORKFORCE IMPLICATIONS

This report provides an overview of the outside workforce operations for the month.

VOTING REQUIREMENTS

Simple Majority

COMMENTS

Nil

RECOMMENDATION

That Council adopt the July works report.

FINANCE

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.1
SUBJECT:	Accounts Payable
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	
AUTHOR:	Kiara Leeson
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	1st August 2017

ATTACHMENT

Attachment 10.2.1(a) - List of Accounts Paid to 31st July 2017
Attachment 10.2.1(b) - Credit Card Statement 18/06/2017 – 18/07/2017

BACKGROUND

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28128	
	EFT 13608 – 13650	\$ 289,296.48
	EFT 13651 – 13651	CANCELLED
	EFT 13652 – 13652	\$ 166.89
	EFT 13654 – 13690	\$ 68,222.33
	Cheque 28129 – 28132	\$ 15,868.48
	Direct Deposit	\$ 66,038.14
Municipal Account Total		\$ 439,592.32
Trust Account		
	EFT 13607 – 13607	\$ 2,200.00
	EFT 13653 – 13653	\$ 9,900.00
	EFT 13691 – 13692	\$ 4,000.00
Trust Account Total		\$ 16,100.00
<u>Grand Total</u>		<u>\$ 455,692.32</u>

CERTIFICATE

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, confirm;

- a. The List of Accounts Paid to 31st July 2017 as detailed in Attachment 10.2.1(a); and**
- b. The Credit Card Statement for 18/06/2017 – 18/07/2017 as detailed in Attachment 10.2.1(b)**

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.2
SUBJECT:	Adoption of 2017/2018 Budget
LOCATION/ADDRESS:	Shire of Jerramungup
FILE REFERENCE:	FM.BU.1
AUTHOR:	Charmaine Solomon
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	3 rd August 2017

SUMMARY

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

ATTACHMENT

Attachment 10.2. (a) - Shire of Jerramungup 2017/2018 Budget
Attachment 10.2. (b) – 2017/2018 Road Construction Program

BACKGROUND

The 2017/2018 budget is heavily focused on delivering and improving Council assets and in particular the road network due to the extensive damage incurred to the roads as a result of a severe storm on the 10th - 12th February 2017 (AGRN743). The cost estimate to reinstate the roads is approximately \$3 million. The majority of the works will be completed by contractors with the Shire's workforce carrying out reinstatement works on Corackerup Road, Boxwood-Ongerup Road and Cardinninup Road totalling approximately \$300,000.

Council will utilise the Effluent Reserve Funds to cover cash flow requirements associated with AGRN 743 as per section 6.11 of the Local Government Act 1995. It is expected that the cash flow requirements will be short term and there will be no material impact on the end of year balance of the Effluent Reserve.

\$2.33 million will be spent on road and transport infrastructure improvements. Major works will be completed on Jacup North, Jerramungup North, Lake Magenta, Meechi and Needilup North Roads.

\$1.285 million in funding will contribute to these works from Main Roads WA (Regional Road Group), Roads to Recovery, and Lotterywest.

\$1.56 million will be spent on the next stage of the Bremer Bay Town Centre Project which will commence in January 2018, the next stage will include the construction of the Civic Square including a nature play area, tables, shelters, street furniture, native landscaping, public art and the construction of the skate park. The skate park project will be funded by Lotterywest \$519,000, local Community Fundraising \$22,000 and utilising funds from the Shire's Community Recreation Reserve of \$50,000.

\$185,000 has been allocated to the Paperbarks Park Project this includes, a new BBQ area, fencing, internal paths and a small play area. The Shire was successful in gaining Lotterywest funding for this project.

The Shire will acquire two new trucks for the road maintenance crew and town services crew to replace ageing fleet in accordance with Council's plant replacement program. Council's light vehicle fleet due for replacement will also be changed over.

There are no major upgrades or additions to Council's buildings however a number of Council houses will receive minor refurbishment of aged fixtures.

CONSULTATION

The draft budget has been developed with consultation between Executive staff, Councillors, community submissions and Moore and Stephens Accountants. The budget is also driven by the Shire's Corporate Business Plan and contains a number of projects and income / expenditure parameters from this document.

COMMENT

Significant areas of operational expenditure within the 2017/18 budget include:

1. Approximately \$48,000 funded through the Point Henry Fire Levy will be put towards the replacement of the fire emergency water supply concrete tank which has been in place since the subdivision was created (early 1990). The Shire will increase the current capacity of 20,000lt to 270,000lt in the form of two tanks which will significantly improve the supply of water for fire suppression. This translates to an increase of approximately 90-100 truckloads of water for fire suppression activities. The Shire will also engage contractors to maintain the strategic access firebreaks in Point Henry.
2. Increase of the Chief Bush Fire Officer allowance to \$7,000 to align the position to Elected Member allowances in recognition of the importance and commitments of the role.
3. \$20,000 allocated to the recruitment of a new General Practitioner and approximately \$180,000 in administrative and business support services for the local General Practitioner.
1. \$415,000 in waste management contractor expenses and internal employee and plant related costs. A portion of expenses is offset by income from rubbish bin charges and tip gate fees.
2. \$115,000 in internal and external costs relate to the provision of public toilet facilities in the town sites and at coastal sites. A further \$35,000 is spent maintaining and cleaning fish cleaning facilities.
3. \$145,000 is spent maintaining townsite parks and gardens and a further \$27,000 is spent maintaining coastal reserves.
4. \$64,000 in employee/plant costs and contractor/material expenses to operate the Jerramungup Swimming Pool. \$32,000 of this expenditure is funded by the Community Pool Fund provided by Royalties for Regions.
5. Approximately \$705,000 will be spent maintaining townsite and rural roads including approximately \$310,000 of materials and contractor resources to assist our works crew particularly through the winter grading period.

STATUTORY REQUIREMENTS

Sections 6.2, 6.11 & 6.47 of the Local Government Act 1995
(*Preparation of annual budget & Concessions*), *Reserve Accounts*

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

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

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

STRATEGIC IMPLICATIONS

Aspiration 11: A community where revenue is maximised and rating methodology is fair, equitable and transparent.

FINANCIAL IMPLICATIONS

Budget Expenditures and Revenues as detailed in the budget.

POLICY IMPLICATIONS

Nil

WORKFORCE IMPLICATIONS

Staff numbers are forecast to remain however total expenditure on net employee costs is forecast to increase by 5% largely due to a 3.3% Fair Work increase to all works employee and the Shire's Planner no longer in a shared role with Shire of Ravensthorpe.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

1.1 Adoption of 2017/2018 Budget – Section 6.2 Local Government Act 1995

That Council:

- a) Adopt the budget for the financial year ending 30 June 2018 which has been prepared in accordance with the Local Government Act 1995 and associated Financial Management Regulations 1997; and

- b) Endorse the Rate Setting Statement as detailing the amount to be made up from rates for the financial year ending 30 June 2018 being \$3,222,342.

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

That Council:

- a) General Rates: That Council impose the following rates in dollar and minimum rates for properties within the Shire of Jerramungup to generate a 3% yield increase in total rates.

GRV: 11.4850 cents in the dollar

UV: 1.0870 cents in the dollar

GRV: \$785.00 minimum rate

UV: \$785.00 minimum rate

- b) Interest – Section 6.51 Local Government Act 1995

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

- c) Rates Instalment Payment Options

Offer the following rates instalment options:

Option 1

To pay the total amount of rates and charges included on the rate notice in full by the 27th September 2017 or the 35th day after the date of issue, whichever is the latter.

OR

Option 2

To pay by four instalments as detailed on the rates notices with the first instalment due on 27th September 2017 and in two monthly intervals thereafter.

Or

Option 3

To pay by two instalments as detailed on the rates notices with the first instalment due on 27th September 2017 and second instalment due four months after.

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

Impose an administration charge of \$8 per instalment and 5.5% simple interest to the amount on the rate notice where payment of a rate is made via the instalment option.

e) Rubbish and Recycling Collection Charges

a) Residential Properties – 240L Bin

- i) \$367.00 per annum per occupied Lot for one 240L General Rubbish Bin serviced weekly.
- ii) \$150.00 per annum per occupied Lot for one 240L Recycling Bin serviced fortnightly
- iii) \$367.00 per annum per additional 240L Rubbish Bin

b) Commercial Collections – 240L Bin

- i) \$367.00 per annum per occupied Lot for one 240L Bin serviced weekly.
- ii) \$150.00 per annum per occupied Lot for a 240L Recycling Bin serviced fortnightly nominated on the assessments rate file.
- iii) \$367.00 per annum per additional 240L Bin as listed on their properties bin count.
- iv) Ad-hoc additional bins for commercial rubbish pickups will be charged in accordance with the existing fees and charges schedule.

f) Effluent Rate – Townsite of Jerramungup

a) That Council impose the following rates in dollar for GRV properties within the townsite of Jerramungup for the management and maintenance of the Jerramungup Effluent System.

GRV: 4.630c in the dollar

b) That Council impose the following minimum rate for GRV properties within the townsite of Jerramungup for the management and maintenance of the Jerramungup Effluent System.

GRV: \$303.00

Non Rateable First Fixture: \$303.00

Additional Fixture: \$170.00

g) Point Henry Fire Levy

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

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

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

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

That Council:

Set the Shire President allowance of \$12,000.00
Set the Deputy Shire President allowance of \$3,000.00

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

That Council:

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

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

That Council:

Adopt a material variance level of 10% with a minimum \$10,000.00 variance for the 2017/2018 financial year for monthly reporting purposes.

1.6 Statutory Compliance

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

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

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

(c) are managed efficiently and effectively.

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

1.7 Consideration of funding requests

That Council approve the following funding requests:

- Jerramungup Motorcycle Club - \$3,500 contribution towards fencing.
- Bremer Bay Playgroup - \$400 contribution towards Bremer Bay Market Day.
- Bremer Bay Community Resource Centre - \$250 contribution to Bremer Bay Fishing Event Rec-Fish West.
- Bremer Bay Community Resource Centre - \$3000 contribution towards a tourism brochure project.
- Jerramungup Football Club/Winter Sports Committee - \$12,802 contribution towards replacement of hot water system.
- Jerramungup Occasional Childcare Centre - \$250 contribution to annual Christmas Tree event.
- Fitzgerald Biosphere Group - \$5000 contribution towards the launch event following the successful renomination of the Fitzgerald Biosphere.
- Bremer Bay Sports Club - \$2835 contribution towards the installation of a water softening unit and security lighting.
- Gairdner Progress Association - \$921 contribution towards running costs of the Gairdner Hall.
- Boxwood Combined Sports Club - \$9639 contribution towards 1/3 running costs of Boxwood Hall and to rectify drainage issues on the hockey oval.

**HEALTH,
BUILDING
&
TOWN
PLANNING**

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.1
SUBJECT:	Proposed Telecommunications Infrastructure (Use Not Listed)
LOCATION/ADDRESS:	Lot 2165 Tooreburrup Road, Bremer Bay
NAME OF APPLICANT:	Planning Solutions Pty Ltd
FILE REFERENCE:	A1606342
AUTHOR:	Manager of Development, Craig Pursey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	4 th August 2017

SUMMARY

Council is required to determine a planning application for telecommunications infrastructure at Lot 2165 Tooreburrup Road, Bremer Bay. The proposal consists of:

- A new 36m high monopole that will accommodate four (4) new omni-directional antennae for Telstra mobile services;
- One GPS antenna mounted on the existing equipment shelter; and
- Removal of three (3) existing omni-directional antennas from the existing guyed mast (which will be retained).

The proposal has been advertised for public comment and only one enquiry was received at the time of writing this report.

Conditional planning approval is recommended.

There is an existing lease that will require amending to accommodate the proposed additional infrastructure.

ATTACHMENT

Attachment 10.3.1 – Plans and supporting documentation

BACKGROUND

Site Description

Lot 2165 Tooreburrup Road, Bremer Bay is currently developed with a 47m high guyed mast, telecommunications equipment shelter, fenced compound and tourist lookout. The existing tower accommodates both the police communications equipment and Telstra.

Access is from Tooreburrup Road up a reasonably steep slope.

There is a low fuel slashed area around the top of Tooreburrup Hill and an access track to the top that require annual maintenance.

Zoning & Scheme Requirements

Lot 2165 is a Local Reserve for Recreation and Open Space under the Shire of Jerramungup Local Planning Scheme No.2 (the Scheme).

Land Use Classification

The proposed land use is defined in the Scheme as 'telecommunications infrastructure' as follows:

“telecommunications infrastructure” means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.

Whilst *Telecommunication Infrastructure* is defined in the Scheme the land use of 'telecommunications infrastructure' is not listed in Table 1 (Zoning Table) and therefore has been processed as a 'Use Not Listed'.

CONSULTATION

Public consultation was undertaken during July 2017, closing on the 3rd August 2017. This included;

- Advertising in the local paper; and
- Information posted on the Shire website, facebook page, information boards and shire offices.

One enquiry from the owner of Lot 131 Black Rocks Road, Bremer Bay was made about whether there was any potential for additional noise to be created from the wind resistance around the proposed telecommunications tower. This query was passed to the applicant who responded:

“Service Stream has not detailed design this site however, we don't anticipate much noise increase from installation of new monopole. Wind vibration of the monopole will be kept as minimum.

Wind noise is an issue with “wind turbines” (noise/hum generate by its rotating fans) but we have never come across such issue for telco pole like structures.

Proposed site is next to existing WAPOL mast, does neighbours experience any wind noise from existing WA Police mast?

Telstra is not aware of any similar issue with other telco poles/towers already operating in heavy windy locations.”

Whilst the top of Tooreburrup Hill is an extremely windy location, the existing tower does not appear to make excessive noise. Discussions with the Environmental Health Officers indicate that any noise from these sorts of structures is usually down to guy wires or small, thinner attachments rather than the tower itself. If anything of this nature causes a nuisance into the future the Noise Regulations may be used to require the applicant to come back and rectify any issues.

COMMENT

The Proposal

Council received an application from Planning Solutions on behalf of Telstra for telecommunications infrastructure at Lot 2165 Tooreburrup Road, Bremer Bay. The application is summarised below;

- A new 36m high monopole that will accommodate four (4) new omni-directional antennae for Telstra mobile services;
- One GPS antenna mounted on the existing equipment shelter; and
- Removal of three (3) existing omni-directional antennas from the existing guyed mast (which will be retained).

The new tower is part of Telstra's roll out of the 4G network and will result in a stronger signal and greater capacity.

The application was supported by a report justifying the proposal; the report conclusion is reproduced below:

1. *The proposed development is consistent with the Scheme provisions of the Shire of Jerramungup Local Planning Scheme No.2;*
2. *The proposed development is consistent with the objectives of the Shire of Jerramungup Local Planning Scheme No.2;*
3. *The proposal is consistent with the Western Australian Planning Commission's State Planning Policy No. 5.2 - Telecommunications Infrastructure;*
4. *The proposal is adequately separated from sensitive sites and residential development;*
5. *The infrastructure associated with the telecommunications facility will be contained within the existing site, and will not involve the removal of any significant vegetation; and*
6. *Works associated with the development are minor, and are not anticipated to detrimentally affect the amenity of the area.*

The proposal is consistent with planning principles derived from state and local levels, and given the minimal impact on the amenity of the area and the locality generally, the Application warrants support from the Shire of Jerramungup. In light of the proposal's demonstrated compliance with the applicable statutory planning instruments, the Shire is respectfully requested to approve the subject application.

A copy of the plans and extracts from the applicant's report are provided at Attachment 10.3.1.

Assessment

Council has to weigh up the benefits of improved and alternative telecommunications services which will in turn benefit local businesses and the wider community, whilst also having regard for normal planning considerations such as visual impact of the structure, access and fire management.

There is an existing communications mast on Tooreburrup Hill that has established a small precedent for the immediate locality. The location has good access to power

supply and is considered to be one of the better locations available for such a use. Telecommunications infrastructure is becoming part of the rural landscape and is expected adjacent to highways, townsites and on hills that provide good coverage.

It is also recognised that the use will have wider community benefits by achieving improved mobile phone coverage which in turn will assist with tourism and business.

On the other hand, State Planning Policy 5.2 requires co-location of telecommunications infrastructure wherever possible. The applicant has stated that the existing guyed mast is inadequate to contain the proposed additional equipment and that a new tower is required.

Whilst it would presumably be possible to demolish the existing guyed tower and co-locate all infrastructure on the proposed monopole, there seems little benefit in pursuing this. An additional tower in this location would provide more flexibility into the future for more telecommunications equipment and the location is already characterised by towers and equipment.

Overall the impact of an additional tower on the hill would be minimal, particularly when compared to the benefits more modern equipment will bring to telecommunications in Bremer Bay.

Fire Management

The application makes brief mention of compliance with State Planning Policy 3.7 'Planning in Bushfire Prone Areas' by identifying the proposed facility as 'unavoidable development' and therefore a Bushfire Management Plan or BAL Assessment is not warranted.

However, the Shire's Bushfire Risk Mitigation Plan identifies the infrastructure on Tooreburrup Hill as essential infrastructure in an emergency event and an important asset that requires adequate mitigation measures to be put in place to protect it in a bushfire.

The Shire currently spends approximately \$1,000-\$1,500p/a maintaining a 20-30m wide low fuel zone around the telecommunications infrastructure present and an adequate access track. Any change to the current lease agreement should require that Telstra provide a contribution toward the mitigation measures and access around Tooreburrup Hill.

Existing Development

The existing compound at Tooreburrup Hill is in very poor condition and will require repair and upgrading as part of any approval.

Access

The proposal entails adding another compound which will affect the access and manoeuvring around the infrastructure on the hill top. Some works will be required by the applicant to ensure that the proposal does not affect access to and around the top of the hill.

Lease

Telstra have a current lease over a small portion of the equipment shelter at Lot 2165. Variation will be required to the existing lease agreement. New terms should account for the expanded area used and an adequate contribution toward bushfire mitigation. This report recommends issuing the CEO delegation to negotiate appropriate terms for the revised lease.

STRATEGIC IMPLICATIONS

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026;

1.2.4 - Ensure that new development is well designed and sustainable, where community needs are met while conserving our natural and built environment

3.4.6 - Reliable and fast telecommunications such as mobile phone, internet/broadband

STATUTORY REQUIREMENTS

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

FINANCIAL IMPLICATIONS

All costs in revising the existing lease should be borne by the applicant.

The revised lease should include a greater rental fee and an annual contribution toward fire mitigation and access.

POLICY IMPLICATIONS

The Shire does not currently have a telecommunications policy however the Scheme cites specific matters to be taken into consideration for the assessment of applications. The Western Australian Planning Commissions has a broad Statement of Planning Policy for Telecommunications which lists similar matters to the Scheme, and includes references to '*communications needs of the community*' and '*visual impact on the character and amenity of the surrounding area*'.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council;

1. **Approve the application for Telecommunications Infrastructure (Use Not Listed) at Lot 2165 Tooreburrup Road, Bremer Bay subject to the following conditions:**
 - a) **Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application.**
 - b) **All runoff from impervious surfaces being contained within the property and disposed of to the Shire's satisfaction.**
 - c) **Repair and/or replacement of the fencing to the existing compound to the satisfaction of the Chief Executive Officer;**
 - d) **Improvements being made to the existing access and manoeuvring area to ensure that adequate space for a 4WD fire appliance can access the top of Tooreburrup Hill and manoeuvre around the telecommunications compound to the satisfaction of the Chief Executive Officer.**

2. **Authorise the Chief Executive Officer to prepare variations to the existing lease between the Shire of Jerramungup and Telstra for Lot 2165 Tooreburrup Road, Bremer Bay that achieves:**
 - a) **An increase to the yearly rental commiserate with the additional area occupied;**
 - b) **An annual contribution towards maintenance of the slashed low fuel area around the telecommunications infrastructure and access to the tower. In effect, this payment would be added to the rental and increased annually at 3%; and**
 - c) **All costs in preparing the lease are to be borne by the proponent.**

3. **Once the lease has been prepared, authorise the Chief Executive Officer and Shire President to execute the lease agreement.**

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.2
SUBJECT:	Proposed Home Business – Dive Shop
LOCATION/ADDRESS:	Lot 200 (#1) Wellstead Road, Bremer Bay
NAME OF APPLICANT:	Craig Lebens & Anne Stephens
FILE REFERENCE:	A21432
AUTHOR:	Planning Officer, Craig Pursey
DISCLOSURE OF ANY INTEREST:	None
DATE OF REPORT:	9 August 2017

SUMMARY

The owners of the Bremer Bay Dive Shop currently located at 11 Gnornbup Terrace have purchased Lot 200 Wellstead Road, Bremer Bay and have applied to convert the existing house into a dive shop and residence.

During the redevelopment of this site it has become apparent that the necessary works to achieve this change of use under the Building Code of Australia will take longer than expected and will prevent the dive shop trading during the next school holidays.

This report asks Council to consider issuing a planning approval for a 'home business' to allow the dive shop to operate from the 'house' in the short term, giving the applicants enough time make the correct adjustments to the building.

ATTACHMENT

Nil

BACKGROUND

Site Description

Lot 200 (#1) Wellstead Road, Bremer Bay is 2377m² in area and developed with an existing house fronting Wellstead Road and a small shed toward the rear of the site. It is adjacent to the Bremer Bay hardware store.

Zoning & Scheme Requirements

Lot 200 is zoned 'Service Commercial' by Local Planning Scheme No.2 (the Scheme). The house is considered to be a 'non-conforming use' by the Scheme. A 'non-conforming use' is defined as follows:

non-conforming use means a use of land which, though lawful immediately before the coming into operation of a planning scheme or amendment to a planning scheme, is not in conformity with a provision of that scheme which deals with a matter specified in Schedule 7 clause 6 or 7;



Lot 200 Wellstead Road, Bremer Bay – existing development

Planning approval is required to vary a 'non-conforming use'.

A 'Home Business' is defined by the scheme as:

*“**home business**” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —*

(a) does not employ more than 2 people not members of the occupier’s household;

(b) will not cause injury to or adversely affect the amenity of the neighbourhood;

(c) does not occupy an area greater than 50 square metres;

(d) does not involve the retail sale, display, or hire of goods of any nature;

(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the 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

(f) does not involve the use of an essential service of greater capacity than normally required in the zone;

Clause 5.5 of the Scheme allows Council to vary any standard or requirement prescribed under the Scheme subject to consulting any party who may be affected by the proposed variation.

CONSULTATION

The current proposal will have no demonstrable effect on any neighbouring landowner and it is recommended that the current proposal may be considered without referral to neighbouring landowners or public advertising.

COMMENT

The Proposal

Council has received an application to redevelop the front portion of the existing house at Lot 200 Wellstead Road as a Dive Shop.

Planning approval was issued for this change of use under delegation on the 29th June 2017. A Building Permit was then required for a change of building classification. The proposal was assessed by an external private building certifier who has issued a Certificate of Design Compliance for the change of building classification; subject to a number of changes to the building. These include new doors, handles, smoke alarms, etc. These works are likely to take the applicant up to 3 months to complete.

A 'Certificate of Occupancy' has to be issued prior to occupying the building for commercial purposes. This can only be issued once the works are complete.

The dive shop needs to relocate from 11 Gnornbup Terrace to Lot 200 Wellstead Road before the next school holidays (early October 2017).

Therefore, Council is requested to consider relaxing the relevant Scheme provisions to allow for the existing house to be used as a 'Home Business' in the short term, whilst the building works are completed to allow for the formal change of building classification.

The applicant intends on using the existing house as a dive shop in the short term only and is having plans drawn up to construct a new purpose-built shop adjacent to the house in the medium to long term.

Assessment

A Home Business is not permitted in the 'Service Commercial' zone. However, the existing house is considered a non-conforming use and a change to a non-conforming use may be considered if Council is satisfied that:

- (a) *approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*
- (b) *the non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Therefore the dive shop may be considered as a 'home business' and as a change to the existing non-conforming use.

Additionally, Council is requested to relax the provision for a home business that prohibits the *retail sale, display, or hire of goods of any nature*".

In this case Council is only requested to consider applying this variation until the 31st December 2017 to facilitate the dive shop's relocation in the short term whilst allowing them to make the necessary structural changes by the end of the year.

There is effectively no impact upon neighbouring landowners, this a necessary bureaucratic step to allow for this to occur more quickly than would normally be the case.

STRATEGIC IMPLICATIONS

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026;

1.2.4 - Ensure that new development is well designed and sustainable, where community needs are met while conserving our natural and built environment

STATUTORY REQUIREMENTS

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

FINANCIAL IMPLICATIONS

None for Council.

POLICY IMPLICATIONS

None

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council;

1. Approve the application for a change of non-conforming use from a single house to a single house and home business subject to the following condition:
 - (a) This planning approval is granted for a period of four and half months, expiring on 31st December 2017 after which time a Certificate of Occupancy must have been issued for the change of building classification to shop (Class 6) and caretakers (Class 4).
2. Advise the applicant in footnotes on the planning approval that:
 - (a) The terms and conditions of planning approval P17-014 issued on the 29 June 2017 for a proposed change of use to dive shop and two sea containers remain applicable to the use of the subject site.

A D M I N

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.1
SUBJECT:	Supply of Plant, Equipment and Labour Hire for Storm Damage Related Restoration
LOCATION/ADDRESS:	Shire of Jerramungup
AUTHOR:	Charmaine Solomon / Les Hewer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	8 th August 2017

SUMMARY

Award tenders for the Request for Tender 02/17 and 03/17 - Supply of Plant, Equipment and Labour Hire for Storm Damage Related Restoration

ATTACHMENT

CONFIDENTIAL Attachment 10.4.1(a) - Tender Submissions 02/16
CONFIDENTIAL Attachment 10.4.1(b) - Tender Submissions 03/16
CONFIDENTIAL Attachment 10.4.1(c) - Evaluation Report 02/17
CONFIDENTIAL Attachment 10.4.1(d) - Evaluation Report 03/17

BACKGROUND

The Shire has incurred considerable damage to the road network infrastructure as a result of a severe storm on the 10th - 12th February 2017. The Office of Emergency Management (OEM) have proclaimed the event to be an *eligible disaster* stating that both opening up and reinstatement costs for the works are claimable under their Natural Disaster Relief and Recovery Arrangements Fund. One condition of the funding assistance is that for works undertaken to be eligible for payment they have to be contracted out, and not carried out by Shire owned resources.

Hewer Consulting Services were engaged to carry out an initial assessment and provide cost estimates for the restoration of the roads to the Main Roads WA (MRWA) standard and establish administration procedures including the tender assessment.

CONSULTATION

Main Roads WA have inspected the damaged roads and given approval to carry out these works.

COMMENT

The project to reinstate the roads damaged by the storm includes the cleaning of existing culverts, repairs to drainage infrastructure, road shoulder restoration and re-sheeting of gravel roads along with some bitumen repairs.

Tenders were called for contractors with suitable plant, equipment and labour to provide teams that would carry out the work as described. It was preferable that each operation would be carried out by one contractor and would include all plant,

equipment and labour. Materials such as gravel and drainage components are to be supplied by the Shire and claimed under the WANDRRA process in conjunction with the contractor invoices.

The project was divided into two tenders;

- RFT: 02/17 for roadworks reinstatement, and
- RFT: 03/17 for drainage reinstatement.

Twenty (20) tenders were received for the RFT 02/17 tender (three of these were not compliant), and
 Thirteen (13) tenders were received for RFT 03/17.

The contractors were evaluated and ranked according to criteria that would determine the most effective and efficient teams that would benefit the Shire. Apart from assessing technical specification and experience the contractors were assessed on total cost of providing hourly hire rates for resources that comprise a full team for a 12-18 month period.

The evaluation criterion, was weighted in the following manner;

Price and price structure: (score lowest to highest)	50%
Past experience/performance working with contracts of similar nature (score 1-5)	20%
Previous experience in working on local government infrastructure and with the local stakeholders/community: (score 1-5)	15%
Technical and physical capacity: (score 1-5)	15%

The tenders were assessed by the Project Manager and Executive Shire staff according to the above criterion and given a score out 100.

For RFT 02/17 (roadworks) tender, the three (3) with the highest ranking score were;

- Bremer Bay Earthmoving 87.00
- BN Grader Services 85.63
- Denmark Earthmoving 84.00

For RFT 03/17 (drainage) tender, the three (3) with the highest ranking score were;

- Bremer Bay Earthmoving 84.00
- Bill Gibbs Excavations 68.53
- Denmark Earthmoving 67.61

All tenderers are situated in the Great Southern Region and have carried out works of similar nature for both Jeramungup and other shires.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026;

Aspiration 3.4: To lobby, advocate for and deliver a first class transport and telecommunications network.

FINANCIAL IMPLICATIONS

There are no financial implications. The funding for the 25% contribution to a threshold of \$155,700 to be reallocated from the roads budget. The Shire has already funded approximately \$118,126 of this contribution through opening up and initial reinstatement works in the 16/17 financial year. The remaining contribution has been allocated for in the 17/18 budget.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council accept the tenders RFT 02/17 and RFT 03/17 for the Supply of Plant, Equipment and Labour Hire for Storm Damage Related Restoration and award the tenders in order of ranking to the highest scoring tenderer providing they can commence work in mid-September 2017.

COUNCILLOR REPORTS

11. COUNCILLOR REPORTS

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

12.1 From Officers

12.2 From Elected Members

13. NEXT MEETING/S

Ordinary Meeting – to be held Wednesday 20th September, 2017 commencing 2:00pm at the Council Chambers, Jerramungup.

14. CLOSURE