

# SHIRE OF JERRAMUNGUP



## AGENDA

### COUNCIL ORDINARY MEETING

18<sup>th</sup> NOVEMBER 2015

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 18<sup>th</sup> November 2015, commencing at 8.30am.

**BRENT BAILEY**  
**CHIEF EXECUTIVE OFFICER**

11<sup>th</sup> November 2015

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**The Shire of Jerramungup will provide leadership  
to maintain our identity by promoting social and economic  
development whilst embracing our unique natural environment.**

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SHIRE OF JERRAMUNGUP

ORDINARY MEETING OF COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS,  
JERRAMUNGUP ON WEDNESDAY 18<sup>th</sup> NOVEMBER 2015, COMMENCING AT  
8.30AM.

1. **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
2. **RECORD OF ATTENDANCE**
3. **APOLOGIES**
4. **LEAVE OF ABSENCE PREVIOUSLY APPROVED**
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 21<sup>st</sup> October 2015

**W O R K S**

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<b>SUBMISSION TO:</b>	<b>Works</b>
<b>AGENDA REFERENCE:</b>	10.1.1
<b>SUBJECT:</b>	Works Report
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Chris Miller
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6th November 2015

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### **ATTACHMENT**

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

### **ROAD CONSTRUCTION**

Works on Devils Creek Road are progressing well with the new corner re-alignment at the entry to the park and gravel haulage for the entire job, completed by the end of October. An upgrade of the existing drainage is 50% complete with the gravel expected to be spread and compacted by early November.

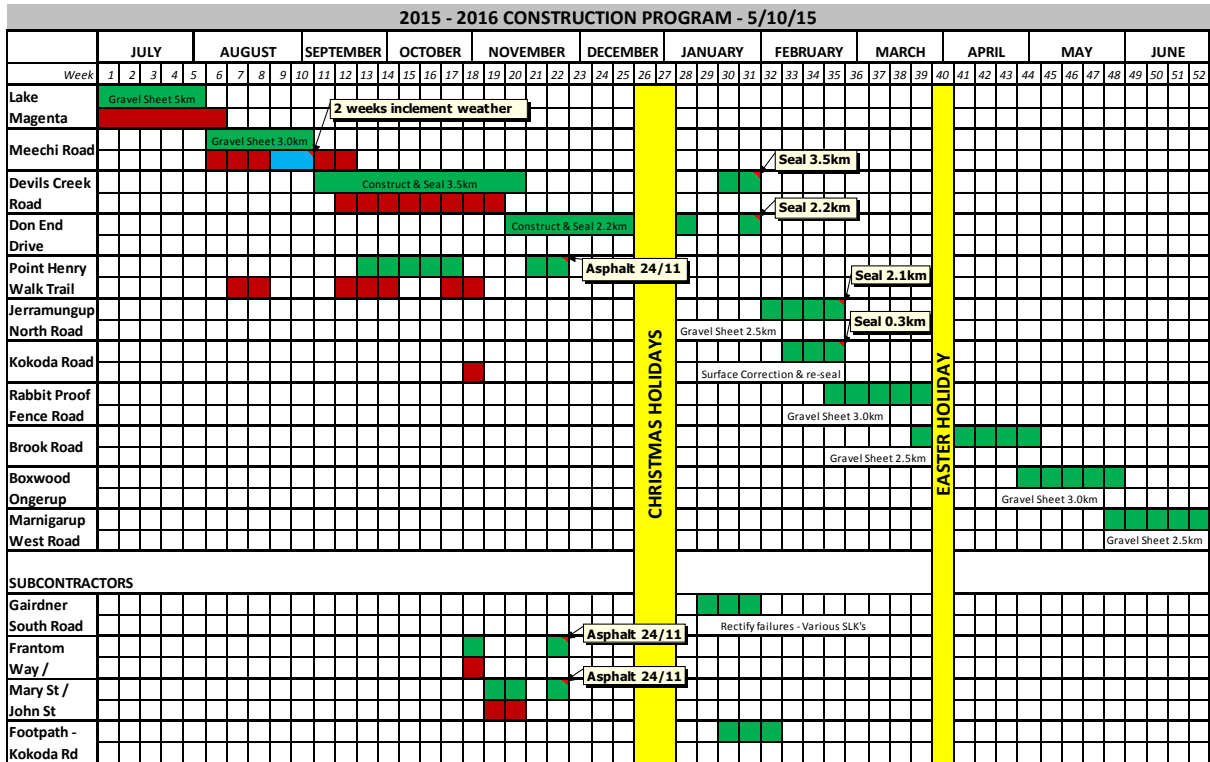
Once works on Devils Creek Road are completed the crew will mobilise into Don Ende Drive to complete formation and gravel haulage works prior to Christmas.

Bitumen for Devils Creek Road and Don Ende Drive has been re-scheduled until late January allowing both foundations to be open over the peak period to recognise and reinstate any failures prior to sealing.

The construction crew, with the assistance of Main Roads have also been rectifying and stabilising any pavement failures in the first 5km of Devils Creek Road. Rectifying these failure prior to harvest will assist with the long term integrity of the pavement, ensuring the failures do not get any worse and also preparing the first 5km for a re-seal in the 2016/17 Budget.

Kokoda Road works have also begun with the crew re-instating the seal edge with pre-mix asphalt adjacent the property boundary. Footpath works will be completed in late January and then the open drain between the seal edge and the footpath can be reshaped and graded to alleviate the existing drainage problems.

Refer below for the completed 2015 / 2016 construction program



**ROAD MAINTENANCE**

The Road Maintenance team has continued patch grading the worst areas of the road network over the past month ready for when harvest traffic commences.

Due to the sufficient amount of ground moisture still available the team has continued re-shaping and crowning roads ensuring adequate compaction before harvest.

Over the past month the team, with assistance of HJ Machining & Welding has also focused on widening narrow (overgrown) sections of Brown North & South and Cardinninup roads bringing them back to original widths to allow the movement of Agricultural plant and machinery.

The maintenance team has also taken delivery of the Broons duo-roller (free roller) which attaches to the back of the new John Deere grader and alleviates the need for using a separate multi-tyred roller to gain the required compaction.

Over the next months the team will be moving down the Swamp Road to carry out maintenance grading activities and then continuing on their cycle around the Shire.

**TOWN SERVICES**

The town services team has completed all slashing and firebreaks works of all council's laneways, reserves & buildings throughout October ensuring they are ready for the upcoming summer.

The team has also continued preparations for the Jerramungup pool ready for the upcoming season with upgrades to the sand filters, pumps and replacing problem paving around the pool.

The gardening team has continued with ongoing maintenance around all Council parks and gardens as well as a general tidy up of the Jerramungup Cemetery.

Contractor Deep South Civil has completed drainage works under Frantom way and started works on Mary / John Street intersection ready for asphaltting in late November.

Over the coming the month the team will be prioritising works on the walk trail ensuring it is ready for laying asphalt in late November.

### **STATUTORY REQUIREMENTS**

Nil

### **STRATEGIC IMPLICATIONS**

This item relates to the following component from the Shire of Jerramungup Strategic Community Plan 2012 – 2025;

**Aspiration 10:** A community where transport infrastructure is constructed and maintained using best practice principals.

### **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 October works report.**



# **FINANCE**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.1
<b>SUBJECT:</b>	Accounts Payable
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	
<b>AUTHOR:</b>	Kiara Leeson
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	2 <sup>nd</sup> November 2015

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### **ATTACHMENT**

Attachment 10.2.1 - List of Accounts Paid to 31<sup>st</sup> October 2015

### **BACKGROUND**

<b>FUND</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
<b>Municipal Account</b>		
Last Cheque Used	27935	
	EFT 11200 – 11218	\$ 66,638.29
	EFT 11220 – 11323	\$ 729,348.31
	Cheque 27936 – 27941	\$ 23,044.51
	Cheque 27942	CANCELLED
	Direct Deposit	\$20,846.16
<b>Municipal Account Total</b>		<b>\$ 839,877.27</b>
<b>Trust Account</b>		
	EFT 11196 – 11199	\$ 320.00
	EFT 11219 – 11219	\$ 50.00
<b>Trust Account Total</b>		<b>\$ 370.00</b>
<b><u>Grand Total</u></b>		<b><u>\$840,247.27</u></b>

### **CERTIFICATE**

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

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That the schedule of direct debits and accounts payable, totalling \$840,247.27 submitted to the Full Council on 21<sup>st</sup> October 2015 be endorsed.**

**SIGNATURES**

\_\_\_\_\_  
**Author**

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

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.2
<b>SUBJECT:</b>	Monthly Financial Report
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>AUTHOR:</b>	Charmaine Solomon
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 <sup>th</sup> November 2015

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## **SUMMARY**

This report presents the monthly financial report to Council which is provided as an attachment to the agenda. The recommendation is to receive the monthly financial report.

## **ATTACHMENT**

Attachment 10.2.2 - Monthly Financial Report – Period Ending 31<sup>st</sup> October 2015

## **BACKGROUND**

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month with the following detail

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

## **CONSULTATION**

Council financial records.

## **COMMENT**

This report contains annual budget estimates, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

## **STATUTORY REQUIREMENTS**

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

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

## **STRATEGIC IMPLICATIONS**

This item relates to the following component from the Shire of Jerramungup Strategic Community Plan 2012 – 2025;

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

## **FINANCIAL IMPLICATIONS**

As detailed within the Monthly Financial Report

## **POLICY IMPLICATIONS**

Accounting policies as detailed within the Monthly Financial Report

## **WORKFORCE IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council receive the Monthly Financial Report for the period ending 31<sup>st</sup> October 2015 in accordance with Section 6.4 of the Local Government Act 1995.**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.3
<b>SUBJECT:</b>	Annual Report 2014-2015
<b>LOCATION/ADDRESS:</b>	Not Applicable
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>AUTHOR:</b>	Tamara Pike
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 <sup>th</sup> November 2015

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## **SUMMARY**

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

## **ATTACHMENT**

Annual Report – Provided separately  
Annual Financial Report- Provided separately  
Audit Reports – Provided separately

## **BACKGROUND**

Accompanying this item are the Shire's Annual Reports for the 2014-2015 financial year. With the Shire's audit being finalised on 6<sup>th</sup> November 2015 the financials have been made available in time for the November Council meeting.

The Annual Financial Statements have been prepared in accordance with the Local Government Act 1995 and Local Government Financial Management Regulations 1996. The audit this year was carried out by Lincolns Accountants and Business Advisors who raised no items of concern in the Audit Report or Management Letter.

Once the Council has accepted the Annual Report, the Chief Executive Officer is to give local public notice of its availability and send a copy to the Department of Local Government.

## **CONSULTATION**

Lincolns Accountants and Business Advisors

## **COMMENT**

Council is required by the Local Government Act 1995 to hold an Annual Electors Meeting after the Annual Report is accepted. The latest date for the Electors Meeting is Tuesday 13<sup>th</sup> January 2016, being 56 days after the anticipated Council acceptance of the annual report. Accordingly and pursuant to advice from the Minister of Local Government it is recommended that Council hold the Annual Electors Meeting after the December Ordinary Council meeting. In past years the attendance at the Annual Electors Meeting has been very low and a new approach to meet this statutory requirement may be more efficient and attract greater attendance.

## **STATUTORY REQUIREMENTS**

### **Local Government Act 1995 - Section 5.27, 5.53 - 5.55**

#### **5.27. Electors' general meetings**

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

#### **5.29. Convening electors' meetings**

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

#### **5.53. Annual reports**

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

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

#### **5.54. Acceptance of annual reports**

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

*\* Absolute majority required.*

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

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

#### **5.55. Notice of annual reports**

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

### **STRATEGIC IMPLICATIONS**

The Annual Report provides a detailed review of the Shire's performance on strategic activities for the 2014/2015 financial year.

### **FINANCIAL IMPLICATIONS**

The Annual Financial Statements document Council's financial position at June 30 2015 and reflect the year's financial performance.

Council's financial ratios provided in the management letter are generally within or exceeding Local Government guidelines / standards. The following ratios were below the standards:

- 1) Operating Surplus Ratio
- 2) Asset Renewal Ratio

Both ratios reflect the nature of the Shire's reliance on external funding to deliver infrastructure replacement programs but are in line with most smaller rural Councils.

### **POLICY IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Absolute Majority



## **RECOMMENDATION**

**That Council:**

- 1) Accept the Shire of Jerramungup's Annual Report and Auditors Reports for the 2014-2015 financial year.**
- 2) Set the date for the Annual Electors Meeting for 10:00am on 16<sup>th</sup> December 2015 at the Jerramungup Council Chambers.**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.4
<b>SUBJECT:</b>	Commencing Winding-Up Proceedings in the Supreme Court of Western Australia Lot 1498 South Coast Hwy, Gairdner
<b>LOCATION/ADDRESS:</b>	Lot 1498 South Coast Hwy, Gairdner
<b>NAME OF APPLICANT:</b>	N/A
<b>AUTHOR:</b>	Sandra Heppekausen – Rates Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 <sup>th</sup> November 2015

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## **SUMMARY**

The purpose of this report is to consider applying to the Supreme Court of Western Australia for orders that the owner of the Land known as Lot 1498 South Coast Hwy, Gairdner WA 6337, GM Carmody Holdings Pty Ltd ("**Owner**") be wound up.

## **ATTACHMENT**

Nil

## **BACKGROUND**

By a letter dated 13 November 2012, the Shire, through its Solicitors, CS Legal, issued a letter to the Owner demanding payment of outstanding rates and charges in the sum of \$19,515.37 ("**Rates**").

The Owner failed to pay the Rates and legal proceedings were commenced in the Magistrates Court of Western Australia whereby judgment was entered for the sum of \$19,005.74.

The Owner has agreed to various payment plans with the Shire but defaulted on all arrangements.

In April 2013, a Statutory Demand for Non-Payment of Debt was issued to the Owner for payment of the sum of \$15,838.24 which the Owner disputed and eventually expired.

A Means Inquiry was issued out of the Court against the Director of the Owner. At the Means Inquiry, it was determined that the Judgment Debtor did not have the means to pay the Judgment Debt at the time.

On 30 July 2015, a further Statutory Demand for Non-Payment of Debt was issued against the Owner who has advised that he is unable to pay the outstanding amount and would pay the rates when money becomes available.

The Owner has failed to pay rates, service charges and penalty interest in the sum of \$42,572 and proceedings can be commenced to wind-up the Owner and a liquidator appointed to sell the Property.

## **CONSULTATION**

CS Legal – Council’s Solicitors for Debt Recovery Services

## **COMMENT**

Despite repeated attempts, the Shire has been unable to negotiate a payment arrangement with the Owner that is complied with in full.

Usual debt recovery procedures have been unsuccessful as the Owner has admitted insolvency and it is unlikely that the land would be sold by way of Bailiff Auction as a result of the type and complexity of the property and Bailiff sale process.

The procedure for applying to the Court for orders that a company be wound up usually takes between 3 – 4 months depending on the complexity of the case and whether Owner defends the proceedings.

## **STATUTORY REQUIREMENTS**

### **CORPORATIONS ACT 2001 – SECTION 459Q**

#### **Application relying on failure to comply with statutory demand**

If an application for a company to be wound up in insolvency relies on a failure by the company to comply with a statutory demand, the application:

- (a) must set out particulars of service of the demand on the company and of the failure to comply with the demand; and
- (b) must have attached to it
  - (i) a copy of the demand; and
  - (ii) if the demand has been varied by an order under subsection 459H(4)--a copy of the order; and
- (c) unless the debt, or each of the debts, to which the demand relates is a judgment debt--must be accompanied by an affidavit that:
  - (i) verifies that the debt, or the total of the amounts of the debts, is due and payable by the company; and
  - (ii) complies with the rules.

## **STRATEGIC IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The Solicitors for the Shire estimate their fees for acting on behalf of the Shire in the Application between \$2,500.00 and \$3,500.00 depending on the complexity of the case and whether the Owner defends the proceedings.

Solicitor's fees are usually recoverable from the proceeds of the liquidation or will be paid from any proceeds from the sale of the property.

### **WORKFORCE IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That Council:

1. Resolves to instruct CS Legal to apply to the Supreme Court of Western Australia on behalf of the Shire of Jerramungup for orders that the Owner, GM Carmody Holdings Pty Ltd, be wound up in accordance with the provisions of the Corporations Act 2001.

**HEALTH,  
BUILDING  
&  
TOWN PLANNING**

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<b>SUBMISSION TO:</b>	<b>Health, Building &amp; Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.1
<b>SUBJECT:</b>	Proposed Mixed-use development
<b>LOCATION/ADDRESS:</b>	Lot 1 Seadragon Avenue, Bremer Bay
<b>NAME OF APPLICANT:</b>	The Mitchell Property Trust
<b>FILE REFERENCE:</b>	A1606360
<b>AUTHOR:</b>	Craig Pursey, Planning Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	5 <sup>th</sup> November 2015

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## **SUMMARY**

Council has received a planning application for stage 1 of the development of Lot 1 Seadragon Avenue, Bremer Bay. A mixed-use development is proposed including space for mix of retail, office and accommodation uses, staged to meet demand as Bremer Bay grows.

Approval is recommended with conditions including preparation and implementation of a landscaping plan and payment of a parking contribution in line with adopted policy.

## **ATTACHMENT**

Attachment 10.3.1 - Planning application including plans, images and supporting letter.

## **BACKGROUND**

### ***Site Description***

Lot 1 Seadragon Avenue, Bremer Bay (Lot 1) is 1276m<sup>2</sup> in the area located on the corner of Bremer Bay Road. It is the first retail/commercial lot released as part of the new Bremer Bay town centre development.

The site is currently cleared and vacant. It is fronted by constructed roads with on-street parking. Footpaths and landscaping of the area immediately adjacent to Lot 1 are proposed as part of stage 2 of the town centre works; these are the subject of a current grant application.

Detailed construction plans for the carpark at the rear of Lot 1 have been prepared.

### ***Zoning & Scheme Requirements***

Lot 1 is zoned 'Special Use Zone No.8' under the Shire of Jerramungup Local Planning Scheme No.2 (the Scheme). This is a zone that identifies the area as the Bremer Bay Town Centre and establishes the objectives and conditions of development.

Special Use Zones apply to special categories of land use which do not comfortably sit within any other zone of the Scheme. All development must be in accordance with the objectives and conditions set out in Schedule 4 of the Scheme.

The scheme describes Special Use Zone No 8 as:

1. *The area is to accommodate a Town Centre to service Bremer Bay.*
2. *The objectives of the Bremer Bay Town Centre are:*
  - (a) *To ensure the Bremer Bay town centre is the principal place for civic, retail, business and administration within the town, whilst allowing flexibility for non-commercial uses.*
  - (b) *To encourage a high standard of development through design guidelines for buildings, landscaping, and car parking.*
  - (c) *To encourage development of the town centre as an attractive place and varied area to visit, conduct business and reside.*
  - (d) *To preserve remnant vegetation along the eastern boundary of the town centre as a north-south ecological corridor linkage.*
3. *The following landuses will be actively encouraged within Bremer Bay Town Centre;*
  - *Civic uses*
  - *Offices*
  - *Community purposes*
  - *Shops*
  - *Cafes / Restaurants*
  - *Grouped Dwellings to comply with the density code as nominated on the Structure Plan*
  - *Short stay and tourist accommodation*
  - *Aged Accommodation*
  - *Tourist related developments.*

The conditions of development are basically that a Structure Plan is to be prepared and adopted to guide and control subdivision and development.

Broadly speaking the planning requirements for Lot 1 Seadragon Avenue are:

1. The legal planning framework and objectives for the zone are established by the Scheme;
2. The general direction, subdivision and land use controls are established in the Structure Plan; and
3. Detailed land use requirements are set out in the Design Guidelines.

The Structure Plan and Design Guidelines are explored further below.

### ***Bremer Bay Town Centre Structure Plan***

The Council adopted a Structure Plan for final approval in April 2012 and endorsement subject to modifications was granted by the WAPC in April 2013. The Structure Plan is a broad document that establishes the principles and land use pattern but does not provide the detail required to guide development applications with the town centre area.

The Structure Plan identifies 4 precincts, each of which will require some guidance with varying levels of complexity. Lot 1 is within the Retail & Commercial precinct.

## ***Local Planning Policy 19 – Bremer Bay Town Centre Design Guidelines***

Council adopted Local Planning Policy 19 – Bremer Bay Town Centre Design Guidelines (Design Guidelines) at their meeting of 18<sup>th</sup> February 2015.

The design guidelines are intended to:

- i) Describe the objectives, appropriate land uses, guide the built form and make recommendations on materials and colours for each precinct within the structure plan area. Materials and colours are proposed to create a beachside village feel and establish an expectation of a certain standard of development.
- ii) Identify 'strategic development sites' within the area that due to their prominent location that require additional attention to detail and should be designed to add positively to the Town Centre's distinctiveness. These corner sites set the tone for development throughout the rest of the Structure Plan area.
- iii) Provide additional detail on bushfire protection requirements and advertising signage.
- iv) Lastly, they provide more guidance on the public domain including landscaping, water sensitive urban design, street trees, street furniture and public art.

### **CONSULTATION**

The Town Centre Structure Plan and Design Guidelines were advertised widely. The Scheme does not require the current planning application to be advertised.

### **COMMENT**

#### ***The Proposal***

Council has received an application for stage 1 of a mixed-use development including:

1. A good quality transportable office building to be located in the rear corner of the site;
2. A converted commercial fishing vessel to be buried to the 'water line' and surrounded by decking to be used as café or office or just as an entry statement if unoccupied;
3. A series of two-storey buildings with accommodation on the top level and floor space for shop, cafe and/or office space; dependent upon demand.

The plans lodged show the full development of the site, however only stage 1 – Building A, the boat and building B is proposed at this stage. The full development plans are provided to show the eventual proposal and provide some context to the development.



The applicant describes the proposal as follows:

*“...a development with a mix of retail, office and accommodation uses, staged to meet demand as the town grows. The proposal also includes a restored commercial fishing vessel as both an entry statement and potential office or retail outlet.*

*Each of the proposed buildings has been labelled A, B, C or D. Building A is a colourbond transportable consisting of three modules of modern design with a skillion roof, rear verandah and deck, opening out onto a courtyard area. This building is well suited to offices, accommodation or retail. We already own this building and wish to install it on site as part of Stage 1 of the development.*

*The commercial fishing vessel will be of timber construction, fully restored surrounded by a mix of decking and landscaping. This has been chosen as an entry statement to promote the coastal theme for the development. It will be approximately 30ft long making it a prominent and memorable entry to town. This will also be installed as part of stage one of the development.*

*Building B is a two storey building fronting the Bremer Bay Road. The lower floor will be retail opening both onto the Bremer Road and the central courtyard of the development. The upper floor will be three accommodation units. As with all the buildings in the development it will have a skillion roof and be clad with modern James Hardie products finished in a blue and white colour scheme. This colour scheme has also been chosen to promote the coastal theme of the development. Finally the balcony will be supported by angled columns giving the building a modern look and at the same time a substantial size deck for the upper level apartments. This building is the last of the structures in Stage 1. Our target for the completion of Stage 1 is December 2017 or earlier.”*

The applicant has lodged plans and a supporting letter, both are attached to this report in full. Please note that the boat represented in the plans is too large and out of scale. The 3D representations are missing Building C and the vehicle access down the northern boundary is only intended as pedestrian access and a service corridor and not as a vehicle access.

### **Assessment**

The proposed land use and setbacks fully comply with the requirements of the Scheme and Bremer Bay Town Centre Structure Plan.

Lot 1 is the first lot to be developed in the Bremer Bay Town Centre. It is located at the entry roundabout and fronts both Bremer Bay Road and Seadragon Avenue. There is a communal parking area at the rear of Lot 1 that Council has resolved to build as part of the town centre development over time. Lot 1 is part of the ‘Retail & Commercial’ precinct, the objectives of which are:

- To provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the town as a whole in a continuous main street environment.
- To provide for ancillary residential development, either located above or to the rear of commercial development as part of any mixed use developments.

## Design Guidelines requirements

The proposed development is generally in accordance with the requirements of the Design Guidelines. Compliance with the Design Guidelines is explored in the table below.

Requirement	Officer comment
<p>Key Design Principles for the town centre:</p> <ul style="list-style-type: none"> <li>• Buildings should be of a high quality, contemporary design, and appropriate for the intended use. Materials should reflect the uniqueness and desired “coastal village” character of Bremer Bay.</li> <li>• Building designers should seek inspiration from the character of the locality in a way that enhances the street, locality and the town.</li> <li>• Buildings should generally have a lightweight image rather than an appearance of mass and weight.</li> </ul>	<p>The buildings proposed are unique and not the standard commercial area tilt up concrete response that tend to be developed in recent Perth commercial areas.</p> <p>The proposed converted boat will draw comment as it is different. However, it fits with the coastal theme.</p> <p>The buildings do appear to be ‘lightweight’ in appearance with a mix of materials and variety to the facades.</p>
<p>Key Design Principles for the Retail/Commercial precinct:</p> <ul style="list-style-type: none"> <li>• Development within the retail and commercial core will focus on the main street, which delivers customers into the Town Centre from all directions, not just past the Town Centre.</li> <li>• All retail, office and civic activity will trade to a single street.</li> <li>• Buildings shall be constructed up to the footpath edge to create a continuous and contiguous streetscape.</li> <li>• The Shire will encourage two storey development along the main street, with either commercial or residential uses at the first floor level.</li> <li>• Retail/commercial buildings should have pedestrian access from both the front (to main street) and the rear where a public off-street car park will be provided.</li> </ul>	<p>The eventual design focusses on the main street and addresses both Seadragon Avenue and Bremer Bay Road. However stage one is not proposed to front the main street. See below for more comment on this issue.</p> <p>The proposed development is built up to the street and balances street activation and streetscape objectives with access to the rear of the site.</p> <p>Two storey development with accommodation/residential land uses on the top storey is proposed.</p> <p>Pedestrian access is available from surrounding streets and the communal carpark behind.</p>
<p><b>8.1.3 Building Form, Location and Scale:</b></p> <ul style="list-style-type: none"> <li>• Development may be one or two storeys in height.</li> <li>• Buildings should either: <ul style="list-style-type: none"> <li>– have a pitched roof of between 26 and 45 degrees, or</li> <li>– have a flat roof behind a pediment.</li> </ul> </li> </ul>	<p>Complies, maximum of two storeys proposed.</p> <p>Roof pitch does not appear to comply however it is consistent with images presented in the design guideline document and the buildings present well. The Design Guidelines are a policy and Council is only</p>

<ul style="list-style-type: none"> <li>• Buildings must be constructed with a nil front and side setback.</li> <li>• ...the service and storage areas must be carefully designed to be screened from public view to ensure the presentation of the buildings as viewed from the rear is of a high standard</li> <li>• No on-site landscaping is required.</li> </ul> <ul style="list-style-type: none"> <li>• Building facades and frontages shall exhibit a vertical emphasis through the shape and placement of windows and openings and the use of building materials, colours and textures.</li> <li>• Building facades should be “active” and interesting. Windows shall not be tinted, reflective or painted out.</li> <li>• Blank, unarticulated walls should be avoided in all instances, and will not be permitted facing a street, pedestrian pathway or public space.</li> <li>• For two storey development, articulation is to be incorporated into the façade above ground floor level through the inclusion of balconies, recessed outdoor living areas, windows and/or architectural features.</li> </ul>	<p>to have ‘de regard’ for them in making decisions.</p> <p>Buildings are built up the street frontages with a ‘service corridor’ along the northern boundary. This is inconsistent with the Design Guidelines however it does serve to link Seadragon Avenue with the carparking to the rear.</p> <p>There is a large area of open space along the common boundary with the carparking area but Building A presents a blank wall. This should be softened with landscaping of this area.</p> <p>Although no landscaping is required as the proposed development is to be staged, the balance of the undeveloped site should be landscaped and linked strongly with Seadragon Avenue if it is to be successful whilst partially developed. It is recommended that a landscaping plan be prepared and implemented as a condition of approval.</p> <p>Complies</p> <p>Complies</p> <p>The only area of concern is the blank wall on Building B that fronts oncoming traffic as it enters Bremer Bay along Bremer Bay Road. This should softened with a combination of landscaping, public art or additional windows.</p> <p>Complies</p>
<p><b>8.1.4 Building Materials, Textures and Colours:</b></p> <p>Building materials should be high quality and durable, and appropriate to the town’s coastal location. “Lightweight” construction is preferred. Preferred building materials are:</p> <ul style="list-style-type: none"> <li>▪ Custom orb profile steel sheeting with the ridges laid horizontally.</li> <li>▪ Timber weatherboards.</li> <li>▪ Rammed earth (laterite or limestone) and local stone may also be used as feature walling</li> </ul>	<p>Buildings B, C &amp; D are purpose-built, new commercial buildings using a mixture of James Hardie products. This complies with the intent of the Design Guidelines.</p> <p>Building A is a transportable office building (refer to the attached plans &amp; images). It is of a good quality and uses a mixture of materials and colours. Once the verandah and decking are added and other architectural features included that relate the building back to the designs presented in Buildings B, C &amp; D then this building should fit into the over design.</p> <p>The colour palette proposed is generally in accordance with those recommended in the Design Guidelines and</p>

<p>material. A combination of two or three materials on street facades is strongly preferred to provide visual interest.</p>	<p>appears to be in keeping with the coastal theme recommended.</p>
<p><b>8.1.5 Car Parking and Access:</b></p> <p>No on-site car parking is required.</p> <p>The cash-in-lieu amount is \$20 per square metre of net lettable commercial space, reviewed annually.</p> <p>No vehicle access will be permitted on/off Main Street under any circumstances.</p>	<p>No parking is provided, the development relies on the public parking provided and proposed. However, there are a number of accommodation units that may benefit from access to carparking close by. This issue is explored in more detail below.</p> <p>Stage 1 proposes ~170m<sup>2</sup> of net lettable commercial area, requiring a payment of \$3,400 toward the provision of carparking in the surrounding public spaces.</p> <p>The plans currently show vehicle access from Seadragon. This is an error and this access is to be removed.</p>
<p><b>Strategic Development Sites</b></p> <p>Corner sites are highly visible due to their prominent location at the junction points of intersecting streets, and/or due to their siting on the entry road into town. The corner sites within the Mixed Use and Retail/Commercial Precincts are particularly prominent and strategically located.</p> <p>It is important that particular care is taken in the design and construction of development on these sites. Development should be of a high standard and help to establish benchmarks for quality design.</p> <p>These sites are the key to establishing a memorable “sense of place” that is appropriate to Bremer Bay and its setting, and each new development on these corner sites should be designed to add positively to the Town Centre’s distinctiveness, character and amenity. Due to the high visibility of these sites in the streetscape, and their potential to become “gateways” to development on the remainder of the related street block, these sites should receive particular attention in their architectural detailing.</p>	<p>Although the corner site (Building D) is not part of the stage under consideration for planning approval it is recommended that additional detailing and architectural features be incorporated into the corner portion of this site. A footnote should be added to any planning approval advising of this requirement into the future.</p>

## ***Main issues***

Although the proposed development appears to meet most of the requirements of the various planning controls there are two issues that particularly require careful consideration.

As this is the first property to be developed in the town centre it sets the tone for further development and acts as an entry statement to Bremer Bay.

### Staging

Stage 1 is the subject of the current planning application. This includes a transportable office building (of good quality and form that meets the intent of the Design Guidelines) , a restored boat set in decking with landscaping and 'Building B' a two storey building with accommodation above and commercial floor space below that fronts Bremer Bay Road.

On one hand the first stage of this development would be the buildings fronting the corner of Seadragon Avenue and Bremer Bay Road. This would establish the town centre more firmly, create a good entry statement for Bremer Bay and promote further development of the town centre.

However, the applicant has proposed to develop the rear of the site first using a transportable office building and restored boat plus a commercial building fronting the Bremer Bay Road. This has the benefit of presenting the new town centre to Bremer Bay Road and traffic entering the town. If the building fronting Seadragon Avenue was built first then traffic coming into town would view the back of the buildings.

The risks include:

- The rear of the site remains the only developed portion of the site for many years given the likely demand for commercial floor space in the near future;
- There is a small chance that only a portion of stage 1 gets developed and Bremer Bay is left with the town centre only being developed with a transportable office and restored boat making a less than ideal entry statement and statement about the new town centre.

The benefits include:

- A development presence in the town centre earlier than might otherwise be possible;
- Development that addresses Bremer Bay Road in the first instance; and
- The proposed buildings will provide a return to the developer and allow for the development of subsequent stages.

Council has a development proposal before them that must be determined. There is the option of refusing the current application and requiring stage 1 of the development of the site to be those buildings fronting Seadragon Avenue. From discussions with the landowner this is highly likely to result in significant delays in the development of the site.

If the current application for stage 1 is to be approved then a requirement for a landscaping and pedestrian access plan over the balance of the site should be required

in order to strongly link the stage 1 buildings to Seadragon Avenue as well as present well in the time lag to subsequent stages.

### Parking

The planning framework does not require the provision of parking bays on the development site. These are to be provided in the surrounding road network and Council developed parking area along the western boundary of Lot 1. The parking requirements were designed to incentivise the full development of each site.

If Lot 1 is fully developed in accordance with the plans submitted then the one risk is that the first floor accommodation units are not well catered for in terms of parking.

- i) Tenants would need to walk from public parking areas (which would not be exclusive) some distance to their accommodation.
- ii) Tenants could permanently occupy public parking bays that would be required to service the commercial land uses.

On the other hand:

- iii) There are fifteen parking bays in the parking area close by.
- iv) Parking in the town centre when fully developed may be strained but only for small portions of the year; and
  - i) Requiring people to walk to their accommodation and other activities activates the land uses throughout a site rather than only those with the parking bay right out front.

### **Conclusion**

The proposed development generally meets the requirements of the planning framework bringing a good standard of development to a prominent site and kick starting the town centre.

The major risk with supporting the current proposal for stage 1 of the development is that the balance of the site and in particular the prominent corner portion of the property remains undeveloped for some time.

On balance this report recommends support for stage 1 as proposed but subject to conditions including landscaping of the balance of the property, payment of a carparking contribution and provision of architectural detailing to connect the buildings proposed.

### **STATUTORY REQUIREMENTS**

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

### **STRATEGIC IMPLICATIONS**

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

**Aspiration 2:** A growing community that embraces well designed and sustainable development.

## **FINANCIAL IMPLICATIONS**

Council has commitment to constructing a portion of the public car park at the rear of Lot 1.

Council has a grant application to complete stage 2 of the town centre including landscaping of public spaces and construction of footpaths. If this is not successful it may become necessary to fund at least the footpaths around Lot 1.

## **WORKFORCE IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

The proposal is general in accordance with Local Planning Policy 19 – Bremer Bay Town Centre Design Guidelines as described in the body of this report.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council,

1. **Approve the application for stage 1 of a mix-use development including retail, office and accommodation floor space at Lot 1 Seadragon Avenue, 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 including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.**
  - b) **The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire (generally in the building permit application) and have been approved in writing:**
    - **Details of how the western wall of Building B is to be articulated or the western wall's façade 'visually broken up' through the use of landscaping, public art or additional windows.**
    - **Screening to the western wall of Building A when viewed from the adjacent carpark.**
    - **The 3m wide corridor along the northern boundary of the site is to be marked as pedestrian access and service corridor only.**
    - **A schedule of improvements to the proposed transportable building including decking, verandahs and architectural features that improve the relationship of the building to the proposed buildings fronting the surrounding streets.**
    - **Detailed plans of the renovations of the boat showing internal fit out, access and decking.**

- Details of all toilets and disabled access to all buildings.
  - An advertising signage plan providing signage panels on all buildings that allow signage to:
    - Be designed to utilise colour schemes and materials that fit in with the overall style of the surrounding development and/or precinct.
    - Be incorporated into the architectural features of the building in placement, style, proportions, materials and finish.
- c) A landscaping plan and pedestrian access plan being prepared and implemented over the balance of the site to the satisfaction of the Chief Executive Officer. This plan should show how pedestrian access from Seadragon Avenue will be achieved and how the balance of the site is kept in an attractive state. All landscaped areas are to be maintained in good condition thereafter.
- d) No vehicular access is permitted from Seadragon Avenue.
- e) All runoff from impervious surfaces being contained within the property and disposed of to the Shire's satisfaction.
- f) Detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by the Shire prior to the issue of a building permit. Such plans should identify invert levels, cover levels and pipe size and grade.
- g) Payment of a parking contribution as detailed in part 8.1.5 of Local Planning Policy 19 – Bremer Bay Town Centre Design Guidelines is required prior to the issue of a Building Permit.
- h) All entrances from the surrounding streets must be at pavement level to allow for Universal Access.

2. Advise the applicant in footnotes on the planning approval that;

- i) Planning approval should not be construed as an approval to commence works as a separate building permit is also required.
- ii) If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specific in the approval after the date of the determination, the approval will lapse and be of no further effect.
- iii) Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.
- iv) If an applicant is aggrieved by this determination there is a right of review under Part 14 of the Planning and Development Act 2005. Application for a review must be lodged with the State Administrative Tribunal within 28 days.
- v) The building proposed for the corner of Seadragon Avenue and Bremer Bay Rd will require more architectural features and/or public art being identified as a 'strategic site' by Local Planning Policy 19 – Bremer Bay Town Centre Design Guidelines.
- vi) Subsequent stages of the development located closer to the bushland immediately to the east of the Lot 1 may need to be constructed in accordance with AS3959 Building in Bushfire Prone Areas.



- vii) Occupation of individual tenancies may require planning approval and a building permit as part of the internal fit out.**
- viii) Provision being made for disabled access and facilities in accordance with the provisions contained in the Building Code of Australia and Australian Standard 1428.**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.3.2
<b>SUBJECT:</b>	Bremer Bay Draft Airport Masterplan
<b>LOCATION/ADDRESS:</b>	Bremer Bay Airport
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>AUTHORS:</b>	Craig Pursey & Janna Kleszewski
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 <sup>th</sup> November 2015

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## **SUMMARY**

The Bremer Bay Airfield Master Plan has been advertised for 35 days during which time six (6) submissions were received.

This report recommends a number of modifications to the advertised document and that Council receive the final draft of the Bremer Bay Airfield Master Plan.

## **ATTACHMENT**

Attachment 10.3.2(a) - Bremer Bay Draft Airfield Masterplan with recommended modifications included.

Attachment 10.3.2(b) - Schedule of Submissions

## **BACKGROUND**

In June 2015 the Shire commissioned Slavin Architects to develop an Airport Masterplan for the Bremer Bay Airport. This project was undertaken using funding from the Department of Transport's Regional Airport Development Scheme (RADS). This Masterplan was commissioned with the aim of reviewing the current infrastructure and planning for the infrastructure which will be required in the future to service a larger population and local economy.

The Bremer Bay Airfield consists of a 1200m gravel runway which is 20m wide and a taxiway which leads to the vehicle entrance and site for hangers. Located to the North west of the Bremer Bay townsite the airfield is on reserve land which is vested in the Shire of Jerramungup. The Shire is sealing Don Ende Drive which services the airfield in late 2015/early 2016 to improve reliability of access for emergency services vehicles. In addition to the existing pilot activated lights there are also plans to install a St. John Ambulance/ RFDS patient transfer shed and a DFES amenities room to provide shelter for personnel supporting water bombers.

During the formation of the draft Masterplan the consultants undertook a number of public consultation sessions including on-site fly ins at the existing airport and a public workshop at the Bremer Bay Resort. The public consultation was widely supported which recognises the value of the Bremer Bay Airfield as an economic and community asset.

### ***Previous Consideration***

Council considered the first draft of the Airport Masterplan at their meeting on the 16<sup>th</sup> of September 2015 where it was resolved:

*“That Council receive the Bremer Bay Draft Airfield Masterplan plan prepared by Slavin Architects for the purposes of advertising for public comment.”*

## **CONSULTATION**

Public consultation has occurred in the development of the Bremer Bay Airfield Masterplan.

A copy of the draft Masterplan was emailed to all participants in the initial consultation phase plus relevant government agencies and Western Australian Aeroclubs.

The draft Masterplan was formally advertised for public comment for 35 days ending on the 23<sup>rd</sup> October 2015 during which time 6 submissions were received. These submissions are summarised in Attachment B - Schedule of Submissions.

Submissions were received from experienced pilots, users of the airfield and the CEO of Recreational Aviation Australia and all comments have been accepted and included in the modified final version of the Masterplan.

## **COMMENT**

The Masterplan recommends a wide array of improvement projects to cater for the long term planning, usability and future of the airstrip. The most significant upgrade is the installation of a second runway to improve the landing abilities for the site in cross winds. Other improvements to the taxiway and aircraft parking facilities have also been included to meet the needs of the airport when growth in its use eventuates.

The main issues arising during the advertising period are:

1. A proposed alternative alignment for the new cross strip that runs out through the adjacent gravel pits in Reserve 31737 as proposed for many years by Tony White and Max Wellstead. This option has been included as an Option ‘b’ for the cross strip should the one located entirely within the Airport reserve become unviable for any reason. It is the second option in part because it would mean having to swap land out of the Fitzgerald River National Park, requiring considerable time, resources and an act of parliament. There would be no certainty of success in any landswap of this sort.
2. A suggestion to allow for the development of a residential airpark over time which would allow pilots to reside on the airfield and provide another option for living in Bremer Bay. There is no need to fully explore this option at this stage but the Masterplan can accommodate this proposal should the Council wish to pursue it over time.
3. Additional services and information required to support recreational pilots visiting the airfield are required. This is included in the Masterplan with recommendations including improving information at the airfield, on relevant websites and at the Community Resource Centre.

4. Finally, Gary Lanigan of Dunn Aviation suggested designing the emergency services section to allow for planes to be loaded with water from the left hand side.

### ***Conclusion***

The Airfield Masterplan has been well received in the public and by users of the airfield. The submissions on the draft Masterplan have added value to the document and have all been accepted. It is recommended that a modified Bremer Bay Airfield Masterplan be received by Council.

### **STATUTORY REQUIREMENTS**

Nil

### **STRATEGIC IMPLICATIONS**

**Aspiration 10:** A community where transport infrastructure is constructed and maintained using best practice principals.

### **FINANCIAL IMPLICATIONS**

Detailed design will be required as funding becomes available and the resultant infrastructure will need to be maintained and depreciated over time.

### **WORKFORCE IMPLICATIONS**

Future expansion in use and of infrastructure at the Bremer Bay Airfield will require appropriate personnel to maintain and manage the infrastructure.

### **POLICY IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That Council receive the modified Bremer Bay Draft Airfield Masterplan found at attachment 10.3.2(a) of this report.**

**A D M I N**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.1
<b>SUBJECT:</b>	Tender Shire Assets
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 <sup>th</sup> November 2015

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## **SUMMARY**

This item addresses the outcome of a request for tender issued for Council's vehicle / plant due for replacement. Tenders were invited for the outright purchase of the following vehicles/plant:

- 1 x 2013 Toyota Prado
- 1 x 2013 Toyota Hilux SR5
- 1 x 2005 John Deere Loader
- 1 x 2008 Caterpillar Grader
- 1 x 2001 Mulcher / Wood Chipper

## **ATTACHMENT**

Attachment 10.4.1 – Tenders received

## **BACKGROUND**

The outright purchase of Council's vehicle and plant was advertised locally and invited interested persons to submit a tender for the outright purchase of the vehicle/plant. The submission period for tenders closed 4.00pm on 23<sup>rd</sup> October 2015. The list of compliant tenders is provided as a separate attachment.

## **CONSULTATION**

Nil

## **COMMENT**

The disposal of Council's assets will be subject to Section 3.58 of the Local Government Act 1995 as the total asset's value is more than \$20,000.

In November 2015 "the Redbook" or alternative valuation sources indicates the estimated trade-in is for the following vehicles/plant:

- 1 x 2013 Toyota Prado GXL - \$36,700 - \$40,800 (Redbook)
- 1 x 2013 Toyota Hilux SR5 - \$22,100 (Redbook)
- 1 x 2005 John Deere Loader - \$60,000 (Pickles Auctions)
- 1 x 2008 Caterpillar Grader - \$120,000 (Pickles Auctions)
- 1 x 2001 Mulcher / Wood Chipper (*No value ascertained due to age*)

## **STATUTORY REQUIREMENTS**

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

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

- (d) any other disposition that is excluded by regulations from the application of this section.

### **STRATEGIC IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

The sale of all these assets have been factored into the 2015/2016 financial year budget minus the 2001 Mulcher / Wood Chipper. Council budgeted for the following trade in amounts;

- 1 x 2013 Toyota Prado - \$39,545 ex GST
- 1 x 2013 Toyota Hilux SR5 - \$32,727 ex GST
- 1 x 2005 John Deere Loader - \$60,000 ex GST
- 1 x 2008 Caterpillar Grader - \$ 130,000 ex GST
- 1 x 2001 Mulcher / Wood Chipper – not budgeted for disposal in 2015/16.

### **WORKFORCE IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That Council:

- 1) **Accept the offer from Bremer Bay Landscape for the purchase of Council's 2001 Mulcher / Wood Chipper for \$1,200 inc of GST.**
- 2) **Accept the offer from Ron Pocock for the purchase of Council's 2005 John Deere Loader for \$66,000 inc of GST.**
- 3) **Decline the offer from R & R Murdoch for the purchase of Council's 2013 Toyota Prado for \$32,120 inc of GST.**



# **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**

13.1 Ordinary Meeting – to be held Wednesday 16<sup>th</sup> December 2015 commencing 8.30am at the Council Chambers, Jerramungup.

**14. CLOSURE**