SHIRE OF JERRAMUNGUP

MINUTES

COUNCIL ORDINARY MEETING

20 AUGUST 2014

ORDINARY MINUTES – 20 AUGUST 2014		
INDEX		
ITEM NO.	**DETAILS**	**PAGE**
9.1	Confirmation of Minutes	6
WORKS		
10.1.1	Works Report	8
FINANCE		
10.2.1	Accounts Payable – July 2014	11
10.2.2	Monthly Financial Report – July 2014	13
HEALTH, BUILDING & TOWN PLANNING		
10.3.1	Proposed amendments to bank guarantee former Lot 231 Bremer Bay Road, Bremer Bay	16
10.3.2	Proposed Fees for Mobile Business	21
10.3.3	Review of the Caravan and Camping Grounds Act – Consultation Paper	25
10.3.4	Five Proposed Chalets – Reserve 21496, Lot 130 Bremer Bay Road, Bremer Bay (Revised report)	31
ADMIN		
10.4.1	Administration Status Report	38
10.4.2	HR Policy Review	40
10.4.3	Boxwood Hill Dam – Licence Agreement	43
10.4.4	FBG Lease – Lot 250 Tobruk Road, Jerramungup	45
COUNCILLOR REPORT		
11	Councillor Reports	51
NEW BUSINESS OF AN URGENT NATURE		

ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, JERRAMUNGUP ON WEDNESDAY 20 AUGUST 2014, COMMENCING AT 2.00PM.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 2:00pm.

2. RECORD OF ATTENDANCE

Cr R Lester	President
Cr J Iffla	Deputy President
Cr B Trevaskis	Member
Cr W Bailey	Member
Cr C Daniel	Member
Cr J Leenhouwers	Member
Mr B Bailey	Acting Chief Executive Officer
Mr C Pursey	Planning Officer
Mrs C Solomon	Coordinator of Governance & Land Administration
Mr N Brown	Chairperson Fitzgerald Biosphere Group Inc
Ms S Gale	Bremer Bay Fish Processors

3. APOLOGIES

Nil

4. LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Parsons was granted a leave of absence for the August Ordinary Meeting of Council.

5. PUBLIC QUESTION TIME

Council's response to questions on notice raised by Dr Ian Weir at the Ordinary Meeting of Council held 18 June 2014 - Lot 104 Point Henry Rd Bremer Bay

Dr Weir Question 1 - Given that landowners (locally and across WA) are not being represented in the WAPC process, and that The Shire of Jerramungup has already held an extensive feedback process on the Point Henry Fire Strategy - which has similar mandating of 20 m BPZ's - will the Council represent their landowners by collating that feedback and direct this to the WAPC in the form of an official submission? (by July 4 for the Policy and August 1 for the guidelines).

Council response Question 1 - The Shire of Jerramungup will review and prepare a submission on the revised Planning for Bushfire Risk

Management Policy Framework including State Planning Policy 3.7 and the revised Planning for Bushfire Risk Management Guidelines.

At Council's discretion a summary of the Point Henry public submissions may be included in this feedback.

Dr Weir Question 2 - Councillors have been 'appointed' to report on major projects/issues in the past (eg the Bremer Bay Town Centre project). Will the Council appoint Councillors to report and review Bushfire Risk Management issues in the Shire, including the shire-wide impact of the proposed WAPC policy and Point Henry Bushfire Strategy?

Council response Question 2 - Council have engaged professional staff to deal with technical matters such as compliance with the various statutory requirements for development. A number of Councillors do take a specific interest in bushfire related matters but the Council has not resolved to appoint a Councillor into any specific role.

Dr Weir Question 3 - Noting that the Council is discussing the WA Fire Commissioner Wayne Gregson's 'Concept Paper' today – will the Council plan a discussion on the WAPC policy/guidelines for the next Council meeting in Bremer Bay on July 16th?

Council response Question 3 - A Council item on the revised Planning for Bushfire Risk Management Policy Framework will be prepared for Council's consideration at the 16th July 2014 meeting.

Dr Weir Question 4 - Is the Council keen to meet directly with (say 3-4) Point Henry landowners – on their properties - to discuss fire risk management in the context of the Point Henry Strategy and the WAPC policy? If so that could be organized around the July 16th Council meeting when Councillors will be in Bremer Bay.

Council response Question 4 - We are considering making the necessary arrangements to visit sites on Point Henry at this meeting to increase understanding of local conditions and would appreciate your assistance in nominating two local contacts.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

Chairperson of the Fitzgerald Biosphere Group Inc (FBG) Mr Nathan Brown provided an update from the past year and an overview which was presented to Council on the proposed management committee and board structure changes within the FBG with a focus on the Shire of Jerramungup's involvement and Councillor representative.
The FBG AGM will be held on 30th September 2014 where the proposed changes are expected to be ratified.

Cr Lester thanked Mr Brown for addressing Council on the proposed business structure changes.

Ms Sylvia Gale from Bremer Bay Fish Processors addressed Council on the shortage of employees in Bremer Bay and difficulties in finding applicants to fill vacant positions.

Ms Gale informed Council of the Regional Migration Agreement Program. The Regional Migration Agreement Program is a new temporary skilled migration initiative to help address the acute skill and labour shortages facing parts of regional Australia. This initiative will enable employers to sponsor workers from outside Australia in circumstances that are not otherwise permitted under the standard migration programmes. The Program is designed to increase capacity in regional labour markets that are experiencing these shortages.

The major benefit of the Program is to allow employers in certain regional areas to sponsor workers in a broader range of occupations that are currently not included in standard skilled migration Programs. The Regional Migration Agreement is a streamlined process for small to medium businesses wanting to gain access to workers from outside Australia.

Ms Gale asked if Council would consider supporting a Regional Migration Agreement for the Shire of Jerramungup.

Mr Bailey advised the Shire would undertake more research on what is required to participate in the Regional Migration Agreement Program.

Cr Lester thanked Ms Gale for addressing Council.

2.40pm Mr Brown and Ms Gale left the meeting.

8. DECLARATIONS OF FINANCIAL INTEREST

Cr Daniel declared a financial interest Item 10.3.4 – Five Proposed Chalets, Reserve 21496 Lot 130 Bremer Bay Road, Bremer Bay. The nature of the interest is she owns a caravan in the park.

Cr Bailey declared a financial interest Item 10.3.4 – Five Proposed Chalets, Reserve 21496 Lot 130 Bremer Bay Road, Bremer Bay. The nature of the interest is he owns a caravan in the park.

Mr Bailey declared an impartial interest Item 10.3.4 – Five Proposed Chalets, Reserve 21496 Lot 130 Bremer Bay Road, Bremer Bay. The nature of the interest is his father owns a caravan in the park of which he is a regular user.

Cr Trevaskis declared an impartial interest Item 10.3.4 – Five Proposed Chalets, Reserve 21496 Lot 130 Bremer Bay Road, Bremer Bay. The nature of the interest is his parents own a caravan in the park.

9. CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting held 16 July 2014

OC140801 Moved Cr Daniel/ Seconded Cr Trevaskis

That the Minutes of the Ordinary Meeting of Council held 16 July 2014 be confirmed.

Carried 6-0

W O R K S

SUBMISSION TO:	**Works**
AGENDA REFERENCE:	10.1.1
SUBJECT:	Works Report
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	4 August 2014

ATTACHMENT

Attachment 10.1.1(a) – Jerramungup maintenance report
Attachment 10.1.1(b) – Bremer Bay maintenance report
Attachment 10.1.1(c) – Rural road maintenance report

ROAD CONSTRUCTION

The Road Construction Crew has completed re-sheeting and drainage works on Fitzgerald Road, re-sheeting approximately 3.6km to the Shire boundary.

The Construction Crew has redeployed to carry out winter grading and maintenance work before commencing construction again on Lake Magenta Road.

The total expenditure on Fitzgerald Road was slightly over budget on internal costs (plant and labour) due to longer gravel leads however this will be made up through other construction jobs as the year progresses.

ROAD MAINTENANCE

The Road Maintenance Team has continued winter grading and maintenance operations focusing primarily on Carlawillup Road, Carlawillup South Road, Jacup South Road, Mallee Road and Monkey Rock Road. Road spraying and weed control has also been carried out on various roads with love grass infestations.

TOWN SERVICES

The Town Services Team have successfully completed the rehabilitation of the west dune entrance to Fosters Beach. The team are now busy with the design and implementation of a new garden at Lot 218 McGlade Close, Bremer Bay.

The Town Services Team are also preparing and resealing Derrick Street and the footpaths on Murphy Place, Melaleuca Court and Hakea Court. Whilst we have the Flocon equipment, repairs will also commence on major potholes in Jerramungup and Bremer Bay.

The next project in process is the tree dump area in Bremer Bay.

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

RECOMMENDATION

That Council adopt the July works report.

OC140802 Moved Cr Leenhouwers / Seconded Cr Daniel

That Council adopt the July works report.

Carried 6-0

F I N A N C E

SUBMISSION TO:	**Finance**
AGENDA REFERENCE:	10.2.1
SUBJECT:	Accounts Payable
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	
AUTHOR:	Mel Aitchison
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	1 August 2014

ATTACHMENT

Attachment 10.2.1 - List of Accounts Paid to 31st July 2014

BACKGROUND

FUND	**VOUCHERS**	**AMOUNTS**
Municipal Account		
Last Cheque Used	27718	
	EFT 9089 - 9189	$237,403.57
	EFT 9191 - 9225	$132,898.52
	EFT 9228 - 9230	$107,200.65
	Cheque 27719 - 27741	$33,000.16
	Direct Debits	$28,166.00
Municipal Account Total		**$538,668.90**
Trust Account		
	Cheque 000244-000245	$950.80
	EFT 9190 - 9190	$10,000.00
	EFT 9226 - 9227	Cancelled
Trust Account Total		**$10,950.80**
Grand Total		**$549,619.70**

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 submitted $549,619.70 to the Full Council on 20th August 2014 be endorsed.

SIGNATURES

_____ _____

Author Chief Executive Officer

OC140803 Moved Cr Bailey / Seconded Cr Iffla

That the schedule of direct debits and accounts payable, totalling submitted $549,619.70 to the Full Council on 20th August 2014 be endorsed.

SIGNATURES

_____ _____

Author **Chief Executive Officer**

Carried 6-0

SUBMISSION TO:	**Finance**
AGENDA REFERENCE:	10.2.2
SUBJECT:	Monthly Financial Report
LOCATION/ADDRESS:	Shire of Jerramungup
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	4 August 2014

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 31st July 2014

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 31st July 2014 in accordance with Section 6.4 of the Local Government Act 1995.

OC140804 Moved Cr Bailey / Seconded Cr Trevaskis

That Council receive the Monthly Financial Report for the period ending 31st July 2014 in accordance with Section 6.4 of the Local Government Act 1995.

Carried 6-0

HEALTH, BUILDING & TOWN PLANNING

SUBMISSION TO:	**Health, Building & Town Planning**
AGENDA REFERENCE:	10.3.1
SUBJECT:	Proposed amendments to bank guarantee
LOCATION/ADDRESS:	Former Lot 231 Bremer Bay Road, Bremer Bay
NAME OF APPLICANT:	Mr Tony Stanich
FILE REFERENCE:	LU.SU.2
AUTHOR:	Craig Pursey, Planning Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	31 July 2014

SUMMARY

The subdivision approval that created 33 lots from Lot 231 Bremer Bay Road included a condition to construct a footpath to the east of the site and upgrade portions of Bremer Bay Road toward Progress Drive. Instead of completing the works the applicant lodged a bank guarantee to cover the works and a commitment to complete them by 1 July 2015.

The applicant has asked for an extension of time due to the slow market and a discount on the amount to be paid toward the works. This report recommends supporting an extension of the time frame but does not recommend applying any discount to the bank guarantee figure.

ATTACHMENT

Confidential attachment 10.3.1: Details of bank guarantee and commitments from Landowner.

BACKGROUND

Site Description

Lot 231 Bremer Bay Road, Bremer Bay is located on the north side of Bremer Bay Road, adjacent to the Bremer Bay Caravan Park as shown in the figure below.

Lot 231 edged in yellow (source: Landgate 2014)

Previous Considerations

2008

Council considered and conditionally supported an application for a 117 lot subdivision of Lot 231 Bremer Bay Road, Bremer Bay at their meeting of 15th April 2008.

The Western Australian Planning Commission approved the subdivision application on the 14 November 2008, applying 26 conditions of approval (WAPC #131320).

Stage 2 consisted of 33 lots along Bremer Bay Road at the northern end of the site; this was completed to the Shire's satisfaction on the 13 September 2012.

33 Titles have been created, only 7 appeared to have been sold; there has been no housing activity on any of these lots.

Condition 16

Condition 16 of this approval stated:

"Arrangements for upgrading and construction of Progress Drive and Bremer Bay Road."

There were explanatory notes included in the approval that described that this condition included:

- Path construction linking path on frontage of subdivision to existing path network further east toward the beach; and
- The drainage and kerb work in Bremer Bay Road between the subdivision and Progress Drive

Rather than construct these elements the applicant decided to 'bond' them with the Shire. The Shire received a substantial bank guarantee and a written commitment to conduct these works by the 1 July 2015 (refer Attachment 10.3.1).

2012
Council considered and supported a subdivision application to create 77 lots over the balance of this property at their meeting in November 2012 and supported its subject to 17 conditions of approval. This new application was subsequently approved by the WAPC, expiring on the 14 January 2017.

CONSULTATION

None required.

COMMENT

The Proposal

The subdivider, Mr Tony Stanich, has requested that Council consider extending the term of the bank guarantee beyond 1 July 2015 and that a discount is applied to the figure guaranteed in light of past rates payments. Mr Stanich has provided the following justification/request:

Seadunes currently has a bank guarantee for works to coincide with the next stage of the John Cove subdivision. This is due shortly.

I have applied for and received a further four years extension to the subdivision from the planning commission in line with commission policy.

Due to the number of houses and blocks on sale in, and around Bremer Bay at present, and the depressed market, I'm reluctant to proceed with the next stage at this point.

Stage one of John Cove was costly to develop because all the sewer, drainage, planning and engineering, had to be done in this stage to cater for the balance of the subdivision. As I have the majority of my blocks in this stage unsold, to proceed with stage two would be unwise at this point.

I pay shire rates, water rates, and Land tax, on the unsold lots.

I am requesting from the shire an extension of the bank guarantee until the next stage.

I am also requesting that the shire offset some of the rates I'm paying on the unsold lots, against the guarantee.

My rationale is that the rates I'm paying are a financial asset for the shire, with little cost to the shire because there are no people living on the sub division. I see this as being fair and reasonable.

I also go to the trouble of keeping the site tidy, by spraying my blocks as well as the area between my blocks and the road.

I hope that in view of what I have outlined that you will give this your consideration.

Timeframe for Bank Guarantee

Condition 16 required the extension of the footpath system from the subdivision through to the existing path network to the east. It also required road drainage upgrades to Bremer Bay Road between the subdivision and Progress Drive.

Rather than complete these works they were secured with a bank guarantee on the understanding that they would be constructed as part of the next stage of the subdivision or by 1 July 2015 whichever comes first. The Shire has the option to call upon the bank guarantee and use it to complete these works.

On one hand, there is no housing in this subdivision and therefore no immediate demand to construct these elements. Additionally, the Shire has the security that these elements will be constructed once the next stage of the subdivision is commenced.

However, there is no guarantee that the next stage of the subdivision will eventuate. If this was the case the path extension and drainage works would then have to come from the Shire budget.

The timing of the path and drainage works is less important than the fact that they do actually occur at the cost of the subdivider. It is recommended that an extension of time be granted that coincides with the expiry of the latest subdivision approval over this land.

Bank Guarantee Value

Mr Stanich has requested that the amount of the bank guarantee be reduced based on the fact that he has created 33 additional Titles, each of which he pays rates to the Shire on. He argues that as he receives little for these rates and that this money could be discounted from the cost of the footpath and drainage works.

The rates paid are at the vacant land rate, the same applied to any other landowner. There was no necessity for Mr Stanich to create all 33 lots in 2012, he had options in which to hold these lots and create new Titles as they were sold.

The footpath and drainage works are a standard expectation of a subdivider, to be provided entirely at their cost.

No discount is recommended.

STATUTORY REQUIREMENTS

The Shire of Jerramungup accepted a bank guarantee in lieu of the subdivider constructing the elements required by condition 16 of subdivision approval WAPC #131320. The conditions of subdivision were cleared in September 2012 and Titles created as a result.

The Shire of Jerramungup has the right to call upon the bank guarantee to satisfy this condition of subdivision as required.

The methodology for the bonding of subdivision conditions is established through the Institution of Public Works Engineering Australia (IPWEA) Subdivisional Guidelines previously adopted by Council and recognised by the WAPC.

STRATEGIC IMPLICATIONS

The proposal is consistent with the following aspirations of the Strategic Community Plan:

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

FINANCIAL IMPLICATIONS

If Council chooses to waive any and all of the bank guarantee the works secured will need to come from the Shire budget.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council,

1. Agree to extend the timeframe for the calling upon the bank guarantee for the footpath and drainage works required by condition 16 of WAPC 131320 to 14 January 2017; and
2. Retain the existing value of the bank guarantee as stated in the guarantee from Rural Bank dated 20 July 2012.

OC140805 Moved Cr Bailey / Seconded Cr Trevaskis

That Council,

1. **Agree to extend the timeframe for the calling upon the bank guarantee for the footpath and drainage works required by condition 16 of WAPC 131320 to 14 January 2017; and**
2. **Retain the existing value of the bank guarantee as stated in the guarantee from Rural Bank dated 20 July 2012.**

Motion Lost 0-6

OC140806 Moved Cr Iffla / Seconded Cr Leenhouwers

That Council,

1. **Refuse to extend the timeframe for the completion of footpath and drainage works required by condition 16 of WAPC 131320.**

Carried 6-0

SUBMISSION TO:	**Health, Building & Town Planning**
AGENDA REFERENCE:	10.3.2
SUBJECT:	Proposed Fees for Mobile Business
LOCATION/ADDRESS:	Bremer Bay
NAME OF APPLICANT:	Matthew Hick
FILE REFERENCE:	DB.PL.1
AUTHOR:	Craig Pursey, Planning Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 August 2014

SUMMARY

Council recently approved an application for a mobile food & coffee van (food van) to operate from three fixed locations within Bremer Bay and to attend markets and events.

In the process of preparing licence documents it was questioned whether an annual fee would be required to be paid as this was standard procedure. Comparable fees have been sought from other Shire's and a $500 annual fee is recommended.

ATTACHMENT

Nil

BACKGROUND

Previous Consideration

Council considered an application for a mobile food and coffee van at three sites; car parks at Paperbarks, Blossoms Beach and Fisheries Beach marina and resolved to support the proposal subject to conditions governing operations and that a licence be prepared.

CONSULTATION

The proponent of the van was contacted and no objection to an annual fee was raised provided that it was applied evenly to all other mobile business.

The proponent of the ice cream van and beach recreational equipment approved at Council's July meeting has not been approached for comment as their licence documentation has not been commenced.

COMMENT

An application has been approved to operate a mobile food and coffee van from three locations in Bremer Bay. It was the first approval for a mobile development in the Shire of Jerramungup.

Whilst the Shire's has a fee for trading in public places, it is only an application fee amounting to a total of $150 applied under the Environmental Health fee schedule.

It seems fair and reasonable that a mobile business utilising public land should pay an annual fee for the following reasons:

- A mobile business does avoid many of the overheads, including Shire rates, that other fixed tenancy businesses pay;
- The mobile business is in effect privatising a small portion of public space;
- Most development pays rent for the land they occupy.

A $500 annual fee has been recommended to be included in the Licence. Other Shire's have similar fees and a $500 fee provides some return whilst not detrimentally affecting the viability of the business. A modest fee is proposed; particularly as this issue has arisen after the mobile business was assessed, approved and the licence substantially progressed.

STATUTORY REQUIREMENTS

Clause 6.16 2d of the Local Government Act 1995 allows for a fee to be charged, as described below.

6.16. Imposition of fees and charges

(1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

(2) A fee or charge may be imposed for the following —

(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

(b) supplying a service or carrying out work at the request of a person;

(c) subject to section 5.94, providing information from local government records;

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

(e) supplying goods;

(f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

(a) imposed* during a financial year; and

(b) amended* from time to time during a financial year.

** Absolute majority required.*

STRATEGIC IMPLICATIONS

The proposal aligns with the following aspiration of the Strategic Community Plan:

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

FINANCIAL IMPLICATIONS

If an annual fee is to be adopted for the current application it should apply to all mobile business proposals.

Food vans are required to be licenced under the Health Act the same as any restaurant and they attract an annual inspection fee of $160.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Mobile business may become more popular as Bremer Bay grows and this land use has its own issues that could be better addressed by the Local Planning Scheme. Ideally a specific local planning policy will be drafted and brought before Council to guide this land use into the future.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

1. In accordance with Section 6.16 of the Local Government Act 1995, imposes a $500 annual licence fee for mobile businesses.
2. That the fee is exclusive of GST, indexed annually and payable in advance.
3. In accordance with Section 6.19 of the Local Government Act 1995, gives local public notice with its intention to impose the fee and the date from which the fee will be imposed being 1st September 2014.

OC140807 Moved Cr Leenhouwers / Seconded Cr Daniel

That Council:

1. **In accordance with Section 6.16 of the Local Government Act 1995, imposes a $500 annual licence fee for mobile businesses.**
2. **That the fee is exclusive of GST, indexed annually and payable in advance.**
3. **In accordance with Section 6.19 of the Local Government Act 1995, gives local public notice with its intention to impose the fee and the date from which the fee will be imposed being 1st September 2014.**

Carried 6-0 by Absolute Majority

SUBMISSION TO:	**Health, Building & Town Planning**
AGENDA REFERENCE:	10.3.3
SUBJECT:	Review of the Caravan and Camping Grounds Act – Consultation paper
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	Department of Local Government and Communities
FILE REFERENCE:	GR.SL.6
AUTHOR:	Craig Pursey, Planning Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	4 August 2014

SUMMARY

The Department of Local Government and Communities has released a consultation paper on the review of the Caravan Park and Camping Grounds Act 1995 (CPCG Act) requesting feedback by the 1 September 2014.

The existing CPCG Act is difficult to understand, administer and is considered to be inflexible by government and the industry. Its review is necessary and has been promised for some time.

The review proposes to improve the Act's clarity, consistency of application and provide some flexibility for park operators to respond to market forces.

The proposed approach would result in greater emphasis on zoning and planning controls used in combination with a management plan proposed by the operator to control land use within sites identified as Caravan Parks. The CPCG Act would deal mostly with health and safety considerations.

The general approach is supported; this report raises some detailed issues for consideration.

ATTACHMENT

Attachment 10.3.3 - Executive Summary – Consultation Paper – Proposal for Caravan Parks and Camping Grounds Legislation (full copy is available at: http://dlg.wa.gov.au/Content/Legislation/UnderReview/CPCG/Consultation_Paper.aspx Period)

BACKGROUND

Development in Caravan Parks within the Shire of Jerramungup is currently controlled by both the Local Planning Scheme and the Caravan Park and Camping Grounds Act and Regulations. Broadly, this occurs in the following way:

1. Local Planning Scheme zones the site and lists the permissible land uses. The caravan parks in the Shire are all zoned 'Special Site – Caravan Park and ancillary uses'. Conditions of approval are largely at Council's discretion. This level of land use control *generally* applies to applications for the caravan park

itself or extension to it rather than individual developments within the caravan park.

2. Caravan Park and Camping Grounds Act (CPCG Act) covers the permissible land uses, controls the location of caravan parks, camping grounds and even where people may camp, establishes responsibilities and duties for land use controls and administration of Caravan Parks, and provides for enforcement including penalties.
3. Caravan and Camping Grounds Regulations provide the detailed controls for individual developments and are generally administered by both the park operator and the Shire's Environmental Health Officer and Building Surveyor.

The CPCG Act and Regulations are generally understood by all users as being difficult to understand, administer and as being inflexible given the changing nature of holiday accommodation across the state in the last 10-20 years.

Generally the issues faced by Council in the existing Caravan Parks are common throughout the State and include:

- Number and location of permanent residents' vs land available for visitors and the effect on the tourist experience;
- Ensuring that sufficient land is retained for tourists in caravan parks, particularly those identified by the Shire as being of strategic importance to the tourism product of the whole Shire.
- Confusion over the permissibility of certain types of accommodation within Caravan Parks, especially Park Homes;
- Being 'transportable', Park Homes have been permitted in Caravan Parks but there has been confusion over the building standards applicable and what regulations apply to their construction.
- Long stay residential parks have been permitted in caravan parks but are in effect pseudo residential developments.
- The duration of a Caravan Park licence is one year; this has caused some uncertainty for operators and can affect the economic viability of a Park.
- The nature of the users of Caravan Parks is changing over time with many being entirely self-continued (i.e. RV's), or seeking chalet or other holiday accommodation options rather than caravans or tents.

However, the Caravan Parks in Bremer Bay appear to be reasonably unique in a number of ways that may lead to different issues arising from the proposed changes to the CPCG Act. These include;

- There is a very high percentage of 'semi-permanents' who have sub-leased portions of the Caravan Parks. These are often people from the wider region who visit during the holiday period only. This results in a high level of 'private ownership' across the park and a limitation on the area available for the travelling public.
- The development of 'non-standard' park homes by semi-permanents has increased markedly; that is, freezer panel construction rather than industry standard park homes. This has resulted in a peppering of park homes throughout the Bremer Bay Caravan Park in particular.
- The high number of semi-permanent occupiers of the caravan park could be argued to contribute to the slow rate of development in the remainder of Bremer

Bay with some demand for housing being met within the caravan parks. On the other hand, this type of development assists in attracting high numbers of visitors during the holiday period which helps sustain business year round in a town that otherwise has a small population.

CONSULTATION

The Department of Local Government and Communities commenced the review of the Caravan Park and Camping Ground legislation in December 2013 with five workshops held in the metropolitan area. The review process from this point is intended to be as follows:

i) Release of the CPCG Act Consultation paper closing on the 1 September 2014;
ii) Preparation of the Caravan and Camping Ground Regulations Consultation paper;
iii) Review of comments on the CPCG Act;
iv) Release of the Regulations Consultation Paper for comment closing in April 2015; and
v) Analysis of submissions received and drafting of new Bill ending August 2015.

COMMENT

In summary, the proposed changes that have potential to impact the Shire of Jerramungup include:

- Defining all caravan parks and camping grounds as 'Holiday Parks' to differentiate them from other uses that may occur in the Caravan Park zone.
- Differentiating permanently occupied areas of Parks, identifying them as 'Residential Parks' and assessing them as residential developments like any other residential area.
- The proportion of long stay and short stay residents to be guided by a local government's local tourism planning strategy and/or policy.
- The proportion of long-stay and short-stay occupants in a holiday park will be determined by the developer and local government on the basis of planning policies.
- Treat 'park homes' as transportable houses under the Building Code of Australia (BCA) rather than as vehicles as is currently the case. Park homes would then need to be included as a permissible use in the zoning of the site.
- Generally leaving the permissibility of land use up to the planning system and having the CPCG Act deal with health and safety.
- All accommodation occupied by long stay residents (ie a person who stays longer than 3 months in 12) must be transportable to prevent the development of permanent residential developments in holiday parks.
- Simplify the licensing categories to holiday park, transit park and nature based park. This effectively removes 'park home park' from the list of licenses issued in Holiday Parks as Park Homes are to be treated a transportable buildings.
- A new focus on a management plan prepared and proposed by the operator of the Holiday Park. It will be assessed against health and safety standards and its delivery of products to the identified market segments. The Management Plan would cover the following matters:
  i) Market segment being targeted.
  ii) Infrastructure to be provided (in light of the market segment).

iii) The number and type of sites proposed.

iv) The buildings proposed.

v) The proposed maximum capacity of the facility.

vi) If a full range of infrastructure is not to be provided, include an explanation of the impacts and how will this be managed.

vii) Environmental impact and sustainability.

viii) Waste management.

ix) Traffic management.

x) Risk management.

If the operator wishes to make significant changes to the facility, a modified management plan will need to be submitted to the licensing authority for approval.

- It is suggested that the new requirements of the Act would not apply retrospectively to existing Caravan Parks (including the preparation of a Management Plan) unless extensions to the park were proposed.
- Caravans and campervans within a Holiday Park should be licensed at all times so that they could be driven on the road when required.

Issues

There remains confusion how a Holiday Park would be licensed when there are park homes and chalets within the licensed area. As an example the Bremer Bay Caravan Park currently has park homes peppered throughout the Park, making the administration of the Park even more difficult into the future if park homes are excluded from a Holiday Park License. It is suggested that it may be better to not license a Holiday Park but only approve the Management Plan that shows the mix of land uses and types of accommodation in the Park.

Currently park homes are a permitted land use within the CPCG Act. They are proposed to be removed from the CPCG Act and treated as any other building. Therefore park homes would then need to be included as a permissible use in the zoning of the site. This is appropriate because land use is best controlled through the planning controls. The CPCG Act was never meant to control land use it was always intended to be a health and safety tool.

The proposal to require all caravans within a Holiday Park to be licensed at all times would have implications for the Parks in Bremer Bay. There are a large number of caravans that have been in situ for many years and are highly unlikely to be able to be driven and licensed. Many appear to be on footings; this is despite the current Regulations requiring that caravans remain mobile. It is arguable that an unlicensed caravan is contrary to the intentions of the current regulations.

The impact of requiring all caravans to be licensed would include:

i) Potentially a large cost burden on the semi-permanent population of the Parks having to upgrade or replace their caravans;

ii) The remoteness of Bremer Bay to a licensing centre may cause issues for those seeking to relicense a caravan;

iii) It would likely result in an improvement in the quality of the caravans and accommodation in the Park.

STATUTORY REQUIREMENTS

Council's comment only is being sought at this time.

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.

Aspiration 4: An environmentally astute community where human needs are met while conserving our natural and built environment.

FINANCIAL IMPLICATIONS

If the legislation is progressed as proposed there may be some costs to Council in amending the Local Planning Scheme, preparing local planning policies and administering Holiday Park management plans.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy and scheme changes will be required to enable chalet, cabins and in particular park homes to be developed within the Shire's caravan parks into the future.

If permanent accommodation is existing or proposed then appropriate densities and development control measures including setbacks, open space and car parking may need to be stipulated.

LPP 6 Tourism Accommodation may need updating and reviewing to require the existing caravan parks to lodge management plans showing percentages of permanent residents, permissible land uses, density of development for permanent residential components,

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council, in relation to the Consultation Paper on the proposal for Caravan Parks and Camping Grounds legislation, submit the following comments to the Department of Local Government and Communities:

- The proposed changes will require local government to review Local Planning Schemes as they apply to Holiday Park sites; it remains unclear how permissibilities for buildings used for holiday accommodation (including chalets and park homes) will be determined and licensed within Holiday Parks, additional guidance is requested as part of the ongoing review;
- That a management plan adopted by the local government should supersede the need to licence a Holiday Park at all;
- That serious concerns are raised regarding the requirement to licence all caravans and camper vans located in Holiday Parks due to the cost and time implications for remotely located Holiday Parks.

OC140808 Moved Cr Leenhouwers / Seconded Cr Iffla

That Council, in relation to the Consultation Paper on the proposal for Caravan Parks and Camping Grounds legislation, submit the following comments to the Department of Local Government and Communities:

- **The proposed changes will require local government to review Local Planning Schemes as they apply to Holiday Park sites; it remains unclear how permissibilities for buildings used for holiday accommodation (including chalets and park homes) will be determined and licensed within Holiday Parks, additional guidance is requested as part of the ongoing review;**
- **That a management plan adopted by the local government should supersede the need to licence a Holiday Park at all;**
- **That serious concerns are raised regarding the requirement to licence all caravans and camper vans located in Holiday Parks due to the cost and time implications for remotely located Holiday Parks.**

Carried 6-0

3.28pm Cr Daniel, Cr Bailey and Mr Bailey left the meeting after declaring an interest in Item 10.3.4 – Five Proposed Chalets, Reserve 21496, Lot 130 Bremer Bay Road, Bremer Bay.

SUBMISSION TO:	**Health, Building & Town Planning**
AGENDA REFERENCE:	10.3.4
SUBJECT:	Revised Report - Five Proposed Chalets
LOCATION/ADDRESS:	Reserve 21496, Lot 130 Bremer Bay Road, Bremer Bay
NAME OF APPLICANT:	Megatime Pty Ltd
FILE REFERENCE:	A1604433
AUTHOR:	Craig Pursey, Planning Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	19 August 2014

SUMMARY

Five chalets are proposed at the Bremer Bay Caravan Park that would replace an existing 5 caravan sites in the eastern portion of the Park.

The zoning of the Caravan Park allows for chalets, the proposal appears to meet the requirements of the scheme and conditional approval is recommended.

ATTACHMENT

Attachment 10.3.4 - Planning Application

BACKGROUND

Site Description

Reserve 21496, Lot 130 Bremer Bay Road, Bremer Bay is 15.747 ha in area, fronts Bremer Bay Road and is divided into two portions by Cuneo Drive.

Approximately one third of Lot 130 is developed with the Bremer Bay Caravan Park currently leased to Megatime Pty Ltd. The remainder of the property is remnant vegetation.

Zoning

Lot 130 is zoned Special Use zone No.4, applicable Scheme provisions are replicated below:

No.	**Description of Land**	**Special Use**	**Conditions**
SU 4.	Reserve 21496 Bremer Road, Bremer Bay	Caravan Park and ancillary uses including kiosk, art gallery and café, chalet development.	1. Development is to be sited and designed to minimise the need for clearing of native vegetation for development, access, and fire protection.
			2. Proposals for expansion of the caravan park or for significant new uses are to be referred to the Environmental Protection Authority for its advice.
			3. Other Conditions will be as determined by the local government.

The Scheme restricts the use of Special Sites to those uses listed in the above Schedule.

Special Use Zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme

Previous Application

A report was prepared for Council's consideration for four, 2 bedroom chalets for consideration at this meeting of Council. This has been withdrawn and replaced by the current application at late notice.

CONSULTATION

None required.

COMMENT

The Proposal

Five (5) chalets are proposed in the eastern portion of the Bremer Bay Caravan Park to be used as holiday accommodation.

The chalets are transportable buildings connected to an existing septic system already in place that services a nearby toilet block.

Four of the chalets are two bedrooms with a single one bedroom chalet. One parking bay is proposed for each chalet.

The chalets will provide a holiday accommodation option that does not currently existing in this caravan park.

A copy of the plans is attached to this report.

Assessment

The chalets are to be assessed against the requirements of Local Planning Scheme No.2 (the Scheme) and Local Planning Policy 6 - Tourism Accommodation (LPP6).

Scheme Requirements

Lot 130 is zoned Special use zone No.4 and the permitted uses include 'chalet development'. A chalet is not specifically defined in the Scheme but is part of the definition for "tourist accommodation" which means *accommodation specifically catering for tourists and includes bed and breakfast accommodation, chalets, farmstay, guesthouses, caravan parks, etc. but does not include hotels, or motels.*

The chalet is proposed for holiday accommodation and does not require the removal of any vegetation therefore appears to be consistent with the Scheme requirements.

Local Planning Policy 6 - Tourism Accommodation (LPP6)

Council adopted LPP6 in December 2008 to guide the development of tourist accommodation throughout the Shire.

The proposal is consistent with the requirements of this policy with the exception of the recommendations on parking. LPP6 recommends one parking bay per guest room.

In this case the proposed chalets are a part of the greater caravan park development that has overflow parking areas and the chalets are likely to be used by a single couple or family on the majority of occasions. One bay may be enough with access to other nearby parking in the event that the chalet is shared.

Permanent Buildings

The proposed chalets are the first 'buildings' proposed for the caravan park outside of the office, shop and ablution blocks. All other accommodation structures in the caravan park are considered to be park homes (which are technically considered vehicles) caravans and annexes (to be capable of being moved with 24hours notice).

Unlike many other local governments, the Shire of Jerramungup has no policy governing the percentage of different holiday accommodation types in its caravan parks. State-wide there is a move toward chalet accommodation within caravan parks and fewer caravan and camping sites as demand shifts. This is the first proposal of this type and may lead to further proposals of a similar nature.

Local Planning Strategy

The Shire's Local Planning Strategy supports the broadening of holiday accommodation options as one way of extending the period for which tourists may lengthen their stay in the Shire.

Lease

The existing lease over the Bremer Bay Caravan Park does not restrict development. Section 4.13 refers to alterations and improvements and states that the lessee can only erect a building or structure with the approval of the lessor.

Conclusion

The use is consistent with the Council's Scheme , Strategy and relevant policies and conditional approval is recommended.

If this type of development is to increase over time as in many other areas of the state then a separate policy may need to be generated over time to control this use and ensure a balance between different holiday accommodation land uses in the Shire's caravan parks.

STATUTORY REQUIREMENTS

The Shire of Jerramungup has a duel role to play in the assessment of this application; as the landowner and as the assessment agency for the planning application.

As the landowner the Shire can refuse the proposal without recourse.

As the assessment agency any decision of Council may be appealed to the State Administrative Tribunal.

STRATEGIC IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

The proposed chalets are on a reserve managed by the Shire of Jerramungup. They will be maintained under the terms of a lease in the short term but in the long term may become the Shire of Jerramungup's asset.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

It may become necessary over time to draft a tourism policy or strategy to govern land use within the Shire's caravan parks.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. In accordance with section 4.13 of the Bremer Bay Caravan Park Lease, consents to the proposed five chalet development at Reserve 21496, Lot 130 Bremer Bay Road, Bremer Bay.

2. Approve the proposed five chalet development at Reserve 21496, Lot 130 Bremer Bay 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) Provision being made for disabled access and facilities in accordance with the provisions contained in the Building Code of Australia and Australian Standard 1428.

   c) Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of the Shire. All parking spaces being marked out and maintained in good repair thereafter.

   d) All runoff from impervious surfaces being contained within the property and disposed of to the Shire's satisfaction.

   e) The chalets are to be used for short stay accommodation only, with a maximum stay of three months occupancy per annum by any single tenant.

   f) The chalets to be connected to the existing on-site effluent disposal system to the satisfaction of the Environmental Health Officer.

   g) A minimum of one parking bay is provided for the exclusive use of each chalet.

OC140809 Moved Cr Trevaskis / Seconded Cr Leenhouwers

That Council;

1. **In accordance with section 4.13 of the Bremer Bay Caravan Park Lease, consents to the proposed five chalet development at Reserve 21496, Lot 130 Bremer Bay Road, Bremer Bay.**

2. **Approve the proposed five chalet development at Reserve 21496, Lot 130 Bremer Bay 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) **Provision being made for disabled access and facilities in accordance with the provisions contained in the Building Code of Australia and Australian Standard 1428.**

   c) **Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of the Shire. All parking spaces being marked out and maintained in good repair thereafter.**

   d) **All runoff from impervious surfaces being contained within the property and disposed of to the Shire's satisfaction.**

   e) **The chalets are to be used for short stay accommodation only, with a maximum stay of three months occupancy per annum by any single tenant.**

   f) **The chalets to be connected to the existing on-site effluent disposal system to the satisfaction of the Environmental Health Officer.**

   g) **A minimum of one parking bay is provided for the exclusive use of each chalet.**

Carried 4-0

3.45pm Cr Bailey, Cr Daniel and Mr Bailey returned to the meeting.

A D M I N

SUBMISSION TO:	**Administration**
AGENDA REFERENCE:	10.4.1
SUBJECT:	Administration Status Report
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Shire of Jerramungup
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	11 August 2014

SUMMARY

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

ATTACHMENT

Nil

PROJECT UPDATE

1) **Farmland Water Response Planning**
   The dam is now constructed and connected to the highway culvert. This connection was very complex as the drain crossed a fibre optic cable. The Works team performed an outstanding job.

   The power is now connected with the Shire constructing the tank pad and installing the irrigation pipe. The water tank and pump have been installed, commissioning is imminent.

2) **Bremer Bay Medical Centre**
   The Minister inspected the health facilities in Jerramungup and Bremer Bay on 27 June 2014. The Shire understands that two business cases are currently being prepared for the Bremer Bay and Jerramungup Health Facilities.

   The business cases will be used to inform the State Government on the operational and strategic requirements for both facilities. The Minister has requested that both business cases are completed by October 2014 to coincide with the next budget period.

3) **Strategic Waste Management**
   The Shire received advice that the final funding application for $1.3m was unsuccessful. The Shire is now negotiating with the Department of Regional Development on options to commence construction.

   The Shire has organised a meeting with Minister Redman in August to discuss this matter further.

4) Health Update

Nil

5) Fisheries Beach Marina

In response to many community complaints in relation to sand accumulation at the boat ramp, the Shire met with the Department for Transport on 16 January 2014. In response, the Shire submitted a joint application with the Department to construct two rock groynes at the Marina.

The funding application was successful. The Shire is expecting project commencement within 6 months.

6) Little Boat Harbour

In line with the Corporate Business Plan, the Shire submitted an application for funding under the Department for Transport's Recreation Boating Facilities Scheme. The application was unsuccessful.

7) Bremer Bay Town Square

Council endorsed the Bremer Bay Town Square Concept Plan in July 2014. The Shire has commenced a process whereby UDLA will be commissioned to commence detailed design.

8) Staff House Bremer Bay

Ironmonger Building Company has been appointed to construct the staff house in Bremer Bay.

The building has been lined with all gyprock installed.

SUBMISSION TO:	**Administration**
AGENDA REFERENCE:	10.4.2
SUBJECT:	HR Policy Review
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	24 July 2014

SUMMARY

A recent review of the Human Resources Operational Policy has been undertaken with particular reference to minimum training standards for fire volunteers and staff uniforms.

This item seeks to amend the Human Resources Policy based upon the review.

ATTACHMENT

Attachment 10.4.2 - Human Resources Operational Policy as amended.

BACKGROUND

Two separate issues have initiated a review of the Human Resources Operational Policy. Firstly, some issues have arisen in relation to employee uniforms and secondly, fire training requirements for volunteers and staff.

Uniforms
In September 2013, Council amended the Human Resources Operational Policy to reflect a 'long and long' principle in relation to the provision of staff uniforms. After a period of application and consultation with staff, it has become apparent that a relaxation of the policy is required.

The amended policy takes a hard line and basically requires all outside staff to wear long pants and long tops throughout the entire calendar year.

The Shire has received feedback from staff that at certain times of the year the 'long and long' principle works well. However, during the extended summer period, staff have requested that the policy is relaxed so that short sleeve shirts can be worn. This is particularly relevant for staff undertaking manual labour.

In response, the Shire has expressed some concerns in relation to our obligations under the applicable occupational health and safety legislation, standards and guidance notes.

The approach of other local governments and businesses varies greatly with some mandating the 'long and long' principle and others allowing employees more discretion whilst providing training and education in relation to ultra violet radiation and the associated risks.

In considering the options, the matter has been discussed vigorously at various Occupational Health and Safety Meetings. The conclusion seems to suggest that

although the ‘long and long’ principle is preferred, some discretion should be provided to the employee. In these instances, the employee should be provided with education in relation to ultra violet radiation and the associated risks. Additionally, sunscreen lotion (SPF 15+) in accordance with AS/NZS 2604 Sunscreen products - Evaluation and classification should be available at all work sites.

Fire training requirements for volunteers and staff
At a recent Bushfire Advisory Committee Meeting, minimum training standards were discussed with a matrix being developed. Additional discussions during a subsequent Bushfire Advisory Committee Meeting have resulted in a review being undertaken.

Various concerns have been expressed in relation to older brigade members, the implementation time frame and the availability of training personnel.

Feedback received suggests that older brigade members are very resistant to undertake the training. The reasons for this resistance are varied and inconclusive. For this reason it is suggested that brigade members over 60 years of age are exempt from the training requirements.

In relation to the proposed timeframe of implementation, it has become apparent that training all volunteers is a time consuming task that will take a number of years. This is compounded by a current shortage of trainers at a State Government level.

For these reasons, it is recommended that the training requirement in order to attend the fire ground is applied from the 2017/18 fire season.

CONSULTATION

Extensive consultation has occurred with staff, the Shire’s insurer, other local governments and the Occupational Health and Safety Committee.

COMMENT

Nil

STATUTORY REQUIREMENTS

The Local Government Act 1995 states:

b) Section 5.40 (e)
Employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984.

STRATEGIC IMPLICATIONS

This item relates to the following aspiration contained within the Shire of Jerramungup Strategic Community Plan;

Aspiration 7: A healthy community where residents feel safe, secure and self-assured.

FINANCIAL IMPLICATIONS

Nil

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

The Human Resources Operational Policy will be amended to reflect Council's position on this matter.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Rescind part (a) and (e) of resolution OC130903
2. Adopt the amended Human Resources Operational Policy in relation to staff uniforms and training requirements for volunteer fire brigade members.

OC140810 Moved Cr Trevaskis / Seconded Cr Iffla

That Council;

1. **Rescind part (a) and (e) of resolution OC130903**
2. **Adopt the amended Human Resources Operational Policy in relation to staff uniforms and training requirements for volunteer fire brigade members.**

Carried 5-1
Cr Daniel voted against the motion

SUBMISSION TO:	**Administration**
AGENDA REFERENCE:	10.4.3
SUBJECT:	Boxwood Hill Dam – Licence Agreement
LOCATION/ADDRESS:	Reserve 30274 – Circuit Road Boxwood
NAME OF APPLICANT:	Water Corporation
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	4 August 2014

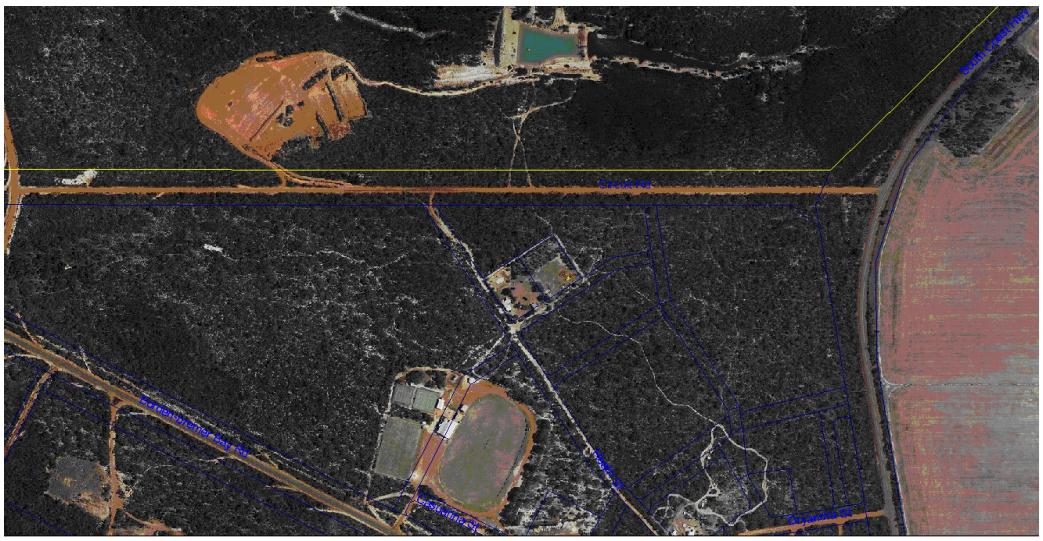
SUMMARY

Council is required to consider a new licence agreement for access to the dam and associated land in Boxwood Hill.

ATTACHMENT

Nil

BACKGROUND



Council has had a license agreement in place for the dam at Boxwood Hill since approximately 2002. The management authority for the land is the Water Corporation and the water is used to irrigate the ovals at the Boxwood Hill Sports Complex. The licence agreement also provides access to the gravel pit which may be used for Council's road works activities.

CONSULTATION

Water Corporation

COMMENT

There are no new material terms or conditions associated with this licence and essentially it provides continued access for the community's use of the water. Council will be responsible for some minor maintenance and restoration works associated with

the fences, catchments and rehabilitation of the gravel pit once the licence is handed back. As such it is recommended that the new licence agreement is signed to continue to provide access to an irrigation source for the Boxwood Hill sporting grounds.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

The licence agreement is primarily in place to provide access to water for the Boxwood Hill sporting grounds which supports *Aspiration 5: An active community supported by fit for purpose sport and recreation facilities*.

Aspiration 10: A community where transport infrastructure is constructed and maintained using best practice principals is also supported by this licence in that access to the gravel pit will assist in road works.

FINANCIAL IMPLICATIONS

The annual indexed licence fee is $1,000 plus GST. Funds have been provided for this in the current year's budget. The licence fee will be $1,750 from 1st January 2017.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council endorse the Licence agreement for the Boxwood Hill Dam – Reserve 30274.

OC140811 Moved Cr Leenhouwers / Seconded Cr Iffla

That Council endorse the Licence agreement for the Boxwood Hill Dam – Reserve 30274.

Carried 6-0

SUBMISSION TO:	**Administration**
AGENDA REFERENCE:	10.4.4
SUBJECT:	Lease – Fitzgerald Biosphere Group
LOCATION/ADDRESS:	Portion of Lot 250 Tobruk Road, Jerramungup
NAME OF APPLICANT:	Fitzgerald Biosphere Group Inc
FILE REFERENCE:	
AUTHOR:	Charmaine Solomon
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	4 August 2014

SUMMARY

The Fitzgerald Biosphere Group Inc (FBG) has requested a lease be established for a portion of Lot 250 Tobruk Road, Jerramungup.

The recommendation supports the lease for a portion of Lot 250 Tobruk Road, Jerramungup.

ATTACHMENT

Attachment 10.4.4 – Draft lease

BACKGROUND

In April 2007, the Shire of Jerramungup executed a lease with the Western Australian Agricultural Authority for a portion of Lot 250 Tobruk Road. Towards the end of their lease they had no staff working from the facility in Jerramungup.

The Agricultural Authority sublet the facility to the Fitzgerald Biosphere Group Inc for a nominal rate.

Council consented to the early termination of the lease between the Shire and the Western Australian Agricultural Authority over lot 250 on Deposited Plan 55227 on 30 June 2013.

A new lease is now required between the Shire of Jerramungup and the Fitzgerald Biosphere Group Inc.

CONSULTATION

Fitzgerald Biosphere Group Inc

COMMENT

The lease proposed will be for a portion of Lot 250 on Deposited Plan 55227 a sketch of the premises is attached to the lease.

The key terms agreed to by both parties are;

- Term: 5 years
- Rental: Peppercorn

- The Shire must consult with the FBG and receive written consent in relation to other leases in the building. This ensures the FBG's impartial status.
- Signage: With Shire's approval
- Insurance: Provided by the Shire
- Maintenance: Provided by the Shire
- The Shire will provide contribution to the FBG's operating costs reflecting the Shire's historical support of the FBG's work within the District totalling $10,000 per annum. This will contribute towards costs such as office cleaning, electricity consumption and other administrative expenses.
- The FBG will provide an annual activity statement by no later than 30 June each year

Given that the Shire is providing the facility at a peppercorn rate and provides an annual financial contribution, the Shire will include a series of performance criteria for the FBG to report on which align to the Strategic Community Plan.

The annual activity statement which will be supplied by 30 June each year will contain information on the number of dieback infestations treated, hectares of rehabilitation completed, fencing completed, destruction of feral animals and continuing Natural Resource Management accreditation.

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.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

30. Dispositions of property excluded from Act s. 3.58

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

(2) A disposition of land is an exempt disposition if —

(c) the land is disposed of to —
(i) the Crown in right of the State or the Commonwealth; or
(ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
(iii) another local government or a regional local government;

Land Administration Act 1997

18. Various transactions relating to Crown land to be approved by Minister

(1) A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.

(2) A person must not without authorisation under subsection (7) —

(a) grant a lease or licence under this Act, or a licence under the *Local Government Act 1995*, in respect of Crown land in a managed reserve; or

(b) being the holder of such a lease or licence, grant a sublease or sublicence in respect of the whole or any part of that Crown land.

(3) A person must not without authorisation under subsection (7) mortgage a lease of Crown land.

(4) A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.

(5) The Minister may, before giving approval under this section, in writing require —

(a) an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and

(b) information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.

(6) An act done in contravention of subsection (1), (2), (3) or (4) is void.

(7) A person or lessee may make a transaction under subsection (1), (2), (3) or (4) —

(a) with the prior approval in writing of the Minister; or

(b) if the transaction is made in circumstances, and in accordance with any condition, prescribed for the purposes of this paragraph.

(8) This section does not apply to a transaction relating to an interest in Crown land if —

(a) that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act;

(b) that interest may be created, granted, transferred or otherwise dealt with under an Act other than —

(i) this Act; or

(ii) a prescribed Act;

(c) an agreement, ratified or approved by another Act, has the effect that consent to the transaction was not required under section 143 of the repealed Act; or

(d) the transaction is a lease, sublease or licence and the approval of the Minister is not required under section 46(3b).

[Section 18 amended by No. 59 of 2000 s. 8(1)-(5) [5].]

STRATEGIC IMPLICATIONS

The policy relates to the following components from the Shire of Jerramungup Strategic Community Plan 2012 – 2025;

Aspiration 4: An environmentally astute community where human needs are met while conserving our natural and built environment.

Aspiration 6: An engaged and informed community, defined by strong civic leadership, sound governance and transparent decision making.

FINANCIAL IMPLICATIONS

The annual contribution of $10,000 will cover costs associated with cleaning, telephone, mobile phones, electricity consumption and other administrative costs. The contribution will be reviewed annually and increased by CPI.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Authorise the Shire President and Chief Executive Officer to execute the lease agreement for a portion of Lot 250 Tobruk Road, Jerramungup to the Fitzgerald Biosphere Group Inc commencing 1st October 2014 and expiring 30th September 2019 subject to the Shire gaining consent from the Minister for Lands.
2. Endorse the following terms of the proposed lease;
    - $nil rent for a period of 5 years with no option
    - Annual activity statement to be completed by no later than 30 June each year
    - An amount of $10,000 per annum (indexed annually to CPI) to the Lessee as a contribution to costs incurred by the Lessee associated with the Premises

OC140812 Moved Cr Bailey / Seconded Cr Trevaskis

That Council table item 10.4.4 – FBG Lease, Lot 250 Tobruk Road Jerramungup to ascertain more information on lease conditions and negotiate further with the FBG.

Carried 6-0

COUNCILLOR REPORTS

11. COUNCILLOR REPORTS

Cr Daniel

- Attended the 2014 WALGA Local Government Convention
- Attended the WALGA AGM

Cr Iffla

- Attended the 2014 WALGA Local Government Convention
- Attended a meeting with the Hon Terry Redman MLA, Minister for Regional Development; Lands; Minister Assisting the Minister for State Development
- Attended a meeting with the Hon Dr Kim Desmond Hames MLA, Deputy Premier; Minister for Health; Training and Workforce Development

Cr Bailey

- Attended a Jerramungup Volunteer Emergency Services AGM

Cr Leenhouwers

- Attended the 2014 WALGA Local Government Convention
- Attended a meeting with Mr Rick Wilson Member for O'Connor

Cr Lester

- Attended the 2014 WALGA Local Government Convention
- Attended a meeting with the Hon Terry Redman MLA, Minister for Regional Development; Lands; Minister Assisting the Minister for State Development
- Attended a meeting with the Hon Dr Kim Desmond Hames MLA, Deputy Premier; Minister for Health; Training and Workforce Development
- Attended the WALGA AGM
- Attended a meeting with the Department of Transport

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

12.1 From Officers

Nil

12.2 From Elected Members

Cr Daniel has received complaints about the cleaning services at the fish facilities and public toilets in Bremer Bay. Cr Daniel requested that Council staff monitor and review the quality and regularity of work.

Mr Bailey advised he will look into the matter and respond accordingly.

Cr Leenhouwers raised a concern of non-compliance issues with people living in sheds in Bremer Bay.

Mr Pursey advised he has drafted a letter which will be sent out to owners who are currently residing in non-habitable structures to commence the compliance process.

Cr Leenhouwers raised concerns from locals enquiring if it was possible to do some line marking on Point Henry Road.

Mr Bailey advised he will contact Main Roads to investigate the possibility further.

Cr Leenhouwers had a query from the Bremer Bay Primary School regarding the banner which was displayed at the 2014 Local Government Convention 'Banners in the Terrace Competition'. The School would like to display the banner and other banners they have around Bremer Bay.

Mr Bailey advised that we do not currently have banner poles suitable for hanging the banners due to their size however banner poles could be considered as part of the public art component of the civic square.

Cr Leenhouwers advised Council that Mr Robert Tozer is hosting an open day at 'Tozer's Bush Camp' as part of the 2014 Bloom Festival on Saturday 13th September; all funds are being donated back to the community. A potential project was the installation of a barbeque being placed in Pelican Park.

Mr Bailey advised that barbeques were likely to form a part of the new town square development, however due to the associated maintenance costs a barbeque in Pelican Park would need to be considered by Council and allocated a budget accordingly.

13. NEXT MEETING/S

13.1 Ordinary Meeting – to be held Wednesday 17 September 2014 commencing 2.00pm at the Council Chambers, Jerramungup.

14. CLOSURE

The President declared the meeting closed at 4:40pm.