

SHIRE OF JERRAMUNGUP



AGENDA

COUNCIL ORDINARY MEETING

20th DECEMBER 2017

Dear President and Councillors,

NOTICE OF ORDINARY COUNCIL MEETING

Please note that the next Ordinary Meeting of Council of the Shire of Jerramungup will be held in the Council Chambers, Jerramungup on Wednesday 20th December 2017, commencing at 8:30am.

BRENT BAILEY
CHIEF EXECUTIVE OFFICER

14th December 2017

DISCLAIMER

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Jerramungup - Bremer Bay

Progressive, Prosperous and a Premium Place to Live and Visit

ORDINARY AGENDA – 20th DECEMBER 2017**INDEX**

ITEM	DETAILS	PAGE
1	Declaration of Opening / Announcement of Visitors	4
2	Record of Attendance	4
3	Apologies	4
4	Leave of Absence Previously Approved	4
5	Public Question Time	4
6	Applications for Leave of Absence	4
7	Petitions / Deputations / Presentations	4
8	Declarations of Financial Interest	4
9	Confirmation of Minutes	4
WORKS		
10.1.1	Works Report	6
10.1.2	Gravel and Sand Acquisition Policy	8
FINANCE		
10.2.1	Accounts Payable - November 2017	13
10.2.2	Finance Report - November 2017	15
HEATH BUILDING & TOWN PLANNING		
10.3.1	Final Consideration - Scheme Amendment No 11	18
10.3.2	Proposed Nature Based Park	22
10.3.3	Final Consideration - Scheme Amendment No 13	29
10.3.4	Proposed Home Office, Ancillary Accommodation & Amended Building Envelope	34
ADMIN		
10.4.1	CEO Recruitment Process	41
10.4.2	LEMC Meeting Minutes	44
10.4.3	BFAC Meeting Minutes	45
10.4.4	BBCDC Meeting Minutes	46
10.4.5	Council Meeting Dates 2018	47
10.4.6	Citizenship and Sporting Awards	50
11	Councillor Reports	54
12	New Business of an Urgent Nature	54
13	Next Meeting	54
14	Closure	54

SHIRE OF JERRAMUNGUP

**ORDINARY MEETING OF COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS,
JERRAMUNGUP ON WEDNESDAY 20th DECEMBER 2017, 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 15th November 2017

WORKS

SUBMISSION TO:	Works
AGENDA REFERENCE:	10.1.1
SUBJECT:	Works Report
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Murray Flett
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 th December 2017

ATTACHMENT

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

ROAD CONSTRUCTION

The Construction crew commenced gravel sheeting on Brook Road, this section will continue on from last year's works. The works involve drainage, formation and gravel sheeting a 3km section to a width of 9 metres.

Bremer Bay Earthmoving are continuing with the flood damage reinstatement works in the south western section of the shire. These works are progressing well and will continue over the coming months. These works involve multiple crews working in different locations.

Environmental approvals are still being sought to undertake future works. In the interim, work practices have been amended to adhere to Department of Water, Environment and Regulation requirements until appropriate approvals are obtained.

Attached is the completed 2016/2017 construction program

ROAD MAINTENANCE

The roadside spraying program will commence again next year at the appropriate time to counteract weed infestation within the road reserve.

Routine maintenance grading and gravel patching is continuing on roads in both the Bremer Bay and Jerramungup areas with emphasis on patching all the blowouts in the pavement due to all the heavy vehicle movements over the busy harvest period.

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

TOWN SERVICES

The town services team have continued reinstatement works in the Bremer Bay area including gravel patching and drainage related issues. They have also been patching potholes in both Jerramungup and Bremer Bay town sites and some of our sealed roads.

The team have been kept busy on weed eradication in Jerramungup and Bremer Bay. They have also undertaken maintenance of the parks and gardens in both towns.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

WORKFORCE IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COMMENTS

Nil

RECOMMENDATION

That Council adopt the November works report.

SUBMISSION TO:	Works
AGENDA REFERENCE:	10.1.2
SUBJECT:	Gravel and Sand Acquisition Policy
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Murray Flett
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	20 th November 2017

SUMMARY

In recent times gravel resources have become very difficult to find with some farmers reluctant to allow the Shire to obtain materials from their farms.

Currently the Shire pays a royalty to the farmer of \$0.90c/m³ + GST for gravel taken.

This item recommends the adoption of a Council Policy to address the collection of Gravel and Sand aligning the compensation rate to that listed in Main Roads WA Operational Guideline 95 – Extracting Road Building Materials from Land in WA.

ATTACHMENTS

- 10.1.2(a) - Proposed Gravel and Sand Acquisition Policy
- 10.1.2(b) - Shire of Plantagenet Policy
- 10.1.2(c) - Main Roads Operational Guideline 95

BACKGROUND

There is currently a shortage of good quality road building material across the Shire and some farmers are reluctant to sell this resource citing the amount of money they receive for the gravel is not enough incentive to outweigh the perceived loss from poor crop yields off the old pit sites.

Previously pit rehabilitation methods were not ideal which caused some loss of production. However, current rehabilitation practices have proven very favourable with good crop yields. The Works Department has made a concerted effort in recent times to improve pit rehabilitation methods and farmer engagement.

Currently the Shire pays a royalty to the farmer of \$0.90c/m³ +GST for gravel taken. The Shire has been approached by some farmers to increase the compensation paid for gravel extraction to make the exercise more attractive.

Main Roads WA undertakes gravel extraction under Operational Guideline 95 – Extracting Road Building Materials from Land in WA. This document covers a range of operational tasks and compensation to land owners following the extraction of road building materials from their properties.

At present the Operational Guideline provides compensation at a rate of \$1.51 per cubic metre excluding GST. Neighbouring Shires have increased their rates above

this amount to further incentivise the provision of road building materials. Anecdotal evidence shows this strategy has been effective in securing additional resources in these Shires.

COMMENT

The proposed 'Other Policy No. 2 – Gravel and Sand Acquisition' provides a formal framework for Council to endorse which will guide the process for extracting gravel and sand from private properties.

This policy is generally in line with existing practices and Council has the option of setting a nominal compensation rate or aligning it with the compensation paid by Main Roads WA. Alignment with the Main Roads WA compensation rate will ensure a regular review is undertaken by an independent third party who has greater capacity to undertake market based price testing.

STATUTORY REQUIREMENTS

Local Government Act 1995

Section 3.27. Particular things local governments can do on land that is not local government property

- (1) A local government may, in performing its general function, do any of the things prescribed in Schedule 3.2 even though the land on which it is done is not local government property and the local government does not have consent to do it.
- (2A) In subsection (1) land includes Crown land the subject of a pastoral lease within the meaning of the *Land Administration Act 1997* section 3.
- (2) Schedule 3.2 may be amended by regulations.
- (3) If Schedule 3.2 expressly states that this subsection applies, subsection (1) does not authorise anything to be done on land that is being used as the site or curtilage of a building or has been developed in any other way, or is cultivated.
- (4A) For the purposes of subsection (3), planting pasture on land for grazing does not amount to cultivating the land.
- (4) Nothing in subsection (3) prevents regulations amending Schedule 3.2 from stating that subsection (3) applies, or excluding its application, in relation to a particular matter.

[Section 3.27 amended by No. 17 of 2009 s. 8]

Section 3.36. Opening fences

- (1) This section applies only if it is expressly stated in Schedule 3.2.
- (2) Subsection (1) does not prevent regulations amending Schedule 3.2 from stating that this section applies, or excluding the application of this section, in relation to a particular matter.
- (3) If this section applies and it is not practicable to enter land that is fenced through the existing and usual openings in the fence, the local government

may, on giving 3 days' notice in writing to the owner or occupier of the land that it intends to do so, open the fence.

- (4) If it opens the fence the local government is to provide at the opening an effective gate or, if the owner of the land agrees, a device across the gap in the fence that enables motor traffic to pass through the gap and prevents the straying of livestock through the gap.
- (5) If a gate is provided a person who, without the occupier's consent, leaves the gate open when it is not in use commits an offence.
- (6) If a gate is provided, when the local government no longer requires the opening, it is to immediately remove the gate and make good the fence unless the owner agrees to its retention.
- (7) The owner and occupier may, in a particular case, relieve the local government of any obligation that it has under this section.

Schedule 3.2 — Particular things local governments can do on land even though it is not local government property

1. Carry out works for the drainage of land.
2. Do earthworks or other works on land for preventing or reducing flooding.
3. Take from land any native growing or dead timber, earth, stone, sand, or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence, or gate.
4. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require.
5. Make a temporary thoroughfare through land for use by the public as a detour while work is being done on a public thoroughfare.
6. Place on land signs to indicate the names of public thoroughfares.
7. Make safe a tree that presents serious and immediate danger, without having given the owner the notice otherwise required by regulations.

IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

Provisions for the additional costs associated with increasing gravel compensation are not currently provided in the Annual Budget or the Long Term Financial Plan. It is expected that the proposed increase in compensation will add approximately \$3,300 per 3km road construction project.

POLICY IMPLICATIONS

The adoption of a new works policy is proposed.

WORKFORCE IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

COMMENTS

Nil

RECOMMENDATION

That Council adopt Other Policy No. 2 - Gravel and Sand Acquisition effective from January 1st 2018.

FINANCE

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

ATTACHMENT

Attachment 10.2.1(a) - List of Accounts Paid to 30th November 2017
Attachment 10.2.1(b) - Credit Card Statement 18/10/2017 – 18/11/2017

BACKGROUND

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28154	
	EFT 14077 – 14224	\$ 977,294.56
	Cheque 28155 – 28155	\$ 2,001.16
	Direct Deposit	\$ 36,668.35
Municipal Account Total		\$ 1,015,964.07
Trust Account		
	EFT	\$
Trust Account Total		\$
<u>Grand Total</u>		<u>\$ 1,015,964.07</u>

CERTIFICATE

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- a) The List of Accounts Paid to 30th November 2017 as detailed in Attachment 10.2.1(a); and**
- b) The Credit Card Statement for 18/10/2017 – 18/11/2017 as detailed in Attachment 10.2.1(b).**

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.2
SUBJECT:	Monthly Financial Report
LOCATION/ADDRESS:	Shire of Jerramungup
AUTHOR:	Charmaine Solomon
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	12 th December 2017

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 30th November 2017

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 Community Plan 2016 - 2026;

Aspiration 2.5: To provide strong civic leadership and governance systems that are open and transparent and ethical.

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 30th November 2017 in accordance with Section 6.4 of the Local Government Act 1995.

**HEALTH,
BUILDING
&
TOWN
PLANNING**

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.1
SUBJECT:	Final Consideration - Scheme Amendment No 11
LOCATION/ADDRESS:	Jerramungup
NAME OF APPLICANT:	Council
FILE REFERENCE:	LU.PL.10
AUTHOR:	Manager of Development, Craig Pursey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	5 December 2017

SUMMARY

Council is to consider final adoption of Amendment No.11 to the Shire of Jerramungup Local Planning Scheme No 2.

The Amendment proposes to rezone a part of Lot 501 South Coast Highway, Jerramungup to the Special Use zone to provide for industrial developments which have large land requirements, and are not generally appropriate to be accommodated within the 'Town Centre' zone or the existing industrial area.

ATTACHMENT

Attachment 10.3.1(a) - Special Use Zone draft provisions
Attachment 10.3.1(b) - Amendment 11 revised zoning plan
Attachment 10.3.1(c) - Schedule of Submissions

BACKGROUND

Council at its meeting in December 2016 resolved to initiate Scheme Amendment 11 to the Shire of Jerramungup Local Planning Scheme No 2 to:

1. Rezone Part Lot 501 Plan 73997 South Coast Jerramungup from the 'Rural' zone to 'Special Use Zone No.10' and amend the Scheme Maps accordingly (as shown in Attachment 10.3.1(b)).
2. Modifying Schedule 4 Special Use Zones to include provisions for Special Use Zone No 10 as provided for in Attachment 10.3.3(a).

The scheme amendment was also identified as a 'complex' amendment due to it being inconsistent with the current version of the Local Planning Strategy. Lastly it was resolved to forward the Scheme Amendment to the Environmental Protection Authority for examination and assessment.

Council has engaged town planning consultants to assist in the preparation of the Amendment and to review the supply industrial land within Jerramungup townsite.

Previous Considerations

- Council adopted Scheme Amendment No.11 to the Local Planning Scheme at their meeting in December 2016.
- The Amendment was referred to the Environmental Protection Authority (EPA) for assessment in March 2017.
- The EPA effectively approved the Scheme Amendment without conditions in April 2017.
- The Amendment was then referred to the Department of Planning for permission to advertise in August 2017 following extensive discussions with the department.
- The Department of Planning granted permission to advertise the Amendment in October 2017, subject to minor modifications.
- The Amendment was advertised in conjunction with Scheme Amendment 12 with the advertising period closing on the 7th December 2017.

CONSULTATION

During the 42 day advertising period ten (10) submissions were received, all from government agencies. These are summarised at the Schedule of Submissions found at Attachment 10.3.1(c).

The only substantive submission received during the advertising process was from the Department of Water and Environmental Regulation who raised the need for the preparation of a Local Water Management Strategy and further soil testing to verify the soils capability for handing on-site sewerage disposal. This issue is addressed below.

COMMENT

The submissions received are summarised in the Schedule of Submissions at Attachment 10.3.1(c) along with an assessment of the submission and recommendations as to how the submission should be addressed.

Local Water Management Strategy (LWMS)

The Department of Water and Environmental Regulation (DWER) have pointed out that the best practice approach to managing water on a proposed development site is to prepare a Local Water Management Strategy (LWMS) up front with the Scheme Amendment documentation.

However, in this case it was decided early in the preparation of the scheme amendment documentation to approach this matter differently given that the site is not constrained by water resources; that is there are no waterways on the site and no groundwater was encountered during previous site testing.

The proposed scheme provisions include a requirement to prepare a Local Development Plan before any development and that this would require (amongst other things):

- *The key attributes and constraints of the area covered by the plan including the natural environment, site and soil evaluation, landform and the topography;*
- *Proposed water supply including for fire protection (structural and bushfire);*
- *On site stormwater disposal and bio retention measures; and*
- *A Wastewater Management Plan shall be submitted to the Local Government with the proposed local development plan. The management plan shall be prepared to the satisfaction of the Local Government and shall demonstrate the proposed development and land use will comply with the definition of 'Dry Industry'.*

Whilst it could be expected that rainwater tanks and recycling of stormwater from paved areas would be part of any Wastewater Management Plan, the scheme provisions should be expended to mandate these requirements.

Sewerage Disposal

DWER have pointed out that:

- *On-site sewage disposal systems dealing with trade waste must be designed to ensure that environmentally hazardous material is not disposed of on site; and*
- *As per the draft policy further information is required at this stage in the planning process to ensure that the site is suitable for long term on-site sewage disposal.*

Again, the requirement to prepare a Wastewater Management Plan will address disposal of hazardous waste. However, further information is not required to accommodate '*long term on-site sewage disposal*' as this will not be occurring. Sewerage is disposed of into the Shire-run hybrid sewerage system that does not involve on-site disposal.

STRATEGIC IMPLICATIONS

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

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

3.1.5 - Provide land availability to attract a machinery dealership to Jerramungup

3.2.2 - Implement policies and initiatives to support local small business and agricultural prosperity

3.2.3 - Implement policies and initiatives to attract new businesses to town

STATUTORY REQUIREMENTS

Section 75 of the Act provides for amending a Local Planning Scheme.

Regulation 41 of the Planning and Development (Local Planning Schemes) Regulations 2015 guides how submissions on a complex amendment are to be considered.

FINANCIAL IMPLICATIONS

None

POLICY IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 41 (3) of the Planning and Development (Local Planning Schemes) Regulations 2015, Council adopts Amendment 11 to Local Planning Scheme No 2 by:
 - a) Rezoning Part Lot 501 Plan 73997 South Coast Highway, Jerramungup from a 'Rural' zone to 'Special Use Zone No.10' and amend the Scheme Maps accordingly, as shown in Attachment 10.3.3(b).
 - b) Modifying Schedule 4 Special Use Zones to include provisions for Special Use Zone No 10 as provided for in Attachment 10.3.3(a).
2. Adopt the recommendations in the Schedule of Submissions at Attachment 10.3.1(c).
3. Determine that in accordance with Regulation 42 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015 that the modifications are not significant and do not require readvertising.
4. That authority be given to the President and Chief Executive Officer to sign and affix the Common Seal to Amendment No. 11 to Local Planning Scheme No. 2 documents, and that the Amendment be referred to the Western Australian Planning Commission for recommendation in accordance with Regulation 44 of the Planning and Development (Local Planning Schemes) Regulations 2015.

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.2
SUBJECT:	Proposed Nature Based Park
LOCATION/ADDRESS:	Lot 1 Browns South Road, Needilup
NAME OF APPLICANT:	Stuart Brown
FILE REFERENCE:	A60793
AUTHOR:	Manager of Development, Craig Pursey
DISCLOSURE OF ANY INTEREST:	None
DATE OF REPORT:	6 December 2017

SUMMARY

Council is asked to consider a 'Nature Based Park' at Lot 1 Browns South Road, Needilup which proposes to provide camp sites to touring motorcyclists and users of the nearby Needilup motor cross facility.

It is proposed to develop the Park in two stages with stage 1 providing the minimum standard of facilities until such time as some operating capital can be generated from the Park.

This report recommends that the application be conditionally approved.

ATTACHMENT

Attachment 10.3.2(a) – Planning application & plans
Attachment 10.3.2(b) – Management Plan

BACKGROUND

Site Description

Lot 1 Browns South Road, Needilup is 17.182ha in area and largely covered in remnant vegetation. It is developed with a house, two sheds, dams and rain water tanks. Lot 1 has bushland on the west and southern boundaries and broad hectare farming on the north and eastern boundaries.

Browns South Road is of an adequate standard to handle the proposed traffic from the proposed land use.

Zoning & Scheme Requirements

Lot 1 is zoned 'Rural' by the Shire of Jerramungup Local Planning Scheme No.2 (the Scheme). A nature based park is considered to be 'Tourist Accommodation' by the Scheme which is a discretionary land use in the *Rural* zone.

CONSULTATION

Although not required by the Scheme, the proposed land use was referred to adjoining landowners for comment. No submissions were received at the time of writing this report.



The State of Queensland does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that the State of Queensland shall bear no responsibility or liability whatsoever for any errors, omissions, defects or inaccuracies in the information.

Lot 1 Browns South Road, Needilup
Scale 1:2000 @ A3



Subject site edged in red.

COMMENT

The Proposal

An application has been lodged for a 'Nature Based Park' at Lot 1 Browns South Road, Needilup. The applicant describes the proposed Park as follows:

A proposed Nature Based Camp providing camp sites to touring motorcyclists and users of the nearby Needilup Motor cross facility.

There is an existing house and two sheds. It is proposed to convert the house and one shed to provide the necessary facilities for the campers as follows:

It is necessary to develop the Park in two stages with stage 1 providing the minimum standard of facilities until such time as some operating capital can be generated from the Park and stage 2 can be developed to bring the Park into alignment with all requirements of the Caravan and Camping Regulations 1997 as they apply to Nature Based Parks.

Stage 1:

- *Convert the existing house to an office and caretakers;*
- *Separate the existing toilet, shower and laundry from the remainder of the house and make it available to campers;*
- *Create a central fire pit and provide a shelter in a portion of shed 1;*
- *Formalise driveways/access to existing cleared areas providing up to 10 sites for camping with good distance between sites;*

- *Prepare a Bushfire Management Plan, Emergency Evacuation Plan and educate campers on arrival.*

It is noted that relaxations of certain measures listed in the Caravan and Camping Regulations are possible for a 'nature based park' and stage 1 seeks approvals to relax provisions relating to the minimum number of toilets, hand basins, showers and provision of potable water.

These shortfalls can be overcome with adequate, upfront information provided to campers and focussing the facility to provide for motorcyclists only (i.e. no RV's and caravans with different expectations of a facility such as dump points and drinking water).

Stage 2:

Develop 'Shed 1' and convert the space to include:

- *Campers Kitchen with potable water, sink for washing up and a centrally located tap;*
- *Development of an additional disabled unisex toilet and shower;*
- *Conversion of one end of the shed to a dormitory sleeping up to 6 people.*

Stage 2 would be undertaken when some capital had been raised from the proposed business.

A Management Plan has been prepared using the template provided by the Department of Local Government and Communities and is attached to this application.

A copy of the application, site plan, 'proposed works plan' and a Nature Based Park Management Plan providing more details regarding the proposal are attached to this report.

Assessment

The Caravan Parks and Camping Grounds Regulations identify a 'Nature Based Park' as an alternative park to the standard caravan park and apply differing standards. The Department of Local Government and Communities (DLGC) has prepared Guidelines for the development of Nature Based Parks that draw information from existing legislation into a single guideline. This guideline defines a Nature Based Park as follows:

Nature Based Park means a facility in an area that:

- a) is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and*
- b) has been predominately formed by nature; and*
- c) has limited or controlled artificial light and noise intrusion*

When determining whether a Nature Based Park is the appropriate licence category, the prime consideration is whether it is in a primarily undisturbed natural setting surrounded by vegetation.

The proposed development is located in bushland, far removed from any townsite or residential development and clearly meets the definition of a Nature Based Park.

The Guidelines firstly recommend the preparation of a Management Plan that addresses the requirements of the various legislation that apply. The applicant has used the template from the DLGC to prepare a Management Plan which is provided at attachment 10.3.2(b) of this report.

The application and management plan have been assessed by planning, environmental health, Works Manager and building officers and the following issues have been identified that require addressing:

Bushfire Management

The applicant has proposed the following bushfire management measures:

- Large dam with piped network providing firefighting outlets at the house and shed #1;
- 600l firefighting unit mounted permanently on a 4WD ute;
- Fire extinguishers at house and shed #1;
- Fire breaks; and
- Large, managed low fuel zones around all buildings.

These measures are sound but the proposal requires the preparation of a formal bushfire management plan and Emergency Evacuation Plan prior to commencing operations.

The Caravan Park and Camping Grounds Regulations have minimal standards for fire management including providing at least 1 fire extinguisher. However, State Planning Policy 3.7 'Planning in Bushfire Prone Areas' and the associated Guidelines have far more stringent controls for what would be considered to be a 'vulnerable land use'. There are standards for emergency evacuation plans, access, firefighting water and fuel management (Asset Protection Zones) that will need to be applied to the proposal.

Ablutions

At least two toilets and two showers are required to support a Nature Based Park with up to 20 camp sites. The application has sought an exemption in the short term to be able to use the existing toilet and shower (plus laundry) of the existing house as part of stage 1 of the development, then develop additional ablutions as part of stage 2 as funds become available.

In this case at least one disabled toilet and shower is required up front as part of stage 1 of the development and it is not possible to share the facilities in the existing house.

Therefore a planning condition requiring the development of at least 2 toilets and 2 showers as part of stage 1 of the development should be applied.

Drinking Water

Caravan parks are usually required to provide potable water for guests. However, the legislation acknowledges that this is not always possible at Nature Based Parks given their often remote locations. In this case potable water is not proposed to be provided as part of stage 1; if this is accepted this should be clearly communicated through marketing material and signage on site.

If it is developed as part of stage 2, then appropriate filters can be applied to the rainwater collected and the site can be included in the Shire's regular water sampling processes for public places.

Access

Access is shown in three places with Browns South Road. The main entrance and the northernmost fire break exit meet acceptable standards for sight lines. However, the southernmost firebreak exit should be removed from the approved plans and an alternate arrangement made because of poor sight lines at this point.

CONCLUSION

The proposed nature based camp will cater primarily to motorcyclists and is set up to provide a bush camping experience with minimum facilities.

The proposed camp is a new business venture in the Needilup area which will be complimentary to the new motor cross facility and make the most of the natural setting. It will provide employment to the landowner and encourage more tourism within the Shire; possibly as a destination for motorcycle touring out of Albany and through the district.

The bushland setting has numerous examples of flora and fauna worth visiting and is an appropriate setting for a Nature Based Park.

A number of relaxations to the applicable legislation are possible to establish a Nature Based Park with minimum facilities, provided measures such as no drinking water and the type of visitor catered for are adequately communicated through marketing and signage.

A Bushfire Management Plan and Emergency Evacuation Plan are key requirements moving forward. However, bushfire management is clearly capable of being addressed through access, communication, water and fuel management and so this issue can be conditioned rather than required up front.

STRATEGIC IMPLICATIONS

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

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

2.1.3 - Support the establishment of a motocross facility.

3.2.2 - Implement policies and initiatives to support local small business and agricultural prosperity

STATUTORY REQUIREMENTS

In approving a nature based park, the relevant legislation includes:

- Caravan Parks and Camping Grounds Act 1995;
- Caravan Parks and Camping Grounds Regulations 1997;
- Land Administration Act 1997;
- Planning and Development Act 2005;
- Health Act 1911; and
- Building Act 2011 and Code.

FINANCIAL IMPLICATIONS

There may be a greater expectation to regularly maintain Browns South Road over time if tourist numbers increase.

POLICY IMPLICATIONS

None

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council;

1. Approve the application for a Nature Based Park (Tourist Accommodation) at Lot 1 Browns South Road, Needilup 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 the Nature Based Park Management Plan.
 - b) All runoff from impervious surfaces being contained within the property and disposed of to the Shire's satisfaction.
 - c) Formal arrangements being put in place for a suitable rubbish collection service to the satisfaction of the Shire prior to the issue of a building licence.
 - d) The Nature Based Park is to be used for short stay accommodation only, with a maximum stay consistent with the terms of the approved Nature Based Park Management Plan.
 - e) The development hereby approved, or any works required to implement the development, shall not commence until a Bushfire Management Plan and Emergency Evacuation Plan have been submitted to the Shire and have been approved in writing. The Bushfire Management Plan shall then be fully implemented to the satisfaction of the Chief Executive Officer prior to commencement of operations.
 - f) No signs are to be erected on the lot without Council's approval.
 - g) The Nature Based Park is to be operated in a manner consistent with the details of the approved Management Plan at all times.
 - h) All driveways are to be maintained at a trafficable standard at all times.
 - i) At least 2 unisex toilets and showers are to be completed prior to commencement of operations.
 - j) The southernmost access point (firebreak) is to be removed.

2. Advise the applicant that;
 - a) Planning approval should not be construed as an approval to commence works as a separate building permit is also required for any changes to the existing sheds and/or other buildings.
 - b) A licence is required to be issued under the Caravan and Camping Regulations before operations may commence.
 - c) Provision being made for disabled access and facilities in accordance with the provisions contained in the Building Code of Australia and Australian Standard 1428.
 - d) Standards for an Emergency Evacuation Plan, access, turnarounds, water supply and Asset Protection Zones are drawn from the WAPC's Planning for Bushfire Risk Management Guidelines; these should be referenced when considering the establishment of these elements of the development.

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.3
SUBJECT:	Final Consideration - Scheme Amendment No 13
LOCATION/ADDRESS:	Jerramungup
NAME OF APPLICANT:	Council
FILE REFERENCE:	DB.ST.5
AUTHOR:	Manager of Development, Craig Pursey
DISCLOSURE OF ANY INTEREST:	None
DATE OF REPORT:	6 December 2017

SUMMARY

Council is to consider final adoption of Amendment No.13 to the Shire of Jerramungup Local Planning Scheme No 2.

The Amendment makes a series of changes to the Local Planning Scheme (the Scheme) to prioritise commercial development in the new Bremer Bay town centre and to facilitate a new future for the Mary Street precinct given the planned relocation of the CRC, library and Shire office to the new town centre.

To achieve this, it is proposed to rezone land in the Mary Street precinct to 'Special Use (SU11)'. SU11 allows for the development of medium density residential, aged and tourist developments (up to R40 density) and associated land uses that fit with the surrounding residential area and do not compete with the future Bremer Bay Town Centre.

There are also proposed changes to land use permissibility's in Gnornbup Terrace Service Commercial area.

ATTACHMENT

- Attachment 10.3.3(a) - Special Use Zone draft provisions
- Attachment 10.3.3(b) - Amendment 13 revised zoning plan
- Attachment 10.3.3(c) - Schedule of Submissions

BACKGROUND

Council at its Meeting in April 2017 resolved to initiate Scheme Amendment 13 to the Shire of Jerramungup Local Planning Scheme No 2 by:

1. *Inserting an additional objective for the Service Commercial Zone in Clause 4.2.*
2. *Introducing the 'l' symbol into sub-clause 4.3.2.*
3. *Changing the permissibly of the use 'shop' in the Service Commercial Zone in Table 1 – Zoning Table.*
4. *Rezoning Lot 32 on Deposited Plan 208552 and Lot 33 on Deposited Plan 208552 Mary Street, Bremer Bay from 'Residential' zone with 'Additional Use A1' to 'Special Use (SU 11)' zone as per the Scheme Amendment Map.*

5. *Rezoning Lot 34 on Deposited Plan 208552 Bennett Street, Bremer Bay from 'Residential' zone to 'Special Use (SU 11)' zone as per the Scheme Amendment Map.*
6. *Rezoning Lot 649 on Deposited Plan 189638 (Reserve 26384) and Lot 693 on Deposited Plan 191223 (Reserve 42806) Mary Street, Bremer Bay from 'Public Purposes' reserve to 'Special Use (SU 11)' zone as per the Scheme Amendment Map.*
7. *Rezoning the unnamed road reserve from 'Roads' reserve to 'Special Use (SU 11)' zone as per the Scheme Amendment Map.*
8. *Inserting SU 11 zone provisions into Schedule 4 - Special Use Zones.*

The scheme amendment was also identified as a 'standard' amendment due to its consistency with the Local Planning Strategy. Lastly it was resolved to forward the Scheme Amendment to the Environmental Protection Authority for examination and assessment.

Previous Considerations

- Council adopted Scheme Amendment No.13 to the Local Planning Scheme at their meeting in April 2017.
- The Amendment was referred to the Environmental Protection Authority (EPA) for assessment in May 2017.
- The EPA effectively approved the Scheme Amendment without conditions in late May 2017.
- The Amendment was advertised for public and government agency comment with the advertising period closing on the 8th September 2017.
- Further information and discussion were held with the Department of Planning (bushfire) which resulted in further information being prepared.

CONSULTATION

During the 42 day advertising period eleven (11) submissions were received, all but one from government agencies These are summarised at the Schedule of Submissions found at Attachment 10.3.3(c).

Additionally, follow up phone calls were held with the owner of the General Store property to discuss the ramifications of the proposed change of zoning and the resultant change of the existing store becoming a 'non-conforming use". The substantive submissions received during the advertising process were Department of Fire and Emergency Services (DFES) and a neighbouring land owner, Sean Hickey.

The issues raised are addressed in the report below.

COMMENT

Two specific issues arose during the assessment of the submissions, these are addressed below.

Bushfire Management

DFES have rightly pointed out that the BAL Contour Plan prepared for the Bremer Bay townsite as part of Local Planning Policy 22 cannot be used to support a Scheme Amendment proposal.

A site specific BAL Contour Plan and statement addressing the bushfire protection criteria listed in the Guidelines for Planning in Bushfire Prone Areas (the Guidelines) has been subsequently prepared by an appropriately accredited company and has been forwarded to DFES for consideration and approval.

This latest information is consistent with the original findings of the current scheme amendment document in that there is no development within BAL40 or higher and requirements the Guidelines have been met. Therefore, the additional information requested by DFES has not materially changed the original approach.

Lot 35 Emma Street, Bremer Bay

The owner of Lot 35 Emma Street, Bremer Bay has requested that this property be included in the current scheme amendment on the basis that Lot 35 has been detrimentally affected by past development on adjoining property (general store redevelopment a number of years ago) and the adjoining road reserve (additional parking bays in the Bennett St road reserve). Essentially these changes have resulted in the residential character of Lot 35 being eroded and its inclusion in a new zoning that allows for a greater range of land uses may be appropriate.

The inclusion of Lot 35 would round out development in this immediate area and allow for the existing parking bays in Bennett Street to be used. Lastly, it is easier to buffer adjacent residential development by accommodating it as part of new development, so lot 35 would serve as a good transition to the future residential development further along Emma Street.



STRATEGIC IMPLICATIONS

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

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

3.2.1 - Continue the development of the Bremer Bay Town Centre including the town square and designs for the civic centre.

STATUTORY REQUIREMENTS

Section 75 of the Act provides for amending a Local Planning Scheme.

Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015 guides how submissions on a standard amendment are to be considered.

FINANCIAL IMPLICATIONS

None

POLICY IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council,

1. Pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 50 (3) of the Planning and Development (Local Planning Schemes) Regulations 2015, Council adopts Amendment 13 to Local Planning Scheme No 2 by:
 - a) Inserting an additional objective for the Service Commercial Zone in Clause 4.2.
 - b) Introducing the 'l' symbol into sub-clause 4.3.2.
 - c) Changing the permissibility of the use 'shop' in the Service Commercial Zone in Table 1 – Zoning Table.
 - d) Rezoning Lot 32 on Deposited Plan 208552 and Lot 33 on Deposited Plan 208552 Mary Street, Bremer Bay from 'Residential' zone with 'Additional Use A1' to 'Special Use (SU 11)' zone as per the Scheme Amendment Map.
 - e) Rezoning Lot 34 on Deposited Plan 208552 Bennett Street, Bremer Bay from 'Residential' zone to 'Special Use (SU 11)' zone as per the Scheme Amendment Map.
 - f) Rezoning Lot 649 on Deposited Plan 189638 (Reserve 26384) and Lot 693 on Deposited Plan 191223 (Reserve 42806) Mary Street, Bremer Bay from 'Public Purposes' reserve to 'Special Use (SU 11)' zone as per the Scheme Amendment Map.
 - g) Rezoning the unnamed road reserve from 'Roads' reserve to 'Special Use (SU 11)' zone as per the Scheme Amendment Map.
 - h) Modifying Schedule 4 Special Use Zones to include provisions for Special Use Zone No 11 as provided for in Attachment 10.3.3(a).
2. Adopt the recommendations in the Schedule of Submissions at Attachment 10.3.3(c).
3. Determine that in accordance with Regulation 51 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015 that the modifications are not significant and do not require readvertising.
4. That authority be given to the President and Chief Executive Officer to sign and affix the Common Seal to Amendment No. 13 to Local Planning Scheme No. 2 documents, and that the Amendment be referred to the Western Australian Planning Commission for recommendation in accordance with Regulation 53 of the Planning and Development (Local Planning Schemes) Regulations 2015.

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.4
SUBJECT:	Proposed home office, ancillary accommodation & amended building envelope
LOCATION/ADDRESS:	Lot 124 Wellstead Road, Bremer Bay
NAME OF APPLICANT:	Gavin & Jayne Mair
FILE REFERENCE:	A1602574
AUTHOR:	Manager of Development, Craig Pursey
DISCLOSURE OF ANY INTEREST:	None
DATE OF REPORT:	12 December 2017

SUMMARY

Council has received a retrospective planning application for a home office, ancillary accommodation and an adjustment to the registered building envelope at Lot 124 Wellstead Road, Bremer Bay.

One end of the existing shed on site has been converted to ancillary accommodation and home office has been constructed outside of the existing, approved building envelope without planning or building approval. The building envelope at Lot 124 is secured by a restrictive covenant which needs to be lifted with the agreement of Council if the proposal is to be supported.

This report recommends approval for the home office, ancillary accommodation and the adjustment of the building envelope.

ATTACHMENT

Attachment 10.3.4 – Planning application

BACKGROUND

Site Description

Lot 124 Wellstead Road, Bremer Bay (the subject site) is 2.0005ha in area and developed with a shed, water tanks, a transportable office building and the beginnings of a house.

A reasonably large area in the centre of the property has been cleared and then landscaped with fruit trees, vegetated with more appropriate local species and a low fuel areas established around all buildings.

The surrounding roads form the strategic break system for the property.



Existing and proposed development at Lot 124 Wellstead Road

Previous Considerations

- | | |
|---------------|--|
| December 2010 | Application for a house, ancillary accommodation and outbuilding approved by Council following mediation at the State Administrative Tribunal (SAT). |
| January 2011 | Building permit issued for outbuilding |
| January 2013 | Building Permit issued for house and ancillary accommodation. |

Zoning & Scheme Requirements

Lot 124 is zoned Rural Residential 1 by the Shire of Jerramungup Local Planning Scheme No.2.

A house, outbuilding and ancillary accommodation are all permitted uses in this zone. All buildings are to be located within an approved building envelope.

A building used as a 'home office' is considered to be an extension of the house.

The use of the building as a 'home office' is exempt from requiring planning approval by the Deemed Provisions in the Local Planning Scheme Regulations.

Building Envelope

A Subdivision Guide Plan with building envelopes applies to all lots in Point Henry. The subject site is part of one of the latest stages of the Point Henry development. In this subdivision the Western Australian Planning Commission (WAPC) required that the building envelopes be secured by a restrictive covenant in favour of the Shire of Jerramungup. If they are to be altered or lifted then the approval of Council is required.

CONSULTATION

Staff have chosen not to refer to neighbours for comment. The buildings under consideration exist and the impact of changing the shape of the building envelope is known and considered to be minor.

COMMENT

The Proposal

The landowner has lodged an application with Council seeking to achieve the following results:

1. Retrospective approval for the home office building located just outside of the existing building envelope;
2. Retrospective approval for the ancillary accommodation located inside the northern end of the existing outbuilding;
3. Approval for a home office from which to run a subsidiary office of the landowners company 'Global Marine Design' (GMD);
4. Approval to change the shape of the building envelope to ensure all existing structures are located within an approved building envelope; and
5. Remove the currently approved separate ancillary accommodation building from the proposal.

A copy of the applicant's plans and proposal are attached to this report at Attachment 10.3.4.

Assessment

Retrospective development

A house, ancillary accommodation and home office are all permitted land uses.

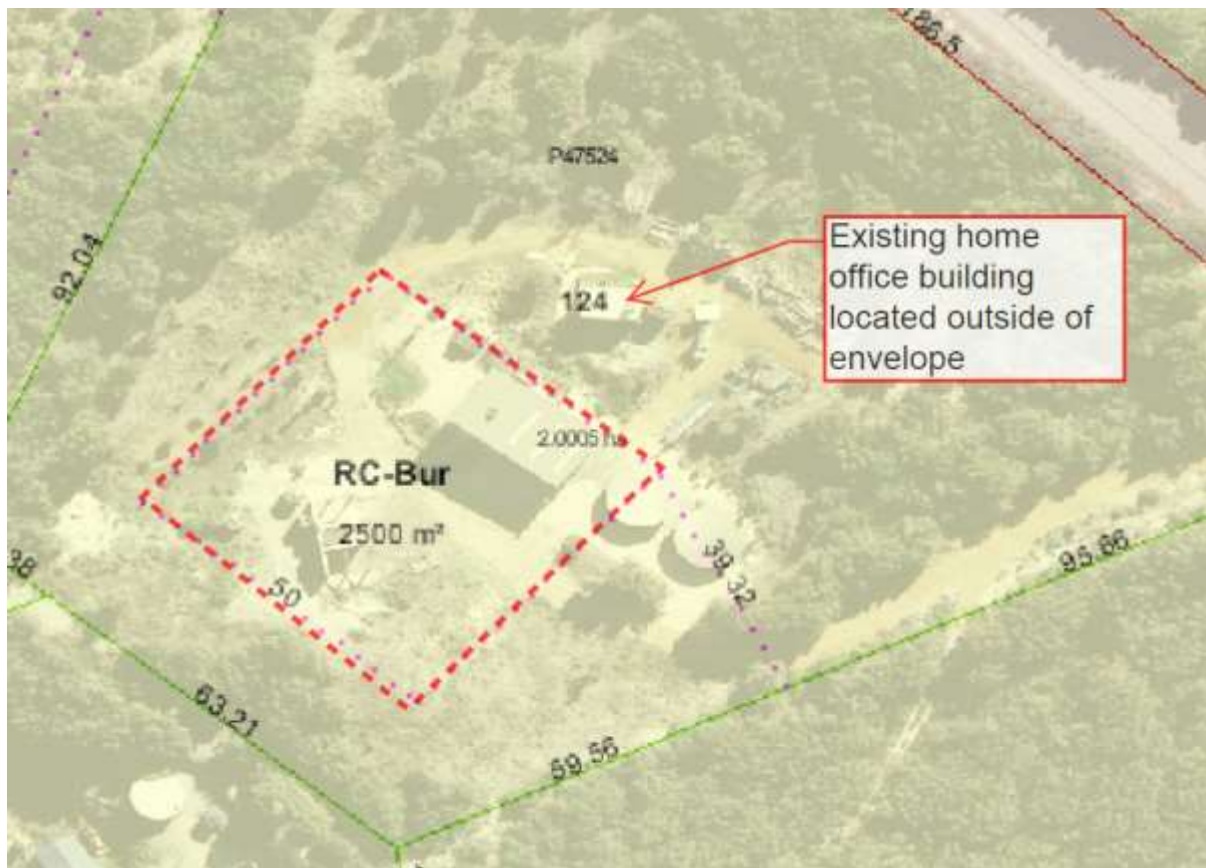
The Scheme allows for Council to consider applications retrospectively but applies a penalty in applying triple the usual fees.

The standard of development achieved on the site to date is good. All structures are screened well from adjoining streets and public places and uses colours that blend with the landscape. Essentially if the current proposal was applied for before the buildings were constructed, then they would be issued planning approval under delegated authority.

However, Council is not obliged to approve development retrospectively. There is the option to both approve or refuse and require development to be placed back inside the approved building envelope.

Building Envelope

The 'proposed' home office building is located outside of the approved building envelope; which is in turn secured by a restrictive covenant in favour of the Shire of Jerramungup.



Existing Building Envelope edged in red

There are two aspects to consider when assessing the proposal to vary the existing building envelope; amenity considerations with the location of buildings and lifting the covenant.

In circumstances where there is no covenant (i.e. most of Point Henry) then the Scheme states:

“... the local government may permit a variation to the building envelope if the local government is satisfied that the proposed location of the building envelope will not be detrimental to the landscape or the environment”.

In this case development has occurred and the impact on the landscape and environment is known to be minimal.

In regard to covenanting building envelopes; on one hand, securing building envelopes with covenants provides a level of certainty to adjoining landowners as to where future development will occur. On the other hand this process removes the flexibility as circumstances change.

In this case, if retrospective approval is to be granted to the home office building then it is a matter of removing the covenant and securing the building envelope with a condition of planning approval, as applies through most of Point Henry.

The removal of a covenant is handled by solicitors and if agreed to by Council, should be entirely at the applicant's cost.

Unapproved Development

When considering unapproved development Council has a number of choices depending upon the nature of the construction including:

1. Issuing fines and/or taking legal action;
2. Requiring demolition of unapproved structures; through to
3. Considering and issuing retrospective approvals.

In this case the buildings are built to a standard that would be acceptable when assessed against the Scheme and policy requirements and therefore approval is recommended, subject to a penalty of triple fees being applied.

Other situations may warrant more stringent action where the unapproved development would not comply with the usual Scheme requirements or the applicant has sought advice and then done something contrary.

STRATEGIC IMPLICATIONS

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

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

STATUTORY REQUIREMENTS

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

FINANCIAL IMPLICATIONS

None for Council

POLICY IMPLICATIONS

None

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council;

1. Approve the application for a home office building, ancillary accommodation and adjustment to the building envelope at Lot 124 Wellstead 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, including the removal of the previously approved ancillary accommodation free-standing building.
 - b) All runoff from impervious surfaces being contained within the property and disposed of to the Shire's satisfaction.
 - c) The development hereby approved, or any works required to implement the development, shall not commence until a Bushfire Attack Level assessment has been submitted to the Shire and have been approved in writing.
 - d) Council reserves the right to rescind the home office approval where conditions of the Planning Consent are contravened subject to 21 days notice in writing to the applicant.
 - e) All buildings and structures are to be located within the approved building envelope.
 - f) The driveway to be maintained at a trafficable standard at all times. The driveway is to have a minimum trafficable surface of 4m, horizontal clearance of 6m and vertical clearance of 4m.
 - g) An Asset Protection Zone being cleared and maintained around the ancillary accommodation and home office building consisting of a parkland cleared area a minimum of 20m in width and shall increase by 1m in width for every degree of incline.
 - h) All costs in removing the restrictive covenant shall be borne entirely by the applicant to the satisfaction of the Chief Executive Officer.

2. Advise the applicant in footnotes on the planning approval that:
 - a) A separate building certificate issued by a private Building Surveyor is also required.
 - b) The conditions of approval P10-138 issued on the 21st December 2010 continue to apply to the outbuilding and house.
 - c) The home office building and ancillary accommodation will need to comply with AS3959 Construction of buildings in bushfire prone areas. The construction standard will be determined by the BAL Assessment required by condition c. of this approval.

3. Authorises the President and Chief Executive Officer to take all appropriate measures to remove the restrictive covenant currently securing the location of the building envelope at Lot 124 Wellstead Road, Bremer Bay.

A D M I N

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.1
SUBJECT:	CEO Recruitment Process
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	The author is the current incumbent of the subject position.
DATE OF REPORT:	14 th December 2017

SUMMARY

On 12th December 2017, the Chief Executive Officer tendered his resignation. In response, Council now needs to decide on an advertising, documentation and appointment process.

ATTACHMENT

Attachment 10.4.1(a) - Local Government Operational Guideline Number 10 - Appointing a CEO
Attachment 10.4.1(b) - Position Description
Attachment 10.4.1(c) - Model Position Contract

BACKGROUND

On 11th December 2017, the Shire's Chief Executive Officer tendered his resignation. His last day of employment will be 21st March 2018.

Given this resignation, Council is required to commence a process of appointing a replacement. The Department for Local Government and Communities has produced a Local Government Operational Guideline on appointing a CEO. This guideline clearly outlines the steps required to complete a successful and compliant recruitment process. The following checklist is applicable;

1. Approve an agreed salary package (set a suitable salary package that complies with the determination under section 7A of the Salaries and Allowances Act 1975).
2. Review necessary documentation (contract of employment and position description).
3. Approve a process to be used for the selection and appointment of the CEO (i.e. stages of the process, who is to be involved and to what extent, whether a consultant is appointed and their role in the process).
4. Advertise the position inviting applications from suitably qualified applicants (advertisement to contain information set out in 18A(2) of the Local Government (Administration) Regulations 1996).
5. Applicants to be short listed (may be undertaken by consultants, selection panel / committee or Council).
6. Conduct interviews of the short listed applicants (may be undertaken by consultants, selection panel / committee or council).

7. Select preferred applicant/s (make recommendation for Council to offer the position to the 1st preferred applicant subject to contractual negotiations, within the designated salary package, including the preliminary performance criteria to be contained in the contract).
8. Approve the formal and final appointment (must be decision by Council that it:
 - (i) believes the person is suitably qualified for the position of CEO; and
 - (ii) is satisfied with the provisions of the proposed CEO employment contract).

CONSULTATION

Consultation has occurred with the elected group

COMMENT

A position description and model contract of employment has been appended to this report for Council consideration. In terms of the process, the following is recommended.

1. Council endorses the relevant recruitment documents attached to this item.
2. As a minimum the position is advertised on Saturday 23rd December 2017 in the West Australian newspaper and Seek and LG Assist websites.
3. Applications close at 2:00pm Monday 29th January 2018.
4. Applications are shortlisted by the selection panel.
5. Preliminary interviews are conducted by the selection panel during February 2018 and the selection panel will determine whether there is a need for a secondary interview with the full elected member group.
6. Council will hold a Special Meeting to endorse a preferred applicant and negotiated contract recommended by the selection panel.

The incumbent CEO is available to assist Council during the recruitment process, alternatively WALGA or a recruitment consultant can be commissioned to provide specialist advice and deliver the process.

STATUTORY REQUIREMENTS

There are three sections of the *Local Government Act 1995* that have direct application to the appointment of a CEO. Section 5.36(2)(a) and (b) of the Act provides that a local government is not to employ a person to fill the position of CEO unless Council believes that the person is suitably qualified for the position and is satisfied with the provisions of the proposed employment contract. Section 5.39 contains provisions for the contracts of CEOs. Section 5.40 requires that all employees are to be selected in accordance with the principles of merit and equity.

In addition to the above provisions of the Act the *Local Government (Administration) Regulations 1996*, regulations 18A, 18B, 18C, 18E, 18F and 19A also deal with advertising, contracts, and the selection and appointment process.

STRATEGIC IMPLICATIONS

Selecting and appointing a Chief Executive Officer (CEO) is one of the most important tasks elected members may undertake during their term of office. Choosing the right person is critical to the success of the Council and the local government.

FINANCIAL IMPLICATIONS

It is recommended that Council complete the recruitment and employment of the CEO in house. The process therefore will have minimal impact on Council's budget. Alternatively a recruitment consultant will cost in the vicinity of \$8,000 - \$15,000 depending on the level of service rendered.

WORKFORCE IMPLICATIONS

The CEO position is an integral leadership position within the Shire's organisational structure. There are no likely changes to the workforce structure as a result of this item.

POLICY IMPLICATIONS

Council Human Resources Operational Policy applies to this item with regard to designated senior employees.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. **Formally accept the resignation of Mr Brent Bailey from the position of Chief Executive Officer effective 22nd March 2018.**
2. **Agree to appoint Mr Craig Pursey to the position of Acting CEO from the 22nd March 2018 until the commencement of the permanent CEO following the recruitment process. This appointment will not exceed a 12 month period.**
3. **Endorse the position description and selection criteria noted in attachment 10.4.1(b)**
4. **Resolves to utilise the WALGA Model Contract of Employment for Designated Senior Employees.**
5. **Approves the process to be used for the selection and appointment of the Chief Executive Officer as outlined within the comment section of this report.**
6. **Endorses a salary package to be negotiated in accordance with the Salaries and Allowances Tribunal range of a Band 4 CEO.**
7. **Appoints the following Councillors to the selection panel to coordinate the shortlisting, preliminary interview and salary negotiation process with the aid of the incumbent CEO to recommend a preferred candidate and negotiated final contract for Council's approval.**
 - a) **Cr Lester**
 - b) **Cr Iffla**
 - c) **Cr _____**

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.2
SUBJECT:	Local Emergency Management Committee Meeting Minutes – September 2017
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Ashley Peczka
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	11 th December 2017

ATTACHMENT

Attachment 10.4.2(a) – LEMC Meeting Minutes
Attachment 10.4.2(b) – LEMC Meeting Attachments

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the minutes of the Local Emergency Management Committee meeting held on Monday 11th September 2017 be received (copy of minutes are included in the attachments), and the following recommendation be adopted;

- 1. The committee resolved the following meeting dates for 2017/2018;**
 - 1. Monday 11th September 2017, Bremer Bay Town Hall**
 - 2. Monday 11th December 2017, Jerramungup CRC**
 - 3. Monday 12th March 2018, Bremer Bay Town Hall**
 - 4. Monday 11th June 2018, Jerramungup CRC**

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.3
SUBJECT:	Jerramungup Bushfire Advisory Committee Meeting Minutes
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Ashley Peczka
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	11 th December 2017

ATTACHMENT

Attachment 10.4.3(a) - BFAC Meeting Minutes
Attachment 10.4.3(a) - BFAC Meeting Attachments

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the minutes of the Jerramungup Bushfire Advisory Committee meeting held on Thursday 28th September 2017 be received.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.4
SUBJECT:	Bremer Bay Community Development Committee Meeting Minutes
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	Nil
AUTHOR:	Elizabeth Hyde
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	1 st December 2017

ATTACHMENT

Attachment 10.4.4 - BBCDC October 2017 Meeting Minutes

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Minutes of the Bremer Bay Community Development Committee held on Friday 13th October 2017 (copy contained within agenda attachments) be received and the following recommendation be adopted;

1. The committee resolved the following meeting dates for 2018;
 - Friday 2nd February commencing at 9.45am
 - Friday 1st June commencing at 9.45am
 - Friday 5th October commencing at 9.45am

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.5
SUBJECT:	Council Meeting Dates 2018
NAME OF APPLICANT:	
AUTHOR:	Elizabeth Hyde
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	1 st December 2017

SUMMARY

The purpose of this report is to put before Council proposed meeting times and dates for the Ordinary Council Meetings for the 2018 year.

ATTACHMENT

Nil

BACKGROUND

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

CONSULTATION

Nil

COMMENT

Nil

STATUTORY REQUIREMENTS

The following sections of the Local Government Act have relevance:

5.3. Ordinary and special council meetings

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

5.4. Calling council meetings

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

- (a) if called for by either -
 - (i) the mayor or president; or

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

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

(b) if so decided by the council

5.5. Convening council meetings

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

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

The Local Government (Administration) Regulations provide:

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

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

(a) the ordinary council meetings; and

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

are to be held in the next 12 months.

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

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

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

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

1.7. Local public notice

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

- (a) published in a newspaper circulating generally throughout the district;
 - (b) exhibited to the public on a notice board at the local government's offices; and
 - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is -
- (a) published under subsection (1)(a) on at least one occasion; and
 - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than -
 - (i) the time prescribed for the purposes of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the following meeting dates and times apply for the 2018 year:

21st February, 2018	2:00pm	Council Chambers, Jerramungup
21st March, 2018	2:00pm	Council Chambers, Jerramungup
18th April, 2018	2:00pm	Town Hall, Bremer Bay
16th May, 2018	2:00pm	Council Chambers, Jerramungup
20th June, 2018	2:00pm	Council Chambers, Jerramungup
18th July, 2018	2:00pm	Council Chambers, Jerramungup
15th August, 2018	2:00pm	Town Hall, Bremer Bay
19th September, 2018	2:00pm	Council Chambers, Jerramungup
17th October, 2018	8:30am	Council Chambers, Jerramungup
21st November, 2018	8:30am	Council Chambers, Jerramungup
19th December, 2018	8:30am	Town Hall, Bremer Bay

Council briefing sessions will commence at 1.00pm.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.6
SUBJECT:	Citizenship and Sporting Awards
NAME OF APPLICANT:	Shire of Jerramungup
FILE REFERENCE:	
AUTHOR:	Elizabeth Hyde
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	1 st December 2017

SUMMARY

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

ATTACHMENTS

Attachment 10.4.6(a) - Sportsperson Selection Criteria
CONFIDENTIAL Attachment 10.4.6(b) - Nomination Forms

BACKGROUND

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

CONSULTATION

Community nominations are sought for these awards.

COMMENT

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

Nominations for the awards closed on 30th November 2017.

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

STATUTORY REQUIREMENTS

Local Government Act 1995

1.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —

- a) all council meetings; and
 - b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- a) a matter affecting an employee or employees; and
 - b) the personal affairs of any person; and
 - c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - e) a matter that if disclosed, would reveal —
 - i) a trade secret; or
 - ii) information that has a commercial value to a person; or
 - iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
 - f) a matter that if disclosed, could be reasonably expected to —
 - i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - ii) endanger the security of the local government's property; or
 - iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
 - g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

1. That Council close the meeting to the public at _____ to consider the nominations in confidence.
2. That Council award the 2017 Citizenship Award to _____, with it being presented to the recipient on 26 January 2018 at the Australia Day Breakfast Function.
3. That Council award the 2017 Community Group or Event Award to _____, with it being presented to the recipient on 26 January 2018 at the Australia Day Breakfast Function.
4. That Council award the 2017 Junior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2018 at the Australia Day Breakfast Function.
5. That Council award the 2017 Senior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2018 at the Australia Day Breakfast Function.
6. That Council open the meeting to the public at _____.

**C O U N C I L L O R
R E P O R T S**

11. COUNCILLOR REPORTS

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

12.1 From Officers

12.2 From Elected Members

13. NEXT MEETING/S

Ordinary Meeting – to be held Wednesday 21st February, 2018 commencing 2:00pm at the Council Chambers, Jerramungup.

14. CLOSURE