

SHIRE OF JERRAMUNGUP



MINUTES

COUNCIL ORDINARY MEETING

20th MAY 2015

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SHIRE OF JERRAMUNGUP

ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS,
JERRAMUNGUP ON WEDNESDAY 20th MAY 2015, COMMENCING AT 2.05PM.

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

The President declared the meeting open at 2.05pm.

2. **RECORD OF ATTENDANCE**

Cr R Lester	President
Cr J Iffla	Deputy President
Cr B Trevaskis	Member
Cr C Daniel	Member
Cr R Parsons	Member
Cr J Leenhouders	Member
Cr W Bailey	Member
Mr B Bailey	Chief Executive Officer
Mr C Pursey	Planning Officer
Mrs C Solomon	Acting Deputy Chief Executive Officer
Mr C Miller	Engineering Officer
Miss E Capelli	Work Experience Trainee

3. **APOLOGIES**

Nil

4. **LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

5. **PUBLIC QUESTION TIME**

Nil

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

7. **PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

8. **DECLARATIONS OF FINANCIAL INTEREST**

Mrs Solomon declared a financial interest in Confidential Item 10.4.7 – DCEO Recruitment Process. The nature of the interest is that she is an applicant to the position of DCEO and Council's decision may affect her employment conditions.

9. CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting held 15th April 2015

OC150501 Moved Cr Parsons / Seconded Cr Bailey

That the Minutes of the Ordinary Meeting of Council held 15th April 2015 be confirmed.

Carried 7-0

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:	Chris Miller
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	8 th May 2015

ATTACHMENT

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

ROAD CONSTRUCTION

Works on Jerramungup North Road are complete with the crew widening, upgrading drainage, forming and re-sheeting from the Jerramungup / Gnowangerup Highway, 2.5km northwards.

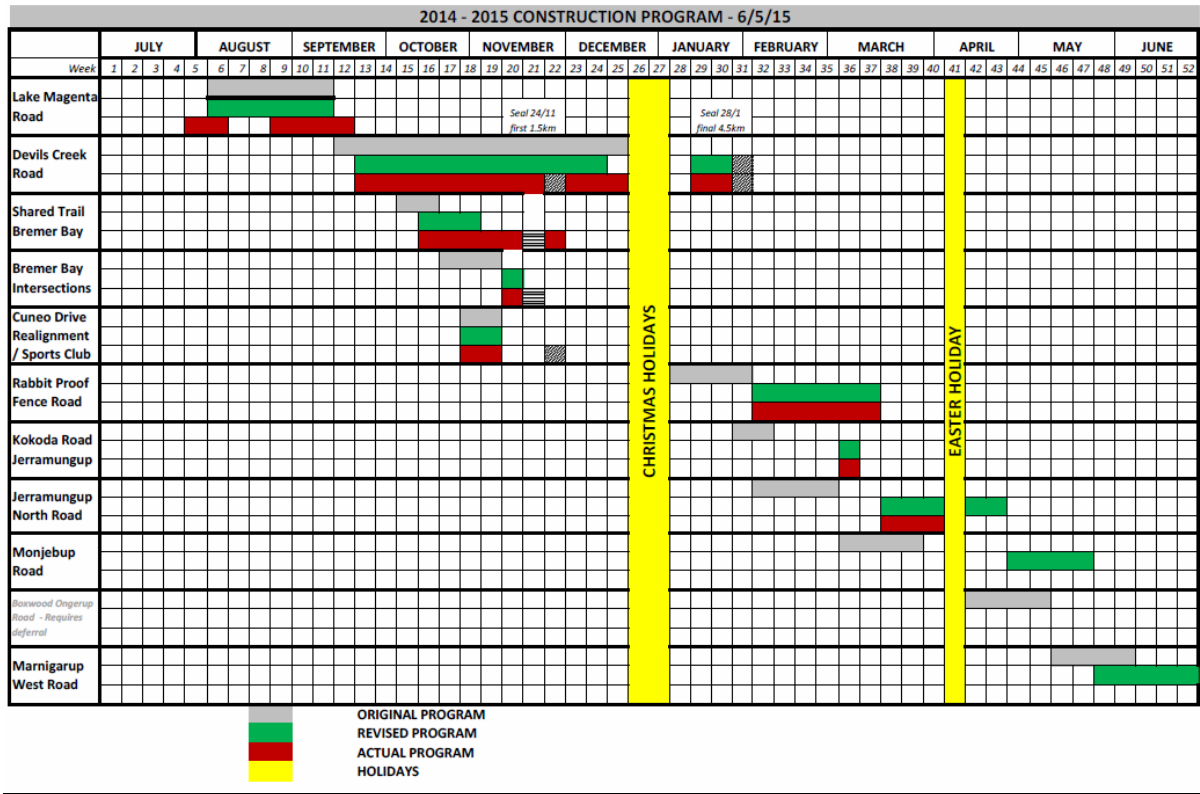
The crew has completed the foundation & drainage upgrade to bitumen standard, to allow for the possibility of sealing the road to the airstrip entrance in next year's financial budget.

After the completion of Jerramungup North Road the construction crew has mobilised to Monjebup Road to complete re-sheeting works from the Borden / Boxwood Road, 3km North. Works on Monjebup Road are going well with the crew finishing tree clearing and widening in early May with an expected completion date of late May.

After Monjebup Road the crew has one re-sheeting job remaining for the financial year which is 3km of Marnigarup West Road.

Over the past month the Road Construction crew has also spent some time searching for possible gravel reserves for next year's road construction budget. Positive samples of gravel and sand have been located and marked out ready for stockpiling in 2015 / 16 budget.

Refer below for the construction program for 2014 / 2015.



ROAD MAINTENANCE

The Road Maintenance team has been completing maintenance grading activities between Jerramungup & Bremer Bay. High traffic roads like Swamp and Meechi Road have had another summer grade while the team is waiting for available moisture to winter grade.

The Road Maintenance team has also completed the access and car park for the Gairdner St Johns and DFES sheds. The car park was extended to allow better access in and out of the sheds as well as a full gravel access track around the perimeter.

The team will continue on their cycle, moving anti clockwise, back towards Jacup ready to start winter grading once conditions are ideal.

Once sufficient ground moisture is available the team will start the winter grading program, with the help of panel contractors to ensure a complete winter grade is carried out throughout the Shire.

TOWN SERVICES

Over the past month the Town Services team has completed an upgrade to the garden at the Jerramungup School and installed the ball barrier at Roe Park, as well as carrying out ongoing maintenance with parks and gardens in Jerramungup & Bremer Bay.

In conjunction with NRM coastal management the team has carried out upgrades to the bollards around carparks and tracks on the Wellstead Estuary and also completed weed control and safety checks at the Jerramungup & Bremer Bay airstrips.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

WORKFORCE IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COMMENTS

Nil

RECOMMENDATION

That Council adopt the April works report.

OC150502 Moved Cr Leenhouwers/ Seconded Cr Iffla

That Council adopt the April works report.

Carried 7-0

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:	4 th May 2015

ATTACHMENT

Attachment 10.2.1 - List of Accounts Paid to 30th April 2015

BACKGROUND

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	27866	
	EFT 10394 – 10447	\$ 122,047.75
	EFT 10449 – 10471	\$ 39,111.11
	EFT 10473 – 10505	\$ 72,763.27
	EFT 10507 – 10519	\$ 12,033.96
	Cheque 27867 – 27876	\$ 11,667.73
	Direct Deposit	\$ 24.00
Municipal Account Total		\$ 257,647.82
Trust Account		
	EFT 10448 – 10448	\$ 7051.88
	EFT 10472 – 10472	\$ 20.00
	EFT 10506 – 10506	\$ 20.00
Trust Account Total		\$ 7,091.88
<u>Grand Total</u>		<u>\$ 264,739.70</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 the schedule of direct debits and accounts payable, totalling submitted \$264,739.70 to the Full Council on 20th May 2015 be endorsed.

SIGNATURES

Author

Chief Executive Officer

OC150503 Moved Cr Daniel / Seconded Cr Parsons

That the schedule of direct debits and accounts payable, totalling submitted \$264,739.70 to the Full Council on 20th May 2015 be endorsed.

SIGNATURES

Author

Chief Executive Officer

Carried 7-0

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:	6 th May 2015

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 April 2015.

BACKGROUND

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

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

CONSULTATION

Council financial records.

COMMENT

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

STATUTORY REQUIREMENTS

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

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

STRATEGIC IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

As detailed within the Monthly Financial Report

POLICY IMPLICATIONS

Accounting policies as detailed within the Monthly Financial Report

WORKFORCE IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council receive the Monthly Financial Report for the period ending 30th April 2015 in accordance with Section 6.4 of the Local Government Act 1995.

OC150504 Moved Cr Iffla / Seconded Cr Leenhouders

That Council receive the Monthly Financial Report for the period ending 30th April 2015 in accordance with Section 6.4 of the Local Government Act 1995.

Carried 7-0

**HEALTH,
BUILDING
&
TOWN PLANNING**

SUBMISSION TO:	Health, Building & Town Planning
AGENDA REFERENCE:	10.3.1
SUBJECT:	Proposed LPP 20 – ‘Holiday Homes’
LOCATION/ADDRESS:	Whole of Shire
NAME OF APPLICANT:	Not applicable
FILE REFERENCE:	
AUTHOR:	Craig Pursey, Planning Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	8 th May 2015

SUMMARY

Holiday homes and have long been an important part of local and Western Australian lifestyle and culture. The informal development of this section of the tourist accommodation market has meant that holiday homes have so far operated with minimal regulation, resulting in an uncertain legal and insurance environment, issues of fire safety and increased potential for land use conflict.

The Western Australian Planning Commission (WAPC) has recommended that local government's prepare and adopt a local planning policy that provide guidance and controls over holiday homes.

This report recommends Council adopt a draft Local Planning Policy on Holiday Homes for the purpose of advertising.

ATTACHMENT

Attachment 10.3.1 - Draft Local Planning Policy 20 – ‘Holiday Homes’

BACKGROUND

Holiday homes are private residential dwellings that are leased out for short term accommodation for a period not exceeding three (3) months. Holiday homes form a considerable part of the tourism accommodation product in Bremer Bay in particular.

The informal development of this section of the tourist accommodation market has meant that holiday homes have so far operated with minimal regulation, resulting in an uncertain legal & insurance environment, issues of inequity with other service providers and increased potential for land use conflict. The issue of impact on neighbouring residential amenity also has the potential to cause concern in the community.

The Western Australian Planning Commission (WAPC) has prepared Planning Bulletin 99 - 'Holiday Homes Guidelines' that sets out the WAPC's position in relation to the planning and regulation of holiday homes in Western Australia. The bulletin provides guidance to local governments when dealing with issues associated with holiday homes in the local government planning framework. This policy is consistent with the recommendations of this Bulletin.

Tourism Council of WA

The Tourism Council of WA wrote to Council in January 2011 raising concerns with the “myriad of issues that stem from lack of governance and policy on the operation of Holiday Home Rentals throughout WA.

Tourism Council WA, acknowledges the importance of this growing sector in the tourism mix however strongly believes that the lack of controls and standards could result in damage to the reputation of the tourism industry in our state. The lack of regulation can result in bad experiences in product delivery for tourists, the problems of uncontrollable antisocial behaviour for local residents, and headaches for local councils with the continuation of complaints from rate payers.

The Tourism Council of WA recommends:

- i) Support the WA Planning Commission Planning Bulletin 99 - Holiday Homes Guidelines;*
- ii) Holiday Homes need to be licensed, or receive approval for operation, through their Local Government Authority (LGA)*
- iii) LGA licensing and approval should require Holiday Homes to meet Tourism Accreditation and the Holiday Home Rental Best Practice Standards. Including;*
 - Signed Code of Conduct*
 - Fire and Emergency Response Plans*
 - Policy for Dealing with Complaints*
 - Regular Inspections*

Scheme & Building Code Requirements

Historically it seems that holiday homes have not sought planning approval and there are likely to be a number operating successfully already. However, technically a ‘holiday home’ is a land use and does require planning approval.

Local Planning Scheme No.2

The Shire of Jerramungup Local Planning Scheme No.2 (the Scheme) does not list ‘holiday home’ as a specific use class nor does it define ‘holiday home’.

The closest definition in the Scheme is ‘Tourist Accommodation’ which is defined as follows:

“tourist accommodation” 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;

It is a discretionary land use in the ‘Residential’, ‘Town Centre’ ‘Townsite’ and ‘Rural’ zones.

A holiday home is significantly different being a purpose built Single House that is converted to holiday accommodation rather than purpose built tourism accommodation. This distinction gives rise to management (of neighbourhood amenity and fire & emergency concerns) and Building Code issues.

It is recommended that a holiday home may be considered as a 'Use Not Listed' and considered in the 'Residential', 'Rural Residential', 'Rural', and 'Townsite' zones subject to advertising for public comment prior to a determination of an application.

Building Code of Australia (BCA)

The conversion of a Single House to a Holiday Home changes the class of the building under the BCA from a Class 1A to a Class 1B. This calls up the following requirements:

1. Provision of hardwired smoke alarms;
2. Evacuation lights required in the paths of exit.

Local Planning Policy 18 - Point Henry Fire Management Strategy

Council adopted the Point Henry Fire Management Strategy as a Local Planning Policy at their meeting in October 2014. Recommendation 4 of this policy states:

4. *"That owners and property managers must ensure that fire prevention measures are maintained at holiday homes including the provision of information to guests.*

CONSULTATION

A draft policy is required to be advertised for a period of 21 days before being presented back to Council for final approval. This includes advertising in local papers on notice boards and in this case, with local real estate agencies.

COMMENT

Proposal

It is proposed to adopt a Local Planning Policy that addresses the issues listed in the previous sections of this report as follows:

- i) Recognise community concerns about holiday homes often relate to the behaviour of tenants, rather than being associated with the use per se. Therefore holiday homes are generally an acceptable land use in 'Residential', 'Rural Residential', 'Rural', and 'Townsite' zones subject to suitable management measures being put in place.
- ii) Approvals are to require a management plan that:
 - Nominates a local manager within the vicinity of the property;
 - Details of how nuisance issues such as noise will be addressed; and
 - Provides a Fire & emergency response plan.
 - Provides a Code of conduct
- iii) Provide templates for the management plan, emergency response plan and code of conduct;
- iv) Establish standards for parking and signage; and
- v) Approvals last 1 year initially, and then are reviewed every 3 years. Council can then rescind any approvals where they have become a problem.

Additionally, as there are existing holiday homes successfully operating in the community already, it is recommended that a moratorium be offered to existing holiday homes that can prove that they have operated without complaint if they apply within 3 months of the final adoption of this Policy.

STATUTORY REQUIREMENTS

Part 2 'Local Planning Policy Framework' of the Scheme controls local planning policies.

Clause 2.4.1 requires upon adoption of a draft policy, Council is required to:

- a) Publish a notice of the proposed Policy for 2 consecutive weeks in a local newspaper giving details of the policy and inviting submissions for a minimum of 21 days; and
- b) May publish the notice in other manners and consult with others.

Council is then required to consider any submissions received from the advertising of the draft policy and resolve to modify or not proceed with the policy.

STRATEGIC IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

The cost of advertising and referral of the draft policy are met within the existing budget.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Explained in the body of this report.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council,

1. In accordance with Clause 2.4.1 of Local Planning Scheme No. 2 adopts the draft Local Planning Policy 20 – 'Holiday Homes' and advertises the draft in the local newspaper for a period of 21 days for public inspection and comment.
2. Refers the draft revised Local Planning Policy 20 – 'Holiday Homes' specifically to local real estate agents and Tourism WA.

3. Advertises the intention to offer retrospective approval to existing holiday homes that can prove that they have operated without complaint if they apply within 3 months of the final adoption of this Policy.

OC150505 Moved Cr Daniel / Seconded Cr Iffla

That Council,

1. **In accordance with Clause 2.4.1 of Local Planning Scheme No. 2 adopts the draft Local Planning Policy 20 – ‘Holiday Homes’ and advertises the draft in the local newspaper for a period of 21 days for public inspection and comment.**
2. **Refers the draft revised Local Planning Policy 20 – ‘Holiday Homes’ specifically to local real estate agents and Tourism WA.**
3. **Advertises the intention to offer retrospective approval to existing holiday homes that can prove that they have operated without complaint if they apply within 3 months of the final adoption of this Policy.**

Carried 7-0

SUBMISSION TO:	Health, Building & Town Planning
AGENDA REFERENCE:	10.3.2
SUBJECT:	Proposed outbuilding and habitable 'lean-to'
LOCATION/ADDRESS:	Lot 228 (#32) McGlade Close, Bremer Bay
NAME OF APPLICANT:	Mr Angelo Femia
FILE REFERENCE:	A1603396
AUTHOR:	Craig Pursey, Planning Officer
DISCLOSURE OF ANY INTEREST:	The report author may have a 'proximity interest' residing nearby the subject site
DATE OF REPORT:	8 th May 2015

SUMMARY

Council has received a planning application for an outbuilding and habitable 'lean-to'. The application seeks a setback relaxation to both side boundaries and a minor height relaxation.

Whilst the proposed development may raise some concerns from the local community in terms of amenity it largely meets the requirements of Council's existing policies and the Residential Design Codes of WA and conditional approval is recommended.

ATTACHMENT

Attachment 10.3.2 - Planning application and written justification

BACKGROUND

Site Description

Lot 228 McGlade Close, Bremer Bay is 702m² in area and undeveloped.

The surrounding lots have been developed in the last few years with single houses and outbuildings to a reasonable standard. Lot 228 is located diagonally opposite the recently completed Shire staff house.

Zoning & Scheme Requirements

Lot 228 is zoned Residential R15. All development in this zone is assessed against the requirements of Local Planning scheme No.2, Residential Design Codes of WA (R-Codes) and Local Planning Policy 16 – Outbuildings.

CONSULTATION

The proposed development was referred to the two adjoining landowners with no comment being received.

COMMENT

The Proposal

Council has received an application for an outbuilding and 'habitable lean-to' at Lot 228 McGlade Close, Bremer Bay. The proposal includes the following elements:

1. A 60m² (8m x 7.5m) outbuilding, with a wall height of 3.3m and roof pitch height of 4.3m;
2. An attached liveable 'lean to' to be developed to a habitable standard (Class 1A building) with a floor area of 48m²;
3. A 6m wide carport that runs the length of the north side of the development with the portion in front of the 'lean-to' to be used as a verandah; and
4. Landscaping in the front of the proposed development on the balance of the property.

The applicant intends on developing a house in front of the current proposal within the next 5 years and then will convert the lean-to into ancillary accommodation.

The plans are not of a high standard, but can be understood. If planning approval is granted, better standard working drawings will be lodged with a building permit.

The applicant is aware that there may be concerns with the appearance of the proposal and has taken a number of measures to ensure that the outbuilding and lean-to are clearly differentiated to prevent the development looking like a shed only. The applicant has proposed the following elements and justification in regard to the proposed 'lean-to':

- *The north facing wall of the lean to will be clad with an entirely different material to further distinguish the lean to from the shed;*
- *A reasonably significant change in roof pitch between the outbuilding and lean-to;*
- *Apart from the driveway there will be landscaping throughout the block; and*
- *900mm balustrading on the lean to section of the carport, (west and north section) to further distinguish the lean to from the shed component. This will only leave an open carport on the garage section of the building.*

If the concern of the Shire Council is the negative visual impact the building may have, please consider the following points.

- *If I was to have the shed component separated from a residential structure of the same size that I am proposing (8m x 6m), in the form of something similar to a granny flat, I would think this would have more of a negative visual impact than what I am proposing.*
- *A separated residential component would have to be placed to the north of my proposed shed to fit inside the boundary of my block. This would limit my ability to build a house of any reasonable size in the future and is not a cost effective method.*
- *Ultimately the proposed building has been engineered and will have to conform to the building specification of a dwelling. There are many wide-ranging and diverse residential dwellings already in and around the proposed area to suit people's needs and tastes, which would have had to meet the same planning*

approvals and building specifications. The way I have structured my proposal is both cost effective, is a new building and no second hand material will be used and does not limit me in any way from building a house on the block any time in the future, which is our family's medium term, 5 year, plan.

A full copy of the applicant's justification for the proposal is attached to this report.

Assessment

The proposal does seek minor relaxations to the requirements of the Shire's Local Planning Policy 16 – Outbuildings and the Residential Design Codes of WA (R-Codes), this is explored below.

Local Planning Policy 16 - Outbuildings

Council adopted Local Planning Policy 16 – Outbuildings for final approval on the 17 April 2013.

The objectives of the policy are as follows:

- (a) to establish clear guidelines for the development of outbuildings in the Residential, Townsite, Rural Residential and Rural zones; and*
- (b) to achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, of the Shire as a whole.*

Carports are not considered to be an outbuilding as they are open sided.

The proposed outbuilding complies with the permissible wall height and floor area but seeks a variation on the maximum roof pitch height of 10cm.

The policy allows for consideration of variations and in this case the applicant has justified the slightly higher roof pitch for the following reasons:

- I am looking to make a distinction from the shed and the lean-to by trying to make the two roof pitches as different as possible. To keep an apex height of less than 4.2 metres I feel the shed roof would just look like a continuation of the lean-to roof, which could have a negative visual impact.*
- If the lean-to starting height was below the current 2.67 metres, the finished internal ceiling height would be well below 2.4 metres.*
- Due to my current assets, I require the height clearance as shown on the attached elevation plans on the shed sliding doors. Assets include a Coromal caravan and western star boat and trailer, which will have a 40mm clearance if the current building proposal is approved.*

The applicant appears to have made every attempt to meet the policy requirements there is a proven need and the relaxation is minor. Support is recommended.

Residential Design Codes of WA (R-Codes)

The development is proposed to be setback 1.1m from each side boundary; the usual setback is 1.5m.

The application was referred to both adjoining landowners and no comment was received, this assumes no objection.

The development has no major openings to the side boundaries, a significant part of the wall is open carport and it does not significantly overshadow or impact upon the adjoining landowners. Support is recommended.

Amenity

The proposed development is effectively a large outbuilding with a 'house' (lean-to) attached. The lean-to will be converted to ancillary accommodation at some time in the future when a house is constructed in front.

In the short term the development is unlikely to fit into the streetscape. However, it is intended to develop a house in front of the current proposal at some time in the future and there is reasonable distinction between the outbuilding and living area components.

However, clause 5.13 of the Scheme states:

5.13 APPEARANCE OF BUILDINGS

5.13.1 In considering an application for planning approval in respect to any building the local government is to be satisfied as to the appearance of the building.

5.13.2 If, in the opinion of the local government, a proposed building will have a detrimental affect on the local amenity, or have the potential to visually impair or detract from the exterior design or appearance of other buildings in the vicinity, the local government may refuse to grant planning approval or may request that amendments or modifications be made to the proposal before the local government further considers the application.

5.13.3 A person is not to erect a building which by virtue of colour or type of materials, architectural style, height or bulk, ornamental or general appearance, has an exterior design which is out of harmony with existing buildings or the landscape character of the area, unless with the written approval of the local government.

5.13.4 In considering applications for planning approval for land in the towns of Jerramungup and Bremer Bay, the local government is to have regard to the scale, colours, materials, and design of buildings.

Whilst Council may have the option to refuse the current application using clause 5.13 of the Scheme and/or the minor variations to the R-Codes or Outbuildings Policy, this report does not recommend this on the following grounds:

Clause 5.13 is open ended in nature and open to interpretation without a local planning policy to provide more definition to what is an acceptable built form. The current residential area in Bremer Bay does have a wide variety of building style and quality.

Whilst the development has potential to detrimentally impact upon the streetscape in the short term, approval is recommended subject to a detailed landscaping plan being

prepared and implemented and different materials and detailing being used on the residential component of the proposed building.

STATUTORY REQUIREMENTS

The proposed outbuilding and lean-to are considered development under Local Planning Scheme No.2 and require planning approval and a Building Permit.

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

STRATEGIC IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

None for Council.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council may want to consider developing some basic Housing Design Guidelines for the Shire's residential areas.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council,

1. Approve the application for an outbuilding and habitable 'lean-to' at Lot 228 (#32) McGlade Close, Bremer Bay subject to the following conditions:
 - (i) Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application.
 - (ii) All runoff from impervious surfaces being contained within the property and disposed of to the satisfaction of the Chief Executive Officer.
 - (iii) The north facing external walls of the proposed 'lean-to' are to be constructed out of significantly different materials and colours than the adjoining outbuilding to the satisfaction of the Chief Executive Officer.

- (iv) The outbuilding being used for domestic use only and not for human habitation or commercial activity.
 - (v) The carport is to remain open on three sides.
 - (vi) The verandah is to include a 900mm balustrade in front of the lean to.
 - (vii) Landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to the Shire for approval prior to the issue of a building permit.
 - (viii) The landscaping plan required at condition (viii) of this approval being implemented on practical completion of the building to the satisfaction of the Chief Executive Officer
 - (ix) The new crossover/s being constructed to Council's specifications, levels and satisfaction. A permit from Council is required prior to any work being carried out within the road reserve.
 - (x) Water tank(s) with a minimum capacity of 4500litres being provided and plumbed to at least one toilet or the laundry cold water outlet and must be installed and in operation prior to occupation of dwelling.
2. Advise the applicant that;
- i) Planning approval should not be construed as an approval to commence works as a separate building permit is also required.
 - ii) It is recommended that the water tank required at condition (x) complies with the following technical requirements:
 - The rainwater tank is fitted with an overflow device that disposes of overflow from the rainwater tank.
 - A backflow protection device is installed in accordance with AS3500.1.
 - The inlet and overflow of the rainwater tank be fitted with mosquito proof, non-degradable screens to ensure continual rainwater tank water quality.
 - Appropriate consideration needs to be given to the adequacy of the structure supporting the plumbed rainwater tanks.

Alternative motion:

OC150506 Moved Cr Bailey / Seconded Cr Trevaskis

That Council,

- 1. Approve the application for an outbuilding and habitable 'lean-to' at Lot 228 (#32) McGlade Close, Bremer Bay subject to the following conditions:**
 - (i) That a single house is to be substantially commenced within 5 years.**
 - (ii) Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application.**
 - (iii) All runoff from impervious surfaces being contained within the property and disposed of to the satisfaction of the Chief Executive Officer.**

- (iv) The north facing external walls of the proposed 'lean-to' are to be constructed out of significantly different materials and colours than the adjoining outbuilding to the satisfaction of the Chief Executive Officer.
- (v) The outbuilding being used for domestic use only and not for human habitation or commercial activity.
- (vi) The carport is to remain open on three sides.
- (vii) The verandah is to include a 900mm balustrade in front of the lean to.
- (viii) Landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to the Shire for approval prior to the issue of a building permit.
- (ix) The landscaping plan required at condition (viii) of this approval being implemented on practical completion of the building to the satisfaction of the Chief Executive Officer
- (x) The new crossover/s being constructed to Council's specifications, levels and satisfaction. A permit from Council is required prior to any work being carried out within the road reserve.
- (xi) Water tank(s) with a minimum capacity of 4500litres being provided and plumbed to at least one toilet or the laundry cold water outlet and must be installed and in operation prior to occupation of dwelling.

2. Advise the applicant that;

- i) Planning approval should not be construed as an approval to commence works as a separate building permit is also required.**
 - ii) It is recommended that the water tank required at condition (x) complies with the following technical requirements:**
 - The rainwater tank is fitted with an overflow device that disposes of overflow from the rainwater tank.
 - A backflow protection device is installed in accordance with AS3500.1.
 - The inlet and overflow of the rainwater tank be fitted with mosquito proof, non-degradable screens to ensure continual rainwater tank water quality.
 - Appropriate consideration needs to be given to the adequacy of the structure supporting the plumbed rainwater tanks.

Carried 7-0

Reason for variation: Council requested as part of the planning approval that a single house is to be substantially commenced within 5 years in accordance with the applicant's correspondence.

SUBMISSION TO:	Health, Building & Town Planning
AGENDA REFERENCE:	10.3.3
SUBJECT:	Proposed Scheme Amendment 10
LOCATION/ADDRESS:	Various lots in the edge of Jerramungup townsite
NAME OF APPLICANT:	N/A
FILE REFERENCE:	LU.PL.1
AUTHOR:	Craig Pursey, Planning Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	11 th May 2015

SUMMARY

Council is to consider initiating Scheme Amendment 10 to the Shire of Jerramungup Local Planning Scheme No 2 to:

1. Rezone Lot 147 Memorial Road, Jerramungup from a 'Local Scheme Reserve - Recreation and Open Space' to a 'Local Scheme Reserve – Public Purposes – Government Requirements';
2. Rezone Part Lot 148 Memorial Road and Part Lot 208 Vasey Street, Jerramungup from a 'Local Scheme Reserve - Recreation and Open Space' to the 'Light Industry' and 'General Industry' zones;
3. Rezone the Moorshead Road road reserve between Memorial Road and Powell Street from a Local Scheme Reserve for 'Roads' to the 'General Industry' zone and amend the Scheme Maps accordingly; and
4. Insert an additional provision requiring all development in the Light and General Industry zones be setback at least 10m from a boundary adjoining a highway and that this area is to be landscaped with local endemic species capable of screening development from the surrounding road network.

This rezoning would allow for:

- The extension of the adjoining industrial zones and existing businesses into the areas adjoining the surrounding highways whilst improving the standard of screening vegetation; and
- Enable the future development of a health centre or other civic land use on the corner of Memorial Road and the Gnowangerup-Jerramungup Road.

This report recommends that the amendment be initiated and referred to the EPA for assessment.

ATTACHMENT

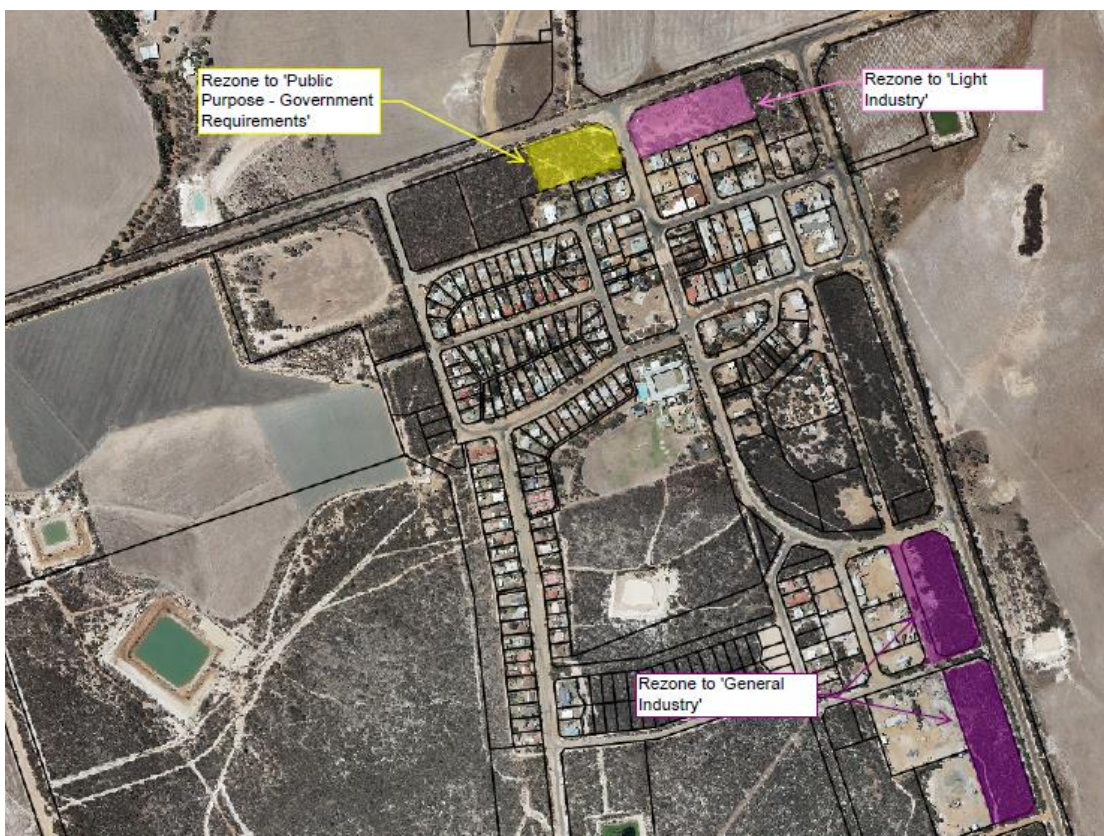
Nil

BACKGROUND

Site Description

The Jerramungup townsite is bound by an 80m wide recreation reserve that acts to buffer the townsite from the surrounding highways. The subject land consists of:

1. Reserve 26887, Lot 147 Memorial Road, Jerramungup is 1.6ha in area, located on the corner of Gnowangerup-Jerramungup Road and Memorial Road and is separated from residences facing Kokoda Road by a strip of Unallocated Crown Land.
2. Reserve 26887, Lot 148 Memorial Road, Jerramungup is 2.631ha in area and is nominally managed by the Shire of Jerramungup for parklands and recreation.
3. Reserve 30388, Lot 208 Vasey Street, Jerramungup is a reserve that runs the length of the eastern edge of the townsite. The subject land consists of the portion of the reserve between Memorial Road and Powell Street road reserve totalling an area of 3.8737ha.



Subject sites of Scheme Amendment 10:

Yellow – Lot 147 Memorial Drive to Public Purposes – Government requirements;

Pink – Lot 148 Memorial Drive to Light Industry

Purple – Part Lot 208 Vasey Street to General Industry

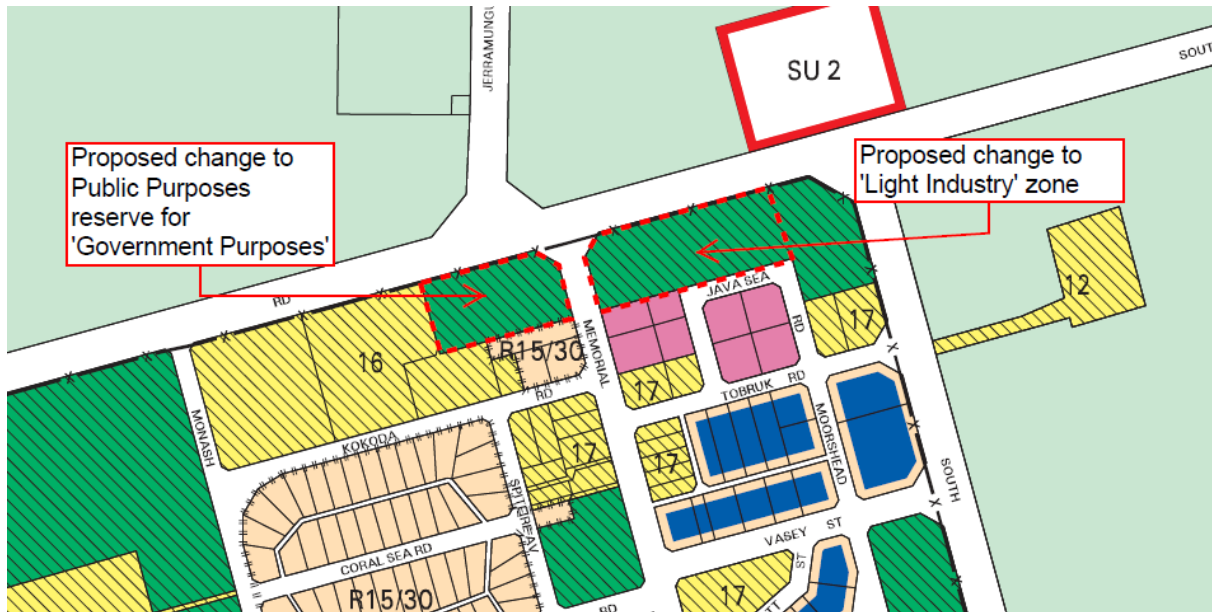
Zoning & Scheme Requirements

The subject site is a Local Scheme Reserve for Recreation and Open Space in the Shire's Local Planning Scheme No.2.

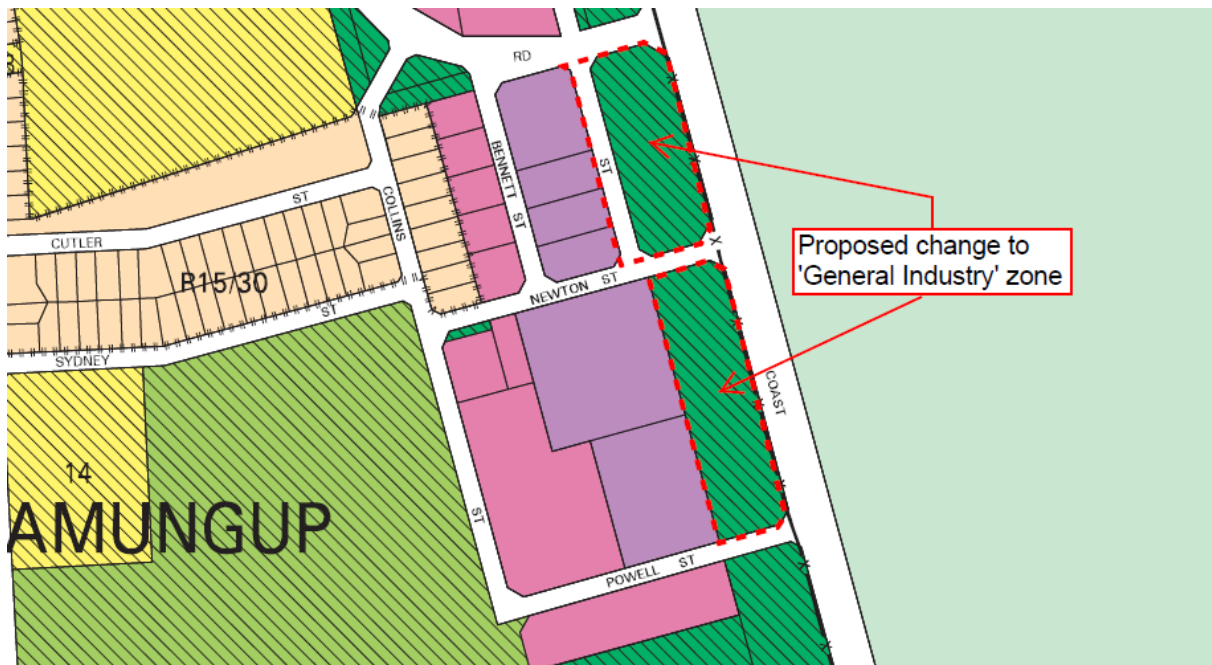
When considering development within a local reserve Clause 3.4.2 of the Scheme states that the local government is to have 'due regard' to:

- (a) Matters set out in Clause 10.2; and
- (b) The ultimate purpose intended for the Reserve

Whilst this does not prohibit other types of development locating within this area, as the area is reserve land, it does make it more difficult administering and leasing land within this area.



Existing zoning plan with proposed change of zoning – Reserve 26887



Existing zoning plan with proposed change of zoning – Reserve 30388

Previous Considerations

1. In regard to Lot 147 Memorial Road, Council resolved to change the purpose of the reserve to 'Hospital and Allied Purposes and Recreation' and pass the management of this reserve to the Department of Health at their meeting on the 15th October 2014.

2. In February 2015 Council resolved in part to request the Minister for Lands to change the purpose of Lot 148 to include 'light industrial use' and grant the Shire the power to lease.

In response to Council's resolutions the Department of Lands have indicated that ideally the land be rezoned to accommodate these uses as part of the administration of these proposed changes.

CONSULTATION

Should Council agree to pursue the scheme amendment it will require consultation with affected government agencies and the local community as required by statutory processes.

COMMENT

The Proposal

The Jerramungup townsite is surrounded by an 80m wide vegetated buffer that forms a reasonably effective visual barrier between the townsite and the surrounding highways. Scheme Amendment 10 proposes to reduce this buffer and convert a portion of it to accommodate new businesses and the expansion of existing businesses.

Scheme Amendment 10 proposes to:

1. Rezone Lot 147 Memorial Road, Jerramungup from a 'Local Scheme Reserve - Recreation and Open Space' to a 'Local Scheme Reserve – Public Purposes – Government Requirements';
2. Rezone Part Lot 148 Memorial Road and Part Lot 208 Vasey Street, Jerramungup from a 'Local Scheme Reserve - Recreation and Open Space' to the 'Light Industry' and General Industry' zones;
3. Rezone the Moorshead Road, road reserve between Memorial Road and Powell Street from a Local Scheme Reserve for 'Roads' to the 'General Industry' zone; and
4. Insert an additional provision requiring all development in the Light and General Industry zones be setback at least 10m from a boundary adjoining a highway and that this area is to be landscaped with local endemic species capable of screening development from the surrounding road network.

This scheme amendment would allow for:

- The extension of the adjoining industrial zones and existing businesses into the areas adjoining the surrounding highways whilst improving the standard of screening vegetation;
- The future development of a health centre or other civic land use on the corner of Memorial Road and the Gnowangerup-Jerramungup Road; and
- Retention and improvement of a landscaped buffer to the highway. Whilst the width of the buffer is substantially reduced, the quality and density of plantings would be improved. Management of this land passes to a business and it's planting and maintenance administered through the Local Planning Scheme.

Justification

Support for local business

Council has seen a number of enquiries from existing business within town to expand their businesses. However, there is no freehold land available.

There is Unallocated Crown Land (UCL) appropriately zoned within the townsite. However, the Shire applied to the Department of Lands in March 2010 for management of this UCL but the process has stalled with advice from the Water Corporation that no scheme water is available to service additional lots. This additional land could be used to facilitate the expansion of existing business into these areas without triggering the need to create or service additional lots.

Improvement of vegetated buffer

Whilst the vegetated buffer screens the townsite from the highway the existing vegetation in this area is sparse and mostly of poor quality. It presents poorly and may work to hinder the town's exposure to passing traffic.

Whilst the vegetated buffer around the townsite would be reduced in width the quality and density of plantings would be improved without use of local government resources. Management of this land would pass to a local business and it's planting and maintenance administered through the Local Planning Scheme.

The long term result could be a buffer that serves to screen service yards but increase exposure of the townsite to passing traffic at a time when tourist and other commuting traffic is increasingly important to the success of local business.

Health Centre

Current negotiations have identified Lot 147 Memorial Road as a possible location for a redeveloped health centre for Jerramungup. Rezoning this corner site to 'Public Purposes – Government Requirements' would accommodate the health centre, or failing that, allow for another civic or government land use.

Fire Management

Recent changes to legislation have identified areas within 100m of bushland greater than 1 hectare in area as being 'bushfire prone'. The existing vegetated buffer is considered as 'prone vegetation' and its reduction in width would improve the fire safety of the townsite.

Issues

Access

There would be no opportunity to open up new access points to the surrounding highways, in accordance with Main Roads WA policy. Therefore all access to the subject land would be from existing lots and/or internal roads.

Flora Studies

Whilst the buffer is in a reasonably poor state and the vegetation types are well represented, there is a chance that the proposed scheme amendment may trigger the need for a flora survey. It is proposed to initiate the scheme amendment and justify the change of purpose within the scheme amendment documentation.

Services

Moorshead Road, road reserve currently has an overhead power line running along its edge. For this land to be developable at some time in the future the power line would need to be relocated. This should not prevent the scheme amendment proceeding but would be a cost before this area could be redeveloped.

Land Capability

No testing of the soils in this area has been undertaken for their ability to support buildings and roads. However, on inspection, it is clear that the land is similar to the developed adjoining land which should be enough to support the rezoning of the land.

At the time of development a builder would test the soils as part of any building permit application and respond accordingly.

Loss of Recreation Land

There may be a perception that the scheme amendment will result in a loss of recreation space to the Jerramungup community. The subject land is underutilised and not regularly used for recreation.

Reserve 26887 a Class 'A' reserve

A portion of Reserve 26887 has been designated a 'Class A' reserve, a designation usually saved for particularly important reserves. To change the boundaries or portions of a 'Class A' reserve may require additional administration and even a resolution in both houses of parliament.

Despite this, it is likely that the 'Class A' designation was intended to secure the reserve as a buffer to the townsite when the townsite was established. Circumstances have changed and it may actually be more beneficial to the town to have increased exposure to the surrounding highways.

Conclusion

The proposed scheme amendment would support the expansion of existing business, retain and more carefully manage the vegetated buffer around the townsite and facilitate a future health centre if required with minimal issues anticipated.

STATUTORY REQUIREMENTS

All amendments undergo a statutory process including referral to the EPA, public advertising and ultimately approval of the amendment is required by the Minister for Planning.

As a first step, should Council agree to initiate the amendment, the amendment is referred to the EPA for assessment.

Public advertising is required and further information from various government agencies is sought during this period to further inform the proposal.

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.

Aspiration 9: An economically diverse community where primary industry is supported by a strong secondary and service industry.

The proposal is consistent with the Shire's Local Planning Strategy 2010, in particular 'Strategy 2' for the Jerramungup townsite, as it seeks to "...*facilitate business opportunities and industrial development which will deliver diverse employment opportunities and support development in the district...*"

FINANCIAL IMPLICATIONS

There will be advertising costs and administration time.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council,

1. Initiate Amendment No 10 to the Shire of Jerramungup Local Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 by;
 - a) Rezoning Lot 147 Memorial Road, Jerramungup from a 'Local Scheme Reserve - Recreation and Open Space' to a 'Local Scheme Reserve – Public Purposes – Government Requirements' and amend the Scheme Maps accordingly;
 - b) Rezoning Part Lot 148 Memorial Road and Part Lot 208 Vasey Street, Jerramungup from a 'Local Scheme Reserve - Recreation and Open Space' to the 'Light Industry' and 'General Industry' zones and amend the Scheme Maps accordingly;
 - c) Rezone the Moorshead Road, road reserve between Memorial Road and Powell Street from a Local Scheme Reserve for 'Roads' to the 'General Industry' zone amending the Scheme Maps accordingly; and
 - d) Insert an additional provision requiring all development in the 'Light Industry' and 'General Industry' zones be setback at least 10m from a boundary adjoining a

highway and that this area is to be landscaped with local endemic species capable of screening development from the surrounding road network.

2. Refer Scheme Amendment No 10 to the Environmental Protection Authority for assessment.
3. Approach the Minister for Lands in order to:
 - a) Change the purpose of Reserve 30388 to include 'industrial use';
 - b) Grant the power to lease for up to 21 years to the Shire of Jerramungup for Reserve 30388;
 - c) Reiterate the Council's request of 19th February 2015 to change the purpose of Reserve 26887 to include 'light industrial use' and grant the power to lease for up to 21 years to the Shire of Jerramungup in the understanding that the reserve is a Class A reserve.

OC150507 Moved Cr Leenhouders/ Seconded Cr Daniels

That Council,

- 1. Initiate Amendment No 10 to the Shire of Jerramungup Local Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 by;**
 - a) Rezoning Lot 147 Memorial Road, Jerramungup from a 'Local Scheme Reserve - Recreation and Open Space' to a 'Local Scheme Reserve – Public Purposes – Government Requirements' and amend the Scheme Maps accordingly;**
 - b) Rezoning Part Lot 148 Memorial Road and Part Lot 208 Vasey Street, Jerramungup from a 'Local Scheme Reserve - Recreation and Open Space' to the 'Light Industry' and 'General Industry' zones and amend the Scheme Maps accordingly;**
 - c) Rezone the Moorshead Road, road reserve between Memorial Road and Powell Street from a Local Scheme Reserve for 'Roads' to the 'General Industry' zone amending the Scheme Maps accordingly; and**
 - d) Insert an additional provision requiring all development in the 'Light Industry' and 'General Industry' zones be setback at least 10m from a boundary adjoining a highway and that this area is to be landscaped with local endemic species capable of screening development from the surrounding road network.**
- 2. Refer Scheme Amendment No 10 to the Environmental Protection Authority for assessment.**
- 3. Approach the Minister for Lands in order to:**
 - a) Change the purpose of Reserve 30388 to include 'industrial use';**
 - b) Grant the power to lease for up to 21 years to the Shire of Jerramungup for Reserve 30388;**

- c) Reiterate the Council's request of 19th February 2015 to change the purpose of Reserve 26887 to include 'light industrial use' and grant the power to lease for up to 21 years to the Shire of Jerramungup in the understanding that the reserve is a Class A reserve.

Carried 7-0

A D M I N

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.1
SUBJECT:	Administration Status Report
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Shire of Jerramungup
FILE REFERENCE:	
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	8 th May 2015

SUMMARY

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

ATTACHMENT

Nil

PROJECT UPDATE

1) Bremer Bay Medical Centre

The Draft Business Case for the Bremer Bay and Jerramungup medical centres has been submitted to the GSDC and is currently under review.

2) Strategic Waste Management

No further update.

3) Fisheries Beach Marina

A meeting is being held with representatives from Department of Transport on 29th May to discuss the project to install new sand bag and/or rock groynes at the Marina. The Shire is also proposing a contribution from Department of Transport towards a bore and improved water supply for the toilets and jetty.

4) RAV Network Within Jerramungup Town Site

The Shire has approached MRWA to assist in designing and/or constructing improvement works that need to be undertaken on the intersection and culverts at the intersection of Memorial Road and Gnowangerup - Jerramungup Road to allow Road Trains to turn west without having to cross the double white lines.

5) Economic Development Strategy

The second stage of the Economic Development Strategy has been completed with Executive Staff participating in an internal workshop reviewing the organisation's current capacity and level of progress with the Department of Local Government's Integrated Planning Framework. A draft strategy is expected in May 2015.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.2
SUBJECT:	Adoption of Complaint Handling Policy No 9
LOCATION/ADDRESS:	
NAME OF APPLICANT:	N/A
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 th May 2015

SUMMARY

The Shire operates and maintains a sewerage and effluent re-use scheme to residents in Jerramungup Townsite.

The licence to operate the service has been issued under the Water Services Licensing Act 1995. This Act has now been replaced by the Water Services Act 2012 and, as a result, some licence conditions have changed. Licensees are now required to adopt a financial hardship policy and a complimentary complaints policy. The Shire has previously adopted the financial hardship policy which was reviewed and approved by the Economic Regulation Authority. A complaints handling policy is now required to meet the requirements under the Act.

ATTACHMENT

Attachment 10.4.2 - Administration Policy 9 – Complaints Handling

BACKGROUND

The Shires licence to operate the Jerramungup Effluent System has been amended as a result of the proclamation of the Water Services Act 2012, and associated Water Services Code of Conduct which replaces the existing Act. The changes to the legislation which affects the Shire's licence are summarised as follows;

- A requirement to have a financial hardship policy and complimentary complaints policy.
- The establishment of an Energy and Water Ombudsman.
- The removal of the need to have a customer service charter; and
- Various minor reporting changes

The management and oversight of the licencing regime is the responsibility of the Economic Regulation Authority (ERA), a division of the State Government.

The ERA has provided guidelines for the development of the policies and must approve all policies. The recent audit of the Shire of Jerramungup Effluent System revealed that a compliant complaints policy was still yet to be finalised despite the existence of internal protocols and administration systems to deal with complaints.

CONSULTATION

Economic Regulation Authority

COMMENT

The only stipulation the ERA has in relation to a complaints procedure is that complaints have to be resolved in 15 working days.

The attached policy has been written to meet the requirements of the Act and to also apply to Shire services as a whole. The complaints policy does not seek to capture anonymous complaints and the CEO may request that a complaint be put in writing where appropriate.

At present the majority of complaints raised with the Shire are low level complaints and dealt with through the customer request system as they usually relate to community infrastructure requiring maintenance. The Policy which has been developed to meet the requirements under the Water Services Act 2012 would have only been used in one case over the past 5 years to address a complaint relating to the Effluent System. This was an internally lodged complaint rather than one being received from a customer.

The Department of Water has recently advised that it will hold meetings with Local Governments covered by the recently implemented legislation to receive feedback about the level of compliance costs and resources it has resulted in. The Shire of Jerramungup's administrative, audit and compliance costs have increased significantly over the past two years.

STATUTORY REQUIREMENTS

This policy is required under the Water Services Act 2012.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As discussed the Shire of Jerramungup has experienced a significant increase in administrative, audit and compliance costs relating to the management of the Jerramungup Effluent System.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council adopt the attached Administration Policy 9 – Complaints Handling.

OC150508 Moved Cr Leenhouders/ Seconded Cr Trevaskis

That Council adopt the attached Administration Policy 9 – Complaints Handling.

Carried 7-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.3
SUBJECT:	Amendment to Plant Disposal Budget
LOCATION/ADDRESS:	
NAME OF APPLICANT:	
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	22 nd April 2015

SUMMARY

This item addresses a minor change to the proposed plant disposal budget for 2014-2015. The original budget included provision to sell Council's Mitsubishi Triton 4x4 Dual Cab however management are requesting approval to dispose of a 4x2 Hilux instead.

ATTACHMENT

Nil

BACKGROUND

When Council acquired the two new Town Services vehicles this financial year the purchase was made outright without trading the existing vehicles. The Hilux Single Cab 4x4 was sold via public tender while the Mitsubishi Triton 4x4 Dual Cab was retained due to low offers and effective utilisation within Council's works crew.

Ongoing assessment of the light fleet has determined that a better outcome will be achieved if the Shire now disposes of a 4x2 Hilux Trayback JP005 instead of the Mitsubishi Triton 4x4 Dual Cab as this vehicle has been better utilised within the road maintenance team and provides better access and safety during wet months of the year.

CONSULTATION

Nil

COMMENT

The two vehicles are expected to achieve approximately the same price at auction with the 4x2 Hilux being a newer vehicle with lower kilometres 52,500km than the Triton 175,000km. The budget forecast income of \$14,000 for the Triton disposal.

When tenders were called for the sale of the vehicle the highest offer was \$10,681 and since this time the vehicle has been operating well being utilised by the road maintenance team. It is expected that the 4x2 triton will yield between \$7,000 and \$10,000 at auction.

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.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

It is expected that the sale of this vehicle will not net the budgeted figure of \$14,000.

WORKFORCE IMPLICATIONS

Retaining the Mitsubishi Triton Dual Cab has been assessed as a better plant item for road maintenance daily staff transport due to its 4x4 capability.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council approve the disposal of Toyota Hilux Trayback (JP005) via auction and retain the Mitsubishi Triton Dual Cab within Council's current plant fleet.

OC150509 Moved Cr Iffla / Seconded Cr Bailey

That Council approve the disposal of Toyota Hilux Trayback (JP005) via auction and retain the Mitsubishi Triton Dual Cab within Council's current plant fleet.

Carried 7-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.4
SUBJECT:	Offer on 1 Coral Sea Road
LOCATION/ADDRESS:	1 Coral Sea Road Jerramungup
NAME OF APPLICANT:	Tommy Thompson and Rachel Grace
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	11 th May 2015

SUMMARY

1 Coral Sea Road has been on the market for sale for a number of years and has recently received an offer for Council consideration to sell via private treaty. This item recommends selling the property via private treaty.

ATTACHMENT

Nil

BACKGROUND

The Shire has been attempting to sell the property at 1 Coral Sea Road for approximately 6 years. The property has been advertised for sale via public tender and currently is being marketed by a local real estate agent.

The property is surplus to Council's current accommodation requirements and would require substantial investment to bring the property up to a tenable condition.

Council has now received an offer of \$40,000 from Tommy Thompson and Rachel Grace and the officer recommendation is to accept this offer and advertise it in accordance with Section 3.58 of the Local Government Act 1995 as a sale via private treaty.

CONSULTATION

Nil

COMMENT

The disposal of this asset will be subject to Section 3.58 of the Local Government Act 1995 as the asset's value is more than \$20,000. Should Council accept the offer, once advertising and the submission period has been completed the transfer of ownership will be made on payment of the offered price.

The disposal of this asset will contribute towards a concerted approach to asset management by disposing of unutilised assets and reducing their financial impact on Council's resources. Once the new owner has brought the property up to a tenable condition it will also improve the physical appearance of the property and Council will no longer need to spend its own resources on maintaining a vacant property.

Accordingly the sale will also convert the property to a rateable residence and Council will begin to collect rates and waste charges from the new owners.

STATUTORY REQUIREMENTS

3.58. Disposing of property

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

- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section.

STRATEGIC IMPLICATIONS

Aspiration 12: A community that provides a range of good quality and affordable private and government housing options aimed at attracting and retaining residents.

FINANCIAL IMPLICATIONS

The sale of this property has not been forecast this financial year.

Council currently spends approximately \$2,000 - \$3,000 on the property annually in maintenance, insurance, utilities and other incidental costs.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

- 1) Accept the offer from Tommy Thompson and Rachel Grace for the purchase of 1 Coral Sea Road for \$40,000.00 subject to the requirements of Section 3.58(3) of the Local Government Act 1995 being carried out.
- 2) Advertise the sale via private treaty in accordance with Section 3.58(3) of the Local Government Act 1995; of 1 Coral Sea Road to Tommy Thompson and Rachel Grace with a market valuation as determined by the Chief Executive Officer of \$45,550.00
- 3) Delegate authority to the Chief Executive Officer to execute transfer documents, settlement arrangements and finalise the sale providing there are no adverse public submissions from the advertising period.

OC150510 Moved Cr Daniel / Seconded Cr Parsons

That Council:

- 1) Accept the offer from Tommy Thompson and Rachel Grace for the purchase of 1 Coral Sea Road for \$40,000.00 subject to the requirements of Section 3.58(3) of the Local Government Act 1995 being carried out.**
- 2) Advertise the sale via private treaty in accordance with Section 3.58(3) of the Local Government Act 1995; of 1 Coral Sea Road to Tommy Thompson and Rachel Grace with a market valuation as determined by the Chief Executive Officer of \$45,550.00**
- 3) Delegate authority to the Chief Executive Officer to execute transfer documents, settlement arrangements and finalise the sale providing there are no adverse public submissions from the advertising period.**

Carried by Absolute Majority 7-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.5
SUBJECT:	Tender – Provision of Cleaning Services in Bremer Bay
LOCATION/ADDRESS:	Bremer Bay
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	7 th May 2015

SUMMARY

This item addresses the outcome of a request for the tender issued for the provision of cleaning services to the Bremer Bay area and recommends awarding a two year contract to Bremer Produce for a fixed price of \$340,722 for the two years.

ATTACHMENT

Confidential attachment 10.4.5 - Request for Tender

BACKGROUND

A request for tender advertisement was placed in the West Australian Newspaper on Saturday 21st March 2015 calling for interested parties to submit tenders for the provision of cleaning services of the following assets in the Bremer Bay area;

Asset	Number
Barbecue	1
Bins	29
Fish Cleaning Stations	2
Fish Offal Bins	4
Public Toilets	9
Gazebos	3

Tenders closed on Tuesday 30th April 2015, one tender was received, and deemed to be a conforming tender.

CONSULTATION

The tender was advertised in the West Australian and local media. Ian Neil and Associates assisted Shire staff in the development of the specification and conducted the tender process.

COMMENT

The works are currently undertaken by Bremer Produce. Due to the complexity of the contract the specification is output based. This type of contract details the level of output (in this case cleanliness) and leaves the method and hours of operation up to the contractor.

The tender requires the contractor to supply all materials in providing the services including any vehicles and equipment. The contractor is also to dispose of all fish offal in accordance with relevant legislation and environmental guidelines.

At different times of the year the level of service will change, it may be that an asset will have to be cleaned three times in one day during peak season, and only once per week in the off season, as long as the asset meets the output (cleanliness) requirements of the contract.

The request for tender required a fixed annual price to be submitted. The term of the contract is for two years with one year mutually agreed option. It is proposed that the contract commences from 1st July this year.

The following criteria and weightings were used to evaluate the tenders.

1. *Relevant Knowledge and Experience* 30%

- Similar contracts undertaken in the past 5 years, particularly those that include the same assets as this tender,
- Relevant specific staff experience in performing the required tasks including any qualifications,
- Equipment, materials and infrastructure to be used in undertaking the scope of works,
- Contingency plan as to how the works will be undertaken if the Contractor is unable to provide the service, e.g. holidays or sickness.

2. *Knowledge of Local Conditions* 20%

- The organisation's knowledge of the area subject to the scope of works
- Staff experience in the area
- Your understanding of the assets subject to the scope of works.

3. *Price* 50%

The evaluation was undertaken by Ian Neil, an external consultant and Brent Bailey. Tenders are given a score out of ten in each of the three criteria above, the price score is automatically allocated using a formula called the normalised price score method.

Each score is then adjusted according to the weighting given to each criterion, giving a total score out of 100.

Though there was only one tender submitted the evaluation process was still undertaken.

Bremer Produce was evaluated as follows:

Tenderer	Price (GST inclusive)	Final Evaluation Score
Bremer Produce	\$340,722	92

Bremer Produce has had the contract for this service since July 2013 and has performed well.

The contract is quite demanding as a lot of the work has to be undertaken at night when the assets are not being used. During peak period each asset may have to be serviced up to three times in a day.

Bremer Produce also operates a landscaping business and therefore is able to dispose of the large quantity of fish offal in an appropriate manner.

The cost to provide the service has increased as the number of bins and the workload has increased over the period of the current contract. The number of bins has increased by 20% and the number of fish offal bins has doubled. The commencement of a whale watching activity from the fisheries harbour has also significantly increased the workload.

The tendered price is within budget expectations.

It is recommended that the tender from Bremer Produce be accepted.

STATUTORY REQUIREMENTS

Tendering for this supply contract was undertaken in accordance with the Local Government (Functions and General) Regulations 1996. Part 4 – Tenders for Provision of Goods or Services.

STRATEGIC IMPLICATIONS

This item relates to the following component 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.

FINANCIAL IMPLICATIONS

The cost of the successful tender is within expectation and can be funded through normal operations; the work to be done to assets prior to contract commencement can also be met within current budget.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Tendering for this supply contract is in accordance with Council's Policy No.6 for Purchasing Policy

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That the tender from Bremer Produce for the provision of cleaning services in the Bremer Bay Area for an two year price of \$340,722 be accepted.

OC150511 Moved Cr Bailey / Seconded Cr Iffla

That the tender from Bremer Produce for the provision of cleaning services in the Bremer Bay Area for an two year price of \$340,722 be accepted.

Carried by Absolute Majority 7-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.6
SUBJECT:	Jerramungup Bushfire Advisory Committee AGM Meeting Minutes
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Charmaine Solomon
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	8 th May 2015

ATTACHMENT

Attachment 10.4.6(a) – Jerramungup Bushfire Advisory Committee AGM Meeting Minutes

Attachment 10.4.6(b) – Draft 2015/16 Shire of Jerramungup Fire Control Information Notice

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the minutes of the Jerramungup Bushfire Advisory Committee AGM meeting held on Tuesday 15th April 2015 be received and the following recommendations be adopted;

- 1. That the 2015/16 Fire Control Information for the Shire of Jerramungup be gazetted to include the following amendments:**

(a) “Mobile fire fighting unit” means a **self-propelled vehicle** carrying a single water tank of at least six hundred **(600) litres** capacity, equipped with an engine driven pump fitted with a minimum of twenty (20) metres of nineteen millimetre (19mm) diameter fire fighting delivery hose and capable of delivering fire fighting water through an adjustable nozzle in spray or jet settings.

(b) “Equivalent fire fighting capacity” means the required water carrying capacity and water delivery capacity of a fire unit/s provided when more than one header or harvester is operating in a paddock as per the following table:

<i>Number of Headers or Harvester</i>	<i>Equivalent Fire Fighting Capacity</i>
1	1 x mobile fire fighting unit (minimum 600 litre water capacity)
2	1 x mobile fire fighting unit (minimum 600 litre water capacity)
3 or more	2 x mobile fire fighting units (minimum 1200 litre capacity) or; 1x mobile fire fighting unit (minimum

	<i>600 litre capacity) and 1 x trailer mounted unit of at least 600 litre capacity)</i>
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(c) Plantations:

Please note Pursuant to Section 46 of the Bush Fires Act 1954, an FCO has the power to delay or postpone the lighting of a fire at anytime. In relation to plantations it should be noted that where land owners wish to clear the land of plantations, any accompanying burning operations must gain Shire approval at all times throughout the year. The subject approval will be in the form of a Burn Prescription issued by the Shire.

2. That the following appointments for the Shire of Jerramungup be gazetted;

ELECTION OF OFFICE BEARERS

8.1 Chief Bush Fire Control Officer

Mr David Edwards was elected to the position of Chief Bush Fire Control Officer for a one year term.

8.2 Deputy Chief Bush Fire Control Officers

Mr Trevor Ross and Mr Alex Jones were declared elected to the positions of Deputy Chief Fire Control Officer.

8.3 Chief Fire Weather Officer

Mr David Edwards was declared elected to the position of Chief Fire Weather Officer.

8.4 Deputy Chief Fire Weather Officer

Mr Paul Hislop was declared elected to the position of Deputy Chief Fire Weather Officer.

8.5 Brigade Fire Weather Officers

- Jacup Bushfire Brigade – Mr Micheal Lester
- Needilup Bushfire Brigade – Mr Ray Trevaskis
- Boxwood Bushfire Brigade – Mr Rohan Murdoch
- Gairdner Bushfire Brigade – Mr Damon Parker

8.6 Authorised Radio Broadcaster of Harvest Bans

Mr David Edwards was declared elected to the position of Authorised Radio Broadcaster of Harvest Bans.

8.7 Dual Fire Control Officers

Jerramungup / Ravensthorpe	Mr Peter Wisewould
Jerramungup / Kent	Mr Quentin Brown
Jerramungup / Lake Grace	Mr Paul Hislop
Jerramungup / Gnowangerup	Mr Ray Trevaskis

OC150512 Moved Cr Parsons/ Seconded Cr Iffla

That the minutes of the Jerramungup Bushfire Advisory Committee AGM meeting held on Tuesday 15th April 2015 be received and the following recommendations be adopted;

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(a) “Mobile fire fighting unit” means a **self-propelled vehicle** carrying a single water tank of at least six hundred (**600**) litres capacity, equipped with an engine driven pump fitted with a minimum of twenty (20) metres of nineteen millimetre (19mm) diameter fire fighting delivery hose and capable of delivering fire fighting water through an adjustable nozzle in spray or jet settings.

(b) “Equivalent fire fighting capacity” means the required water carrying capacity and water delivery capacity of a fire unit/s provided when more than one header or harvester is operating in a paddock as per the following table:

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3 or more	2 x mobile fire fighting units (minimum 1200 litre capacity) or; 1x mobile fire fighting unit (minimum 600 litre capacity) and 1 x trailer mounted unit of at least 600 litre capacity)

(c) Plantations:

Please note Pursuant to Section 46 of the Bush Fires Act 1954, an FCO has the power to delay or postpone the lighting of a fire at anytime. In relation to plantations it should be noted that where land owners wish to clear the land of plantations, any accompanying burning operations must gain Shire approval at all times throughout the year. The subject approval will be in the form of a Burn Prescription issued by the Shire.

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Jerramungup / Ravensthorpe	Mr Peter Wisewould
Jerramungup / Kent	Mr Quentin Brown
Jerramungup / Lake Grace	Mr Paul Hislop
Jerramungup / Gnowangerup	Mr Ray Trevaskis
Jerramungup / Albany	Mr Rohan Murdoch

2:55pm Mr Miller, Mr Pursey, Miss Capelli and Mrs Solomon left the meeting.

OC150513 Moved Cr Daniel / Seconded Cr Iffla

That the meeting be closed to the public to discuss Confidential Item 10.4.7 – DCEO Recruitment Process.

Carried 7-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	Confidential Item 10.4.7
SUBJECT:	DCEO Recruitment Process
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 th May 2015

RECOMMENDATION

That Council;

1. Endorse the Chief Executive Officer's appointment of Mrs Charmaine Solomon to the position of Deputy Chief Executive Officer in accordance with the attached contract of employment.

OC150514 Moved Cr Trevaskis / Seconded Cr Leenhouders

That Council;

1. Endorse the Chief Executive Officer's appointment of Mrs Charmaine Solomon to the position of Deputy Chief Executive Officer in accordance with the attached contract of employment.

Carried 7-0

OC150515 Moved Cr Leenhouders / Seconded Cr Iffla

That the meeting be reopened to the public.

Carried 7-0

3.30pm Mr Miller, Mr Pursey and Mrs Solomon returned to the meeting.

COUNCILLOR REPORTS

11. COUNCILLOR REPORTS

Cr Parsons

Attended a Fitzgerald Biosphere Group meeting
Attended a ANZAC Day Service in Jerramungup
Attended a Bushfire Advisory Committee AGM

Cr Daniel

Attended a ANZAC Day Service in Jerramungup
Attended a WALGA Zone meeting
Attended a WALGA Forum & Great Southern Country Zone Forum
Attended WALGA State Conference dinner

Cr Iffla

Attended a Dawn Service in Bremer Bay
Attended DCEO interviews
Attended a WALGA Forum & Great Southern Country Zone Forum
Attended Mr Mangan's funeral

Cr Bailey

Attended a Bushfire Advisory Committee AGM

Cr Leenhouders

Attended a DAWN service in Bremer Bay
Attended a WALGA Forum & Great Southern Country Zone Forum

Cr Lester

Attended a Dawn Service in Jerramungup
Attended DCEO interviews

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 advised Councillors that the funeral for Mr Roy Weston will be held next Tuesday 26th May at the Ongerup Sports Pavilion.

Mr Bailey advised that the Shire has sent their condolences to the family.

Cr Trevaskis queried if the land swap between the Shire and Barrett's has occurred following the new alignment of Jerramungup North Road.

Mr Pursey advised he will contact State Land Services for a progress update.

Cr Leenhouders raised concerns from a local resident that not all advertising signage has been removed there is still signage being displayed just past Swamp Road.

Mr Pursey advised he will follow up on the matter.

13. NEXT MEETING/S

13.1 Ordinary Meeting – to be held Wednesday 17th June 2015 commencing 2.00pm at the Council Chambers, Jerramungup.

14. CLOSURE

The President declared the meeting closed at 3.46pm.