



SHIRE OF JERRAMUNGUP

NOTICE OF COUNCIL MEETING

To the President and Councillors,

Please be advised that an Ordinary Meeting of the Council of the Shire of Jerramungup is to be held on

Wednesday, 28 April 2021
At the Emergency Services Shed,
Bremer Bay
Commencing at 2:00pm

Council Meeting Procedures

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting under “public question time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council’s Code of Conduct, policies and decisions of the Shire.

Martin Cuthbert
CHIEF EXECUTIVE OFFICER
23 April 2021

AGENDA

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OUR GUIDING VALUES

Progressive, Prosperous and a Premium Place to Live and Visit

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Jerramungup (Shire) for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular, and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any Elected Member or officer of the Shire during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire.

The Shire warns that anyone who has any application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application and any conditions attaching to the decision made by the Shire in respect of the application.

NOTES FOR MEMBERS OF THE PUBLIC

PUBLIC QUESTION TIME

The Shire of Jerramungup extends a warm welcome to you in attending any Shire meeting. The Shire is committed to involving the public in its decision making processes whenever possible. The ability to ask questions during ‘Public Question Time’ is of critical importance in pursuing this public participation objective. The Shire sets aside a period of ‘Public Question Time’ to enable a member of the public to put questions. Questions should only relate to the business of the Shire and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Presiding Member may either answer the question or direct it to an officer to answer, or it will be taken on notice.

Any comments made by a member of the public become a matter of public record as they are minuted by Council. Members of the public are advised that they are deemed to be held personally responsible and legally liable for any comments made by them that might be construed as defamatory or otherwise considered offensive by any other party.

MEETING FORMALITIES

Local government Council meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation. Members of the public shall ensure that their mobile telephone or audible pager is not switched on or used during any Shire meeting. Members of the public are hereby advised that the use of any electronic, visual or audio recording device or instrument to record proceedings of the meeting is not permitted without the permission of the Presiding Member.

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NOTES FOR ELECTED MEMBERS

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations, grants, and setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Administrative:** When Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.
- Review:** When Council reviews a decision made by Officers.
- Information:** Includes items provided to Council for information purposed only that do not require a decision of Council (that is for 'noting').

ALTERNATIVE MOTIONS

Councillors wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Executive Assistant prior to the Council meeting.

DECLARATIONS OF INTERESTS

Elected Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences. Section 5.60A of the *Local Government Act 1995* states;

“a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”

Section 5.60B states;

“a person has a proximity interest in a matter if the matter concerns –

(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or

(b) a proposed change to the zoning or use of land that adjoins the person's land; or

(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.”

Regulation 34C (Impartiality) states;

“interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”

2021 MEETING DATES

At its Ordinary Meeting of Council on 18 November 2020, Council adopted the following meeting dates for 2021:

January	-	-	Council in Recess
Wednesday	24 February 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	24 March 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	28 April 2021	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	26 May 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	23 June 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	28 July 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	25 August 2021	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	22 September 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	27 October 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	24 November 2021	8.30am	Council Chambers, Jerramungup
Wednesday	15 December 2021	8.30am	Emergency Services Shed, Bremer Bay

Council's Audit Committee meet when required. Details of these meetings are advised as appropriate.

APPLICATION FOR LEAVE OF ABSENCE

In accordance with section 2.25 of the *Local Government Act 1995*, an application for leave requires a Council resolution granting leave requested. Council may grant approval for Leave of Absence for an Elected Member for ordinary Council meetings for up to but not more than six consecutive meetings. The approval of the Minister is required for leave of absence greater than six ordinary Council meetings. This approval must be by Council resolution and differs from the situation where an Elected Member records their apologies for the meeting. A failure to observe the requirements of the Act that relates to absence from meetings can lead to an Elected Member being disqualified should they be absent without leave for three consecutive meetings.

Shire of Jerramungup
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ORDINARY COUNCIL MEETING AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened atpm by the Shire President.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

2.4 ABSENT

2.5 DISCLOSURE OF INTERESTS

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

2.5.1 DECLARATIONS OF FINANCIAL INTERESTS

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

In accordance with regulation 14A of the *Local Government (Administration) Regulations 1996* Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by Absolute Majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting held 24 March 2021.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 24 March 2021 be CONFIRMED

LEMC Meeting held 16 March 2021

That the Minutes of the CEO Review Committee Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 16 March 2021 be CONFIRMED

Audit Committee Meeting held 24 March 2021

That the Minutes of the Audit Committee Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 24 March 2021 be CONFIRMED

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

9.0 REPORTS**9.1 TECHNICAL SERVICES****9.1.1 WORKS REPORT FOR MARCH 2021**

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Murray Flett, Manager of Works
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	6 April 2021
Attachments:	a) Road Construction Schedule March 2021
Authority/Discretion:	Information

SUMMARY:

For Council to note the works completed for the prior month.

BACKGROUND:**Road Construction**

March saw the Road Construction crew finish the additional gravel sheeting works on Meechi Road which has significantly improved the road surface and driving conditions at this location. These works will continue next financial year which will dramatically improve the road pavement for many years to come.

The crew then undertook pavement repairs on Devils Creek South Road which had substantial failures in the road surface with extensive blowouts through each traffic lane and was hazardous to traffic.

Attached is the year to date 2020/2021 Construction Program.

Town Services

The Town Services team have spent most of March in and around Bremer Bay slashing weeds along roadsides and walk trails as a result of recent rains in the area. The team have also been busy in the nursery where they have propagated around 1200 native seedlings which will be planted as tube stock on revegetation sites within the shire.

Road Maintenance

In conjunction with their normal maintenance grading, the Road Maintenance crew have been gravel patching pavement failures on numerous roads within the shire. These blowouts occur as a result of dry conditions and insufficient pavement depth which require digging out and backfilling with suitable material.

The crew also commenced works on Needilup North Road which consisted of pruning the overhanging vegetation and shoulder grading to remove the weeds and reinstate the shoulder hinge point which will also eliminate seal edge wear.

CONSULTATION:

Internal

COMMENT:

This report is for information only to advise Council on the previous months works activities.

STATUTORY ENVIRONMENT:

There are no statutory implications for this report.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026; Aspiration 3.4 – Service and Infrastructure Provision: To lobby, advocate for and deliver a first class transport and telecommunications network.

Objectives:

3.4.1 – Continued improvements on the local road network.

FINANCIAL IMPLICATIONS:

The works completed are included in the 2020/2021 Shire of Jerramungup budget.

WORKFORCE IMPLICATIONS:

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

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the works report for March 2021.

9.2 CORPORATE SERVICES**9.2.1 ACCOUNTS FOR PAYMENT – MARCH 2021**

Location/Address:	N/A
Name of Applicant:	N/A
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	14 April 2021
Attachments:	a) List of Accounts Paid to 31 March 2021 b) Credit Card Statement 27 February 2021 – 27 March 2021
Authority/Discretion:	Information

SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of March 2021.

BACKGROUND:

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire's municipal and trust funds. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Office is to be provided to Council.

CONSULTATION:

Internal consultation within the Finance Department.

COMMENT:

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2020-21 Annual Budget as adopted by Council at its meeting held 19 August 2020 (Minute No. OCM200805 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

The table below summarises the payments drawn on the funds during the month of March 2021. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28175	
EFT Payments	18182 – 18295	\$1,432,210.37
Direct Deposits		\$75,432.26
Municipal Account Total		\$1,507,642.63
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$1,507,642.63

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.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making

12(1) A payment may only be made from the municipal fund or a trust fund—

- (a) if the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from those funds—by the CEO: or*
- (b) otherwise, if the payment is authorised in advance by a resolution of the council.*

The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared—

- (a) the payee's name; and*
- (b) the amount of the payment; and*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

(2) A list of accounts for approval to be paid is to be prepared each month showing—

- (a) for each account which requires council authorisation in that month—*
 - (i) the payee's name; and*
 - (ii) the amount of the payment; and*
 - (iii) sufficient information to identify the transaction; and*
- (b) the date of the meeting of the council to which the list is to be presented.*

(3) A list prepared under subregulation (1) or (2) is to be—

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

STRATEGIC IMPLICATIONS:

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

Aspiration 2.5 – Civic Leadership to provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

FINANCIAL IMPLICATIONS:

All expenditure from the municipal fund was included in the annual budget as adopted or revised by Council.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Finance Policy FP5 – Corporate Credit Card

Finance Policy FP6 – Procurement of Goods and Services

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That COUNCIL, pursuant to regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, NOTES the Chief Executive Officer's list of accounts paid under delegated authority being;

- a) The List of Accounts Paid to 31 March 2021 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 27 February 2021 – 27 March 2021 as detailed in attachment 9.2.1(b).

9.2.2 MONTHLY FINANCIAL REPORT – MARCH 2021

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Tamara Pike, Senior Finance Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 March 2021
Attachments:	a) Monthly Financial Report for the period ending 31 March 2021
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 March 2021 as required by the *Local Government Act 1995* ('the Act').

Pursuant to section 6.4 of the *Local Government Act 1995* and regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* ('the Regulations'), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted/amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31 March 2021.

BACKGROUND:

At its meeting held 19 August 2020 (Minute No. OCM200805 refers), Council adopted the annual budget for the 2020-21 financial year. The figures in this report are compared to the adopted budget.

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 31 March 2021 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

- 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.
- Any other required supporting notes.

Additionally, and pursuant to regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting on 19 August 2020, the Council adopted (Minute No. OCM200805 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2020-21 financial year:

Officer Recommendation 4: Adoption of Material Variance for Monthly Reports – Financial Management regulation 34

That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2020/2021 financial year for monthly reporting purposes.

CONSULTATION:

Internal consultation within the Finance Department and Council's financial records.

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Community Plan, prepared under section 5.56 of the *Local Government Act 1995*.

COMMENT:

The financial 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.

All expenditure included in the financial statements is incurred in accordance with Council's adopted budget or subsequent approval in advance.

STATUTORY ENVIRONMENT:

Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:

34. Financial activity statement required each month (Act s. 6.4)

(1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail—*

(a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*

(b) *budget estimates to the end of the month to which the statement relates;*

and

(c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*

(d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*

(e) *the net current assets at the end of the month to which the statement relates.*

(2) *Each statement of financial activity is to be accompanied by documents containing—*

(a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*

(b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*

(c) *such other supporting information as is considered relevant by the local government.*

(3) *The information in a statement of financial activity may be shown—*

(a) *according to nature and type classification; or*

(b) *by program; or*

(c) *by business unit.*

(4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be—*

- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026; Aspiration 2.5 – Civic Leadership: To provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 31 March 2021 has been incurred in accordance with the 2020-21 budget parameters, which have been structured on financial viability and sustainability principles.

Details of any budget variation in excess of \$10,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

AP4 – Regional Price Preference

FP1 – Capitalisation and Depreciation of Non-Current Assets

FP2 – Rates and Accounts Collection

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 March 2021 in accordance with section 6.4 of the *Local Government Act 1995*.

9.2.3 BUDGET REVIEW 2020/2021

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 April 2021
Attachments:	a) Budget Review 2020-2021
Authority/Discretion:	Legislative

SUMMARY:

This item addresses Council's annual statutory budget review and gives an indication and projection of the end of year financial position. Based on current expenditure patterns and review of road construction projects the forecast end of year position is expected to be a deficit of \$2,778. The recommendation seeks to adopt the budget review.

BACKGROUND:

Under Regulation 33A (2) and (3) of the *Financial Management Regulations*, a budget review is to be undertaken by Senior Staff, the results of which are to be presented to Council within 30 days of completion and then forwarded to the Department of Local Government and Regional Development, along with Council's determination.

Regardless of statutory requirements, conducting a budget review at least once each year is sound financial management practice. It enables Council to analyse the financial performance of the year to date and make changes to the authorisations that it puts in place for the performance of the locals governments functions.

A budget review was undertaken by the Deputy Chief Executive Officer and Senior Finance Officer using figures 31 March 2021. The attached financials take on a similar format to Council's monthly statements. The results are hereby reviewed and submitted to be adopted by Council.

CONSULTATION:

Internal consultation within the Finance Department and Council's financial records.

COMMENT:

These projections are estimates done to the best of the abilities of the staff involved consulting with current accounts, forecasted expenditures and current budgets. These estimates do not guarantee that the 2020/2021 projected results will match the end of year result as there are many external influences through the remainder of the financial year that can have a bearing on Council's income and capacity for expenditure.

Contained in the attachments in Note 3 is a detailed discussion regarding areas of material variance within the budget forecasts for this financial year.

In anticipation of Council adopting the Budget Review at the April 2021 Ordinary Meeting the budget review allows for reallocation of funds from the capital road construction program to the road maintenance program.

Road Infrastructure Program:

- Gairdner South Road construction project has been completed under budget as we have been unable to kill and remove the lichen (moss) from the basalt aggregate on Gairdner South Road to allow us to seal this 5km section. The State's contribution towards the project was reduced to \$60,000.
- Dillion Bay Road construction project will not be occurring as we had identified that the underlying tenure is vacant crown land which precludes the Shire from undertaking works on this section of Dillion Bay Road.
- Rabbit Proof Fence, Brook and Cameron Road have been completed under budget due to being unable to source gravel
- Cameron Road and Monkey Road project scope was reduced due to insufficient material being sourced.
- Brook Road and Rabbit Proof Fence Road both had a saving to total project cost due to being able to source gravel close to the site.
- Marnigarup East Road was suspended due to not being able to source suitable material.
- Meechi Road project was over budget due to insufficient pavement depth, this required extensive additional gravel sheeting of the road, funds have been reallocated from Marnigarup East Road through the budget review process.
- Note various road construction jobs were under budget however expenditure on the road maintenance program has increased due to the current road conditions and a decline in rainfall.
- Under the Local Roads Community Infrastructure Program Phase 1 Council agreed to undertake sealing works on roads located within Point Henry. As part of the sealing works Native Dog Beach Road, Newby Grove and Magpie Rise was added to the schedule of works. These works were funded with the overspend on various road construction jobs that have been completed.

Plant & Equipment

- In early February 2021 a staff member was appointed to the town services role in Bremer Bay this therefore identified the need to purchase additional plant items to assist the Officer carry out works on the Shire's parks and road reserves. During the budget review process it was resolved to defer the purchase of a traffic trailer and reallocate funds towards the purchase of ride on lawnmower/slasher to be based permanently in Bremer Bay.

Other Infrastructure

- The Jerramungup Swimming pool project construction works have now commenced it is not expected that significant grant funds will be received towards this project this financial year. The forecast of expenditure towards the project this financial year has been adjusted to \$1,605,027, note this is only a predicted amount and may vary.
- A provision of \$20,000 has been allocated Fishery Beach Boat Ramp & Jetty Construction project. The Shire was notified the grant application was successful in February 2021. The project management fee towards the project is expected to be \$20,000 by 30 June 2021.
- Expenditure will be incurred on the Jerramungup Tipsite Transfer Station to undertake final works identified under the Regional Waste Strategic Project funding. Total expenditure will be fully recouped through remaining grant funds.

STATUTORY ENVIRONMENT:**Local Government (Financial Management) Regulations 1996****Part 3 Annual budget — s. 6.2****33A. Review of budget**

(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.

(3) A Council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026; Aspiration 2.5 – Civic Leadership: To provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

FINANCIAL IMPLICATIONS:

End of year financial forecast as attached. The adoption of this review will amend the budget with an overall recognition of a deficit of \$2,742.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Significant Accounting Policies as detailed within the Budget Review Report.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council;

- 1. APPROVE a budget amendment to reduce the materials and contractors budget for the purchase of a traffic trailer delivering a cash saving of \$15,000 in 2020/2021 budget.**
- 2. APPROVE a budget amendment to allocate \$9000 to the materials and contractors budget to go towards the purchase of a new slasher/lawnmower for town services in Bremer Bay in 2020/2021 budget.**

OFFICER RECOMMENDATION 2:

- 1. ADOPT the Budget Review for the financial year 2020/2021 that was conducted in accordance with Regulation 33A (2) and (3) of the *Local Government (Financial Management) Regulations 1996*.**

9.3 DEVELOPMENT SERVICES

9.3.1 PROPOSED LAND DISPOSAL – PORTION OF RESERVE 24170, NEEDILUP

Location/Address:	Portion Reserve 24170 Lot 2 Gnowangerup – Jerramungup Road, Needilup.
Name of Applicant:	S & D Weston
File Reference:	
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 April 2021
Attachments:	a) Location Plan – Reserve 24170 b) Applicants Submission
Authority/Discretion:	Legislative

SUMMARY:

A request to purchase Lot 2 Gnowangerup-Jerramungup Road has been received from the owners of the adjoining property.

The land is regarded as being surplus to the shire's requirements and the request is supported.

BACKGROUND:

- The subject land parcel is located within the Needilup townsite;
- The land is vacant and has an area of 1012m²;
- The subject lot is one of two lots that forms Reserve 24170;
- The Shire holds a Management Order for the Reserve, the identified Land Use for the property is Shire Depot;
- The land is Zoned 'Townsite' under Local Planning Scheme No.2;
- The subject is located adjacent to the western boundary of the Needilup Hall which has recently been purchased by the applicant from the Needilup Progress Association

CONSULTATION:

No external consultation has taken place in respect to this matter.

COMMENT:

Location and Site Description

The subject lot is located within the Needilup townsite and is immediately adjacent to the Needilup Hall that has recently been acquired by the applicant.

As detailed above, the land is vacant and forms one of two lots that was placed in a Reserve and was the site identified for a future Shire Depot.

Proposal:

The applicant seeks to acquire the land to increase the curtilage around the former Needilup Hall which they have recently acquired and intend to restore. The applicant states it is their intention to ultimately amalgamate the two landholdings and the area will be developed with landscaping and fencing as a means to beautify the old hall and its setting.

STATUTORY ENVIRONMENT:

- Local Planning Scheme No.2
- Land Administration Act

STRATEGIC IMPLICATIONS:

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

Strategic Direction 2: Community	Aspiration 2.2 - Improved Liveability	2.2.8 Increased housing availability options (ownership, rentals, workers accommodation)
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FINANCIAL/BUDGET IMPLICATIONS:

- The proceeds of the sale of Crown Land parcels are retained by the State;
- Costs incurred in the transfer of the land and conversion into a different tenure would be for the care of the applicant;
- Property becomes rateable following the transfer of ownership.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

SUMMARY:

Given that the Shire has established its main Depot in the Jerramungup townsite is considered that the land is surplus to operational requirements, however, the Shire would still retain a single land parcel in the town if there was ever a need to hold over plant, equipment or similar.

The action to relinquish the Shire's Management Order and support the sale of the land to the applicant creates the opportunity to put the land to a more productive use and will create the opportunity for the applicant to improve the setting of the old Progress Association Hall and help to maintain the history of the place. It is noted that any future land use and development of the land is required to be undertaken in accordance with the requirements of Local Planning Scheme No.2.

As the land is a Crown Reserve, the final decision as to whether the land will be sold and for what consideration it will be sold for is at the discretion of the Department of Planning, Lands and Heritage, however, a sale would only be contemplated once the Shire had agreed to relinquish its interest and management order over the land.

Given the location and vesting of the land and the purpose for which it is now proposed to be put, it is the recommendation of the Administration that the application is supported and that the Shire advises the department of Planning Lands and Heritage of this decision.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That COUNCIL;

1. Confirms that the subject land being Portion of Reserve 24170, Lot 2 on DP206169 Gnowangerup-Jerramungup Road, Needilup is surplus to its operational requirements and supports the sale of the land to S & D Weston;
2. Advises that the Department of Planning, Lands and Heritage that the Shire agrees to relinquish its Management Order and Interests over Portion of Reserve 24170, Lot 2 on DP206169 Gnowangerup-Jerramungup road, Needilup;

- 3. Authorises the Chief Executive Officer to execute any documentation consistent with the Council's decision to dispose of that that may be required by the Department of Planning Lands and Heritage required to facilitate the transfer of the land;**
- 4. That Council's decision to dispose of the land is made on the basis that all costs associated with the action are for the care of the applicant.**

9.3.2 PROPOSED OVERHEIGHT DWELLING – LOT 29 SHORT BEACH ROAD, BREMER BAY

Location/Address:	Lot 29 Short Beach, Bremer Bay
Name of Applicant:	J & A Alderton
File Reference:	A110292
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 April 2021
Attachments:	a) Site and house plans – Lot 29 Short Beach Road
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to consider a development application proposing the construction of new single dwelling.

The plans submitted show that a portion of the building exceeds the permitted 'as by right' height limitation of five (5) metres and as such the matter is referred to Council for determination.

It is the opinion of the Administration that the proposed building will not be a visually obtrusive structure in the locality and as such is recommended for approval.

BACKGROUND:

Lot 39 Short Beach Road is zoned Rural Residential under the Shire of Jerramungup Local Planning Scheme No.2.

The Objectives of the Rural Residential Zone are:

- *To select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, and rural-residential retreats;*
- *To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas;*
- *To locate Rural Residential zones generally within 5 km of the towns of Jerramungup and Bremer Bay so that residents have convenient access to services and facilities without a drain on resources of the wider community; and*
- *To encourage the use of cluster development in areas of natural beauty to minimize the overall impact of development on the land.*

Location and Site Description:

- The subject lot is the most eastern of lots on Short Beach Road and is located on the northern side of the road and offers views towards Short Beach;
- The property is vacant and vegetated with a mix of peppermint, mallee and eucalypt scrub. The property has a cross fall from west to east with a flatter developable area located toward the eastern boundary where the building envelope is located and the site then falls away more steeply towards the south east corner of the lot.
- Planning Approval P05-012 was granted 19/2005 to vary the location of the building envelope, clear and construct a dwelling. Whilst the clearing and driveway have been progressed, no dwelling has ever been constructed.

Proposal:

The application seeks development approval for a single house, water tanks and associated waste water infrastructure and garage. The original plans had proposed the construction of a tennis court, however, the applicant has subsequently advised this element is to be deleted from the plans.

The development proposal is described below in more detail:

Building envelope:

The envelope is an irregular shape and the new dwelling is proposed to be sited in a location that is consistent with the past approval and clearing work that has been previously completed. The envelope is centrally located on the block and set well away from all lot boundaries.

Single House:

The proposed dwelling is a single storey architecturally designed contemporary building. The design of the dwelling incorporates rammed earth walls, extensive glazing across the front elevation and a 'low' flat concrete roof. The building is to be cut into the ground at its rear to achieve the finished floor level rather than utilising fill and the building is further stepped down in response to the natural fall of the land. The configuration of the design and response proposed to the falling ground collectively serve to reduce the overall bulk and scale of the building when viewed on plan and the use of the flat roof further assists in reducing the overall height of the building.

There is a fall of approximately 3m across the length of the building footprint. The consequence of the varying natural ground levels results in some portions of the building exceeding the maximum as by right 5m height limit by no more than 0.5m on any elevation. The sections of the building that exceed the 5m height limit arise on a portion of the southern (Short Road Beach boundary) and again on a section of the eastern elevation which is the façade of the building that faces towards Short Beach. The balance of the building is wholly within the permitted 5m height limit.

CONSULTATION:

In recognition that the 0.5m variations to the 5m as by right height limit are contained to specific sections of the building that do not directly impact upon any adjacent land owner in terms of bulk or impinge upon views and that overall the majority of the building is within the permitted limits, the application has not been referred to adjoining owners.

Rather the assessment and decision in this case is based on whether or not the variation would have a demonstrative adverse impact on the amenity of the area as it may or may not be seen from the surrounding public places.

COMMENT:

The proposal before Council is for the approval of a building that exceeds a height limit of 5 meters within the Rural Residential Zone as provided for within Town Planning Scheme No.2.

Other aspects of the development fall within scheme and policy requirements that would usually be dealt with under delegation. As such the only aspect of the development that requires Council to exercise its discretion upon is in relation to those elements of the building that exceed 5 meters in height above the natural ground level.

Notwithstanding the individual aspects of the application that are compliant, the whole of the development is considered in the context of Clause 5.24.3 b) of TPS No.2 that sets out the matters Council is to have regard to when making a determination on an application. Council is to have regard to:

- i) The colour and texture of external building materials;
- ii) Building size, height, bulk and roof pitch;
- iii) Setbacks and location of the building on its lot;

- iv) Architectural style and design details of the building;
- v) Relationship to surrounding development; and'
- vi) Provision to be made for Bush Fire Control in accordance with a Policy of the Commission.

The table below discusses the various components of the development against both the scheme and policy requirements.

STATUTORY ASSESEMENT:

The application is assessed against clause 5.24.3 j) of TPS No.2:

Requirement	Proposed	Comment
Not more than 1 dwelling per lot is to be erected but the local government may at its discretion approve ancillary accommodation	Only one house is proposed.	Complies
All buildings on a lot are to be contained within the building envelope, delineated on-site by the owner and approved by the local government. The envelope is not to exceed 10% of the lot area or 3000m2 whichever is the lesser.	A building envelope of 3000m2 is proposed with all development including the rainwater tank and septic system located within. Lot has an overall area of 3.014ha.	Complies
Located to reduce visual prominence of buildings	Development is largely screened from Short Beach Road and Short Beach by roadside vegetation and by virtue of setback. Whilst some aspects of the building would be visible, those elements are not regarded to be inconsistent or incompatible with surrounding development.	Complies
Water supply tanks and effluent disposal systems are to be located within building envelopes	All buildings and infrastructure will be located within the building envelope	Complies
Materials and colours of external walls and the roofs of all buildings are to be non-reflective and blend with the landscape.	The proposed use of rammed earth and concrete materials in the building construction regarded as being sympathetic to location and existing landscape.	Complies
Buildings are not exceed 5 meters in height from NGL to the apex of the roof unless the local government is satisfied that a higher building will not be visually obtrusive	The proposed house high point is 5.5m from NGL.	Does not comply. See comments below
At least 92kl of water is required	Proposed	Complies
Minimum setbacks for building envelopes are to be 20m from all road frontages and 15m from all	All proposed buildings are centrally located on the property and conform to required setbacks	Complies

other boundaries		
Bushfire Framework		
New development comply to SPP 3.7 Planning in Bushfire Prone areas	Single house with compliant access, turn around, water and APZ proposed in a position that can achieve a BAL-29 or safer.	Complies
New development to avoid areas of Kwongkan Shrubland	No Kwongkan present	Complies
Bushfire Management plan required	Provided	Complies
Asset Protection Zone to be generally within Building envelope	Does extend marginally beyond building envelope but does not encroach into a visually sensitive area.	Complies
All development to be greater than 20m from the boundary to allow for APZ within own property	All development is greater than 20m from boundaries and the APZ is wholly contained within the lot boundaries.	Complies
Dedicated water tank size of least 20kl with a 50mm male camlock coupling with full flow valves	Provided	Complies

Building Height

The following comments are provided in justification of the proposed variation to the building height:

- The variation to the 5m height limit is contained to portions of two elevations (front and southern elevations) of the building that are unlikely to be visually obtrusive from either the adjoining road network, Short Beach or adjoining properties due to the screening provided by vegetation on-site and that on surrounding lots and by virtue of the generous setbacks from lot boundaries;
- The proposed use of a flat roof assists in reducing the overall height of the building and the variation equates to a modest 0.5m increase on the 5m 'as by right' height with the bulk of the building falling within the 5m height limit;
- The proposed materials and muted colour pallets would serve to lessen the impact of any aspect of the building that may be seen above the tree line from Short Beach Road and any aspect that may be seen would only be regarded as being minor and not inconsistent with aspects of other developments that may be viewed from roadways and public places;
- The building is unlikely to be a visually obtrusive element when viewed from Short Beach given the differential in ground levels and that there is a steeply rising vegetated sand dune that rises up from the carpark area that serves to screen view back towards the development site.

STATUTORY ENVIRONMENT:

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

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.

FINANCIAL/BUDGET IMPLICATIONS:

None arising from the consideration of a planning application.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

CONCLUSION:

Having regard to the matters set out above, it is the recommendation of the Administration that the proposed development is of a form and scale that will not unreasonably impact on the amenity of the adjoining landowners and may be approved subject to conditions as set out within the officer recommendation.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:**That COUNCIL:**

1. **Approve the application for a single dwelling, on Lot 29 Short Beach 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 (Ref: P21-010) submitted with the planning application;**
 - (b) **The dwelling being connected to an on-site effluent disposal system to the satisfaction of the Shire's appointed Environmental Health Officer;**
 - (c) **Water tanks with a minimum capacity of 92kl is to be provided for potable water and are to be installed prior to the occupation of the dwelling;**
 - (d) **At least 20kl of water is to be provided exclusively for firefighting purposes. The tank is to be fitted with a 50mm male camlock to allow for access to tanks in case of fire and able to be accessed from a compliant turnaround area**
 - (e) **The driveway and turnaround are to be designed and maintained in a trafficable standard at all times and in accordance with the Shire's Firebreak Notice;**
 - (f) **All measures as detailed within the BAL Assessment Report prepared by Eldon Bottcher Architect Pty Ltd Bushfire Planning and Design dated 25 February 2021 are to be implemented so as to achieve the minimum BAL-29 rating prior to the issue of a Building Permit and are to be continued to be maintained thereafter in perpetuity;**
 - (g) **The upper side of the roof is to be finished in non-reflective materials and be to the satisfaction of the Manager of Development. Details are to be confirmed prior to the issue of a Building Permit;**
 - (h) **The Outbuilding is to comply with the relevant development standards as set out under Council's Planning Policy No.16 insofar the wall height is to be no higher than 4.0m and the ridge height is not to exceed 4.8m as measured from the natural ground level and finished in non-reflective building materials to the satisfaction of the Chief Executive Officer.**

9.3.3 PROPOSED OVERHEIGHT DWELLING – LOT 30 (NO.524) POINT HENRY ROAD, BREMER BAY

Location/Address:	Lot 30 Point Henry Road, Bremer Bay
Name of Applicant:	JS Chouchana
File Reference:	A100898
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 April 2021
Attachments:	a) Site and house plans – Lot 30 Point Henry Road
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to consider a development application proposing the construction of new single dwelling.

The plans submitted show that a portion of the building exceeds the permitted 'as by right' height limitation of five (5) metres and as such the matter is referred to Council for determination.

It is the opinion of the Administration that the proposed building will not be a visually obtrusive structure in the locality and as such is recommended for approval.

BACKGROUND:

Lot 30 Point Henry Road is zoned Rural Residential under the Shire of Jerramungup Local Planning Scheme No.2.

The Objectives of the Rural Residential Zone are:

- *To select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, and rural-residential retreats;*
- *To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas;*
- *To locate Rural Residential zones generally within 5 km of the towns of Jerramungup and Bremer Bay so that residents have convenient access to services and facilities without a drain on resources of the wider community; and*
- *To encourage the use of cluster development in areas of natural beauty to minimize the overall impact of development on the land.*

Location and Site Description:

- The subject lot is located toward the southern extent of Point Henry Road, one lot south of the Gully Road intersection;
- Lot 30 slopes gently up from Point Henry Road to a high point midway through the property and then slopes down to the west.
- The property is developed with an existing small transportable house that has been used as a holiday home for a considerable period of time.
- The property is virtually entirely covered in remnant vegetation consisting of thick peppermint woodland to 4m high.
- A strategic fire break runs down the southern boundary of Lot 30 connecting Point Henry Road through to Gneiss Hill Road. This is maintained by agreement by the Shire.

- Planning Approval P20-023 for the relocation of the building envelope and amendment to driveway alignment was approved 27/10/2020;
- The amendment to the building envelope was effected to accommodate the new dwelling which is the subject of this application

Proposal:

The application seeks development approval for a single house, water tanks and associated waste water infrastructure, garage and tennis court.

The development proposal is described below in more detail:

Building envelope:

The envelope on which the new dwelling is to be located is an irregular shape, orientated centrally on the lot towards the rear half of the property. The envelope is set approximately 35m from its northern (side) boundary and approximately 40m from western (rear) boundary of the property.

Single House:

The proposed dwelling is a single storey architecturally designed contemporary building. The design of the building incorporates a mixture of building materials and cladding with extensive glazing across the front elevation to maximise views over Dillon Bay. The building features a parapet roof design that assists in reducing the overall height and bulk of the building.

There is a cross fall across the width of the building footprint. The consequence of the varying natural ground levels results in some portions of the building exceeding the maximum as by right 5m height limit by 0.9m on what is the southern end of the building. The balance of the building reverts back to within the permissible 5m height limit as the natural ground levels rise.

The sections of the building that exceed the 5m height limit arise on the southern end of the building that is located generally toward the centre of the lot and is set approximately 50m away from the nearest boundary. The combination of the setback and the existing screening provided by onsite vegetation should serve to offset the presence of the building in the landscape.

CONSULTATION:

In recognition that the 0.9m variations to the 5m as by right height limit are contained to specific sections of the building that do not directly impact upon any adjacent land owner in terms of bulk or impinge upon views and that overall the majority of the building is within the permitted limits, the application has not been referred to adjoining owners.

Rather the assessment and decision in this case is based on whether or not the variation would have a demonstrative adverse impact on the amenity of the area as it may or may not be seen from the surrounding public places.

COMMENT:

The proposal before Council is for the approval of a building that exceeds a height limit of 5 meters within the Rural Residential Zone as provided for within Town Planning Scheme No.2.

Other aspects of the development fall within scheme and policy requirements that would usually be dealt with under delegation. As such the only aspect of the development that requires Council to exercise its discretion upon is in relation to those elements of the building that exceed 5 meters in height above the natural ground level.

Notwithstanding the individual aspects of the application that are compliant, the whole of the development is considered in the context of Clause 5.24.3 b) of TPS No.2 that sets out the matters Council is to have regard to when making a determination on an application. Council is to have regard to:

- i) The colour and texture of external building materials;
- ii) Building size, height, bulk and roof pitch;
- iii) Setbacks and location of the building on its lot;
- iv) Architectural style and design details of the building;
- v) Relationship to surrounding development; and
- vi) Provision to be made for Bush Fire Control in accordance with a Policy of the Commission.

The table below discusses the various components of the development against both the scheme and policy requirements.

STATUTORY ASSESSMENT:

The application is assessed against clause 5.24.3 j) of TPS No.2:

Requirement	Proposed	Comment
Not more than 1 dwelling per lot is to be erected but the local government may at its discretion approve ancillary accommodation	An existing small transportable dwelling exists on the lot that will be reverted to ancillary accommodation/tourist uses. The existing building has a nett floor area of approximately 80m2 which is consistent with ancillary accommodation provisions typically applied for this form of accommodation.	Complies
All buildings on a lot are to be contained within the building envelope, delineated on-site by the owner and approved by the local government. The envelope is not to exceed 10% of the lot area or 3000m2 whichever is the lesser.	A building envelope of 3000m2 is proposed with all development including the rainwater tank, outbuilding and septic system located within. Lot has an overall area of 4.7228ha.	Complies
Located to reduce visual prominence of buildings	Development is largely screened from Point Henry Road by roadside vegetation and by virtue of setback. Whilst some aspects of the building would be visible, those elements are not regarded to be inconsistent or incompatible with surrounding development.	Complies
Water supply tanks and effluent disposal systems are to be located within building envelopes	All buildings and infrastructure will be located within the building envelope	Complies
Materials and colours of external walls and the roofs of all buildings are to be non-reflective and blend with the landscape.	The proposed use of selected cladding in appropriately muted colour schemes will be proposed and will form conditions of any approval granted. The use of a concealed parapet roof design also reduces potential for glare.	Complies
Buildings are not exceed 5 meters in height from NGL to	The proposed house high point is 5.9m from NGL.	Does not comply. See

the apex of the roof unless the local government is satisfied that a higher building will not be visually obtrusive		comments below
At least 92kl of water is required	Proposed	Complies
Minimum setbacks for building envelopes are to be 20m from all road frontages and 15m from all other boundaries	All proposed buildings are centrally located on the property and conform to required setbacks	Complies
Bushfire Framework		
New development comply to SPP 3.7 Planning in Bushfire Prone areas	Single house with compliant access, turn around, water and APZ proposed in a position that can achieve a BAL-29 or safer.	Complies
New development to avoid areas of Kwongkan Shrubland	No Kwongkan present	Complies
Bushfire Management plan required	Provided	Complies
Asset Protection Zone to be generally within Building envelope	Does extend marginally beyond building envelope but does not encroach into a visually sensitive area.	Complies
All development to be greater than 20m from the boundary to allow for APZ within own property	All development is greater than 20m from boundaries and the APZ is wholly contained within the lot boundaries.	Complies
Dedicated water tank size of least 20kl with a 50mm male camlock coupling with full flow valves	Provided	Complies

Building Height

The following comments are provided in justification of the proposed variation to the building height:

- The variation to the 5m height limit is contained to portions of the building and not the overall structure and are unlikely to cause the building to more visually obtrusive from either the adjoining road network or from views back from Blossoms Beach or adjoining due to the screening provided by vegetation on-site and that on surrounding lots and by virtue of the generous setbacks from lot boundaries;
- The proposed use of a flat roof assists in reducing the overall height of the building and the variation equates to a relatively modest 0.9m increase on the 5m 'as by right' height with the bulk of the building falling within the 5m height limit;
- The proposed materials and muted colour pallets would serve to lessen the impact of any aspect of the building that may be seen above the tree line from Blossoms Beach and any aspect that may be seen would only be regarded as being minor and not inconsistent with aspects of other developments that may be viewed from roadways and public places;

STATUTORY ENVIRONMENT:

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

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.

FINANCIAL/BUDGET IMPLICATIONS:

None arising from Council's consideration of this matter.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

CONCLUSION:

Having regard to the matters set out above, it is the recommendation of the Administration that the proposed development is of a form and scale that will not unreasonably impact on the amenity of the adjoining landowners and may be approved subject to conditions as set out within the officer recommendation.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:**That COUNCIL:**

1. **Approve the application for a single dwelling, on Lot 30 Short Beach Road, Bremer Bay subject to the following conditions:**
 - (a) **Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application;**
 - (b) **The dwelling being connected to an on-site effluent disposal system to the satisfaction of the Shire's appointed Environmental Health Officer;**
 - (c) **Water tanks with a minimum capacity of 92kl is to be provided for potable water and are to be installed prior to the occupation of the dwelling;**
 - (d) **At least 20kl of water is to be provided exclusively for firefighting purposes. The tank is to be fitted with a 50mm male camlock to allow for access to tanks in case of fire and able to be accessed from a compliant turnaround area**
 - (e) **The driveway and turnaround are to be designed and maintained in a trafficable standard at all times and in accordance with the Shire's Firebreak Notice;**
 - (f) **All measures as detailed within the BAL Assessment Report prepared by Craig Pursey Planning are to be implemented so as to achieve the minimum BAL-29 rating prior to the issue of a Building Permit and are to be continued to be maintained thereafter in perpetuity;**

- (g) The upper side of the roof is to be finished in non-reflective materials and be to the satisfaction of the Manager of Development. Details are to be confirmed prior to the issue of a Building Permit;**
- (h) All external walls of the residence and outbuilding are to be constructed from non-reflective material and be to the satisfaction of the Chief executive officer.**

9.3.4 PROPOSED AIRCRAFT HANGAR AND WATER TANKS, NEEDILUP

Location/Address:	Lot 1273 Gnowangerup-Jerramungup Road Needilup, Jerramungup
Name of Applicant:	A & T Twine
File Reference:	A60286
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	20 April 2021
Attachments:	a) Applicants Letter b) Letter of Support – Astoria Pty Ltd c) Site Plans and Hangar Plans
Authority/Discretion:	Legislative

SUMMARY:

Application received seeking approval to construct an aircraft hangar with associated water tanks to house the applicants three private aircraft on a portion of farmland located immediately adjacent to the Jerramungup Airport.

The proposed development and land use is considered to be contrary to the zoning of the land on which it is proposed to be built and contrary to the proper and orderly planning of the area and as such the Administrations' recommendation is that the application be refused.

BACKGROUND:

- Lot 1273 is zoned Rural under the Shire of Jerramungup Local Planning Scheme No.2 (LPS No.2);
- The property has an area of 1098ha and is largely cleared and is used for cropping;
- Lot 1273 is a Leasehold property – it is unknown if the current lease permits subleasing for non-farm activities;
- The portion of the property where it is proposed to construct the hangar is uncleared and is developed with a dwelling and other general farm buildings;
- The land is owned by Astoria Pty Ltd and the owners have provided a letter of support towards the development proceeding;
- The applicant is the owner/operator of Joyce Air which is a commercial crop dusting business.

Proposal:

The application seeks approval to construct an aircraft hangar with a dimension of 40m x 21m (840m²) on a portion of the subject land that is located immediately adjacent to the apron area of the Jerramungup Airport.

The intent is that the hangar would be built on the privately owned (leased) land which then provides direct access to the airstrip for the purposes of carrying out the applicants' commercial crop dusting business. The plans include the provision to install two 50,000 litre water tanks either side of the hangar with hoses set up for bushfire protection. The existing fence in front of the hangar would be replaced.

The application raises a number of issues for consideration concerning the permissibility of the land use and the relationship of the proposed development to development on adjoining land.

The proposal is described below in more detail:

Land Use:

When considering the permissibility of a development and land use in a Zone, direction is taken from Clause 4.3 Table 1 of LPS No.2. The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones. The permissibility of any uses is determined by cross-

reference between the list of uses on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

An aircraft hangar is not specifically mentioned in the Zoning table as it applies to the Rural Zone. In such instances further direction may be taken from Clause 4.4.2 of LPS No.2. Clause 4.4.2 states:

If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use the local government may:

- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) determine that the proposed use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

The objectives of the Rural Zone are:

- To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities where the land is capable of such development.
- To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- To allow for facilities for tourists and travellers, and for recreation uses.
- To help protect rural land from land degradation and further loss of biodiversity by:
 - a. minimising clearing of remnant vegetation;
 - b. encouraging retention and protection of remnant vegetation
 - c. encouraging development and protection of vegetation corridors
 - d. encouraging development of sustainable surface and sub-surface drainage works encouraging rehabilitation of salt-affected land
 - e. encouraging soil conservation through land management measures
 - f. encouraging identification and protection of wetlands
 - g. to promote the sustainable management of natural resources, and the prevention of land degradation.

COMMENT:

As detailed above the proposal at hand seeks to develop a building that will facilitate the operation of commercial crop dusting business.

In terms of the built form, this building doesn't raise any issues insofar it is of a form and type that is typically located in the Rural zone. It is noted that as the building will exceed 500m² in area, specific fire provisions of the Building Code will apply in respect to fire management within the building. Typically, this water must be preserved exclusively for that purpose and cannot be used for general community water needs. This is a matter that would be considered in more detail at the Building Permit stage.

In respect to the use of the land, the Zone Objectives do make provision for the Council to consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment. An argument could be made that the business type is of a rural use insofar that it does provide services to the district by increased service provision that is specific to rural pursuits. The development and use of the land for the purpose is not likely to have any detrimental impact on the

natural resources or environment. If Council were of that opinion, then Clause 4.4.2 does enable Council the opportunity to determine that the use is consistent with the objectives of the zone and may therefore be permitted.

In making any determination, Council is also required to consider the matters as set out under Clause 67 of the Planning and Development (Local Planning Schemes) Regulations. Of particular relevance to the matter at hand is set out under Cl.67 (m) as follows:

Council is to have regard to:

- (m) the compatibility of the development with its setting, including —
 - (i) the compatibility of the development with the desired future character of its setting; and
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

The above issues arise when determining the proposed location and manner in which aircraft will enter onto the airfield.

The plan show that is proposed to locate the hangar adjacent to the apron area and aircraft will be able to enter directly onto the airfield and then access the airstrip.

The Jerramungup Landing Ground is located on Reserve 41532. The Shire is responsible for the ongoing management and maintenance of the airstrip and grounds and the Shire holds a management order over the Reserve which includes the power to lease for terms of up to 21 years with the consent of the Minister for Lands. It is noted that the management order and power to lease was only applied for by the Shire in March 2020 following approaches by the current applicant to construct a hangar at the airport and the management order was approved in June 2020.

In addition to the landing strip and apron, the Reserve includes an area of approximately 11,700m² of uncleared vacant land located at the south eastern end of the strip that is and available and suitable for the development of airport infrastructure.

Whilst it acknowledged that the Shire does not have a current Airport Development Plan in place for the landing ground, concerns arise from the current application that proposes to establish a commercial facility outside of the airport grounds that would then take direct access onto the area of the airport that is considered to be common user infrastructure and this raises the possibility of conflicts between other users including the RFDS. The Shire also has also submitted a grant application for the installation of another water tank in this rea of the airfield.

Whilst not a planning matter in terms of land use and development, the Shire as managers of the reserve may also wish to consider if it is desirable for a user to access and utilise the strip without being able to exercise any management control and without receiving consideration for providing such service. The Shire has an ongoing responsibility for the maintenance of the Reserve and the permanent placement of aircraft and associated usage of the strip may result in the Shire having to perform maintenance on a more regular basis.

CONSULTATION:

Should Council consider that the proposed use and development of the land may be consistent with the objectives of the Zone, then as set out within Clause 4.4.2 (b) of LPS No.2, then the Council is required to advertise the application in accordance with Clause 9.4 of LPS No.2 before the matter is determined.

This approach would enable the Council to consult with other users of the airport and also consult with the Shire's airport consultants. Following the conclusion of that process the matter would be referred back to Council for final determination.

This process would also enable the Council to consult with its airports consultants as to the liabilities and issues that may accrue if it were to grant access to the airstrip in the manner proposed.

STATUTORY ENVIRONMENT:

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

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026; Aspiration 2.5 - Civic Leadership To provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 Maintain a highly accountable and transparent governance network and decision making process

FINANCIAL/BUDGET IMPLICATIONS:

Council has ongoing financial annual commitment for the maintenance of facilities at the airstrip. Approval to the application has the potential to increase usage of the airstrip and require additional maintenance to be undertaken. Costs would need to be accommodated within Council's operational budget.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

CONCLUSION:

The proposed application raises two separate but connected issues for Council to consider.

The first matter is whether it considers the proposed use and development is consistent with the Zone Objectives and if so the application may be considered for approval under the provisions of Clause 4.4.2 of LPS No.2.

The second matter for consideration is if the Council is willing to allow the applicant to establish the hangar outside of the airport reserve and then take unfettered access onto the adjoining airstrip. This is a relevant aspect of the development for the Council to consider in accordance with Clause 67 (m) of the Planning Regulations

As identified in preceding sections of this report, there is sufficient land within the airport reserve to accommodate the proposed development and the Shire now holds a management order with the power to lease for periods of up to 21 years. There would be little cause for the Council to not grant a lease should an application be received.

Whilst the form of the building could be readily regarded as being consistent with the surrounding locality and zone, there is a level of concern about the undesirable precedent of permitting development adjacent to the airfield and the future management issues that may arise from granting this access onto the airfield in the manner proposed.

A further matter that requires clarification is the standing of the current lease and whether the applicant has the legal authority to enter into a sublease with the applicant.

Having regard to the matters set out above, it is the advice of the Administration that the proposed development is not supported for the following reasons:

1. the proposed access arrangements for aircraft moving to and from the hangar located outside the airport Reserve onto the common user airport apron is not supported as it is regarded as being contrary to the proper and orderly management of the airport reserve;
2. the land use whilst providing a rural service is not directly connected to the land on which it is located nor will be operated by the owners of the land on which it is located and this may create an undesirable precedent for other land uses being established in locations not contemplated by Local Planning Scheme No.2;
3. There is sufficient and available land within the airport reserve to accommodate the proposed development; and
4. Council requires further satisfaction and evidence that the owner of Lot 1273 has the legal ability to enter into a sub-lease with the applicant for non-farming uses.

Notwithstanding the advice as set out above, Council does have the following options available to it in respect to this application:

- Option 1: Determine that the use is consistent with the objectives of the Rural Zone and is therefore permitted and allow access onto Reserve 41532 as proposed;
- Option 2: Determine that the proposed use may be consistent with the objectives of the Rural zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- Option 3: Determine that the use is not consistent with the objectives of the Rural zone and is therefore not permitted.

Should Council consider any approval to the application, it must be contingent upon receiving confirmation that the lessee has the legal right to enter into subleasing arrangements for non-farm uses.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That COUNCIL:

1. **Refuses the application submitted by A & T Twine for the construction of an Aircraft Hanger and Two Water Tanks on a portion of Lot 1273 Gnowangerup-Jerramungup Road Needilup for the following reasons:**
 - i) **The proposed access arrangements for aircraft entering onto Reserve No.41532 from adjoining Lot 1273 are considered to be contrary to proper and orderly operation and management of the airstrip and landing ground;**
 - ii) **Approval to the proposed buildings and land use adjacent to the Airport Landing ground Reserve No.41532 is not consistent with the proper and orderly planning of the Airport reserve.**
 - iii) **That Shire as the holder of the Management Order over Reserve No.41532 declines to grant access to the airstrip from adjoining Lot 1273.**

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN MARCH 2021

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	23 April 2021
Attachments:	March 2021 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for March 2021 including actions that have been undertaken in relation to decisions of Council and actions performed under delegated authority.

BACKGROUND:

There is no specific requirement to report on actions performed under delegated authority to Council. However, to increase transparency this report has been prepared for Council and includes actions performed under delegated authority for the month of March 2021.

CONSULTATION:

Internal, all officers that have been deemed responsible for enacting each Council decision has provided an update on its status.

COMMENT:

The Status of Council Decisions report is an important administrative tool used by the Shire to monitor the implementation of Council decisions. Any Council decision that has not yet been fully implemented will remain on the list until it has been completed.

Once the minutes of each Council meeting have been completed, the Executive Assistant uploads each decision of Council into the spreadsheet and allocates it to the relevant Shire office for actioning and comment. The spreadsheet is accessible by all relevant Shire officers.

The Shire enters into various agreements by affixing its Common Seal. The *Local Government Act 1995* states that the Shire is a body corporate with perpetual succession and a Common Seal. Those documents that are to be executed by affixing the Common Seal or signed by the Shire President and the Chief Executive Officer are reported to Council for information on a regular basis.

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

19. Delegates to keep certain records (Act s. 5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- a) how the person exercised the power or discharged the duty; and*
- b) when the person exercised the power or discharged the duty; and*
- c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026; Aspiration 2.5 – Civic Leadership: To provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

FINANCIAL IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of March 2021.

**10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED
(CONFIDENTIAL MATTERS)**

11.0 COUNCILLOR REPORTS

12.0 NEW BUSINESS OF AN URGENT NATURE

13.0 CLOSURE

13.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 26 May 2021, commencing at 2.00pm, in the Council Chambers, Jerramungup.

13.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atpm

These minutes were confirmed at a meeting held

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Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: