

SHIRE OF JERRAMUNGUP



AGENDA

COUNCIL ORDINARY MEETING

19th JULY 2017

Dear President and Councillors,

NOTICE OF ORDINARY COUNCIL MEETING

Please note that the next Ordinary Meeting of Council of the Shire of Jerramungup will be held in the Town Hall, Bremer Bay on Wednesday 19th July 2017, commencing at 2:00pm.

BRENT BAILEY
CHIEF EXECUTIVE OFFICER

13th July 2017

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Jerramungup Shire Council for any act, omission or statement or intimation occurring during Council meetings. The Jerramungup Shire Council 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 meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council 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, and statement or intimation of approval made by a member or officer of the Jerramungup Shire Council during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Jerramungup Shire Council. The Jerramungup Shire Council warns that anyone who has any application lodged with the Council 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 Jerramungup Shire Council in respect of the application.

Jerramungup - Bremer Bay

“Progressive, Prosperous and a Premium Place to Live and Visit”

ORDINARY AGENDA – 19th JULY 2017**INDEX**

ITEM	DETAILS	PAGE
1	Declaration of Opening / Announcement of Visitors	4
2	Record of Attendance	4
3	Apologies	4
4	Leave of Absence Previously Approved	4
5	Public Question Time	4
6	Applications for Leave of Absence	4
7	Petitions / Deputations / Presentations	4
8	Declarations of Financial Interest	4
9	Confirmation of Minutes	4
WORKS		
10.1.1	Works Report	6
FINANCE		
10.2.1	Accounts Payable - June 2017	10
10.2.2	Monthly Financial Report - June 2017	12
HEATH BUILDING & TOWN PLANNING		
10.3.1	Scheme Amendment No 11	15
10.3.2	Scheme Amendment No 12	18
ADMIN		
10.4.1	Delegated Council Functions	22
10.4.2	Fire Control Policy 7 - Camping & Cooking Fires	38
10.4.3	Local Emergency Management Committee Meeting Minutes - June 2017	40
11	Councillor Reports	42
12	New Business of an Urgent Nature	42
13	Next Meeting	42
14	Closure	42

SHIRE OF JERRAMUNGUP

ORDINARY MEETING OF COUNCIL TO BE HELD IN THE TOWN HALL, BREMER BAY ON WEDNESDAY 19th JUNE 2017, COMMENCING AT 2:00PM.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE

3. APOLOGIES

4. LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Rex Parsons Member

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

8. DECLARATIONS OF FINANCIAL INTEREST

9. CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting held 21st June 2017

WORKS

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

ATTACHMENT

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

ROAD CONSTRUCTION

The Construction crew have completed reinstatement of the Swamp Road flood crossings which included associated off road drainage channels and signage. These works will significantly reduce future erosion along the road shoulder and channel the water more effectively away from the roadside.

The crew commenced vegetation pruning on Rabbit Proof Fence Road in preparation for the next 3kms of gravel sheeting. These works will commence at South Coast Highway continuing north over the coming years.

Western Stabilisers have been undertaking cement stabilisation of pavement failures on Gairdner South and Borden Bremer Bay Roads with works complete on Devils Creek and Needilup North Roads. Sealing works on these sections will commence later in the year. These pavement repairs have improved the ride-ability on these sections and enhanced traffic safety.

Completion of the Bremer Bay Town Centre works has been held up as a result of the insufficient depth of a Telstra cable at the intersection of Mary Street which will be relocated shortly.

Focus is still on obtaining appropriate approvals to undertake future works, in the interim, work practices have been amended to adhere to Department of Environment and Regulation (DER) requirements until appropriate approvals are obtained.

Attached is the completed 2016 / 2017 construction program

ROAD MAINTENANCE

The roadside spraying program has commenced to restrict weed infestations within the road reserve.

Routine Maintenance grading and gravel patching is continuing on roads in both the Bremer Bay and Jerramungup areas with emphasis on patching all the blowouts prior to the onset of wet weather. Given our commitment to improving the safety of all bus routes, gravel sheeting of clay sections will continue over the coming years as part of our maintenance schedule.

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

TOWN SERVICES

The town services team have been patching potholes in both Jerramungup and Bremer Bay town sites and some of our sealed roads. The potholes are reflective of the age of the seals on these roads.

The recent downpour in Bremer Bay caused considerable scouring and washouts with silt and debris being deposited along quite a few streets in the town which has taken some time to clean up. The guys have also been gravel patching various roads in the Bremer Bay area.

The team have been kept busy on weed eradication in both towns which has been a great effort by those involved. They are also undertaking maintenance of the parks and gardens in Jerramungup and Bremer Bay.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

WORKFORCE IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COMMENTS

Nil

RECOMMENDATION

That Council adopt the June works report.

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 July 2017

ATTACHMENT

Attachment 10.2.1(a) - List of Accounts Paid to 30th June 2017
Attachment 10.2.1(b) - Credit Card Statement 18/05/2017 – 18/06/2017

BACKGROUND

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28119	
	EFT 13460 – 13473	\$ 27,448.54
	EFT 13475 – 13566	\$ 1,012,417.76
	EFT 13568 – 13606	\$ 129,193.66
	Cheque 28120 – 28125	\$ 11,809.31
	Cheque 28126 – 28126	Printing Error
	Cheque 28127 – 28128	\$ 15,987.55
	Direct Deposit	\$ 24,916.15
Municipal Account Total		\$ 1,221,772.97
Trust Account		
	EFT 13474 – 13474	\$ 414,646.28
	EFT 13567 – 13567	\$ 52,357.37
Trust Account Total		\$ 467,003.65
<u>Grand Total</u>		<u>\$ 1,688,776.62</u>

CERTIFICATE

This schedule of accounts as presented, which was submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods

and the rendition of services and as to prices computation, and costings and the amounts shown have been paid.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

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

- a) The List of Accounts Paid to 30th June 2017 as detailed in Attachment 10.2.1(a); and**
- b) The Credit Card Statement for 18/05/2017 – 18/06/2017 as detailed in Attachment 10.2.1(b)**

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.2
SUBJECT:	Monthly Financial Report
LOCATION/ADDRESS:	Shire of Jerramungup
AUTHOR:	Charmaine Solomon
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	7 th July 2017

SUMMARY

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

ATTACHMENT

Attachment 10.2.2 - Monthly Financial Report Period Ending 30th June 2017

BACKGROUND

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

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

CONSULTATION

Council financial records.

COMMENT

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

STATUTORY REQUIREMENTS

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

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

STRATEGIC IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

As detailed within the Monthly Financial Report

POLICY IMPLICATIONS

Accounting policies as detailed within the Monthly Financial Report

WORKFORCE IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council receive the Monthly Financial Report for the period ending 30th June 2017 in accordance with Section 6.4 of the Local Government Act 1995.

**HEALTH,
BUILDING
&
TOWN
PLANNING**

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.1
SUBJECT:	Scheme Amendment No 11
LOCATION/ADDRESS:	Jerramungup
NAME OF APPLICANT:	
FILE REFERENCE:	LU.PL.1
AUTHOR:	Planning Officer, Craig Pursey
DISCLOSURE OF ANY INTEREST:	None
DATE OF REPORT:	12 July 2017

SUMMARY

Council initiated Amendment 11 to the Shire of Jerramungup Local Planning Scheme No 2 to rezone a portion of Lot 501 South Coast Highway, Jerramungup as a Special Use zone to provide for industrial developments which have large land requirements at their meeting in December 2016.

The Amendment was referred to the Environmental Protection Authority who raised no objection. Council is requested to adopt the amendment for the purposes of advertising and referral to the Western Australian Planning Commission (WAPC) with or without modification.

ATTACHMENT

Attachment 10.3.1 - Amendment 11 Zoning Plan

BACKGROUND

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

OC161207 Moved Cr Trevaskis / Seconded Cr Leenhouders

- 1 *That the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend Local Planning Scheme No 2 (Amendment No 11) by:*
 - a) *Rezoning Part Lot 501 Plan 73997 South Coast Jerramungup from a 'Rural' zone to 'Special Use Zone No.10' and amend the Scheme Maps accordingly (as shown in Attachment 10.3.3(b)).*
 - b) *Modifying Schedule 4 Special Use Zones to include provisions for Special Use Zone No 10 as provided for in Attachment 10.3.3(a).*
- 2 *That Amendment 11 be classified as a Complex amendment pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason(s):*
 - a) *The amendment proposal is not consistent with the endorsed Planning Strategy; and*
 - b) *The amendment proposal relates to a development that has potential for impacts that are significant relative to development in the locality.*

- 3 *That the draft Amendment be referred to the Environmental Protection Authority for examination and assessment pursuant to Section 81 of the Planning and Development Act 2005, the Amendment.*
- 4 *Upon receipt of the advice from the EPA Council will consider pursuant to Regulation 37 whether to adopt the Amendment for advertising and referral to the WAPC with or without modification.*

CONSULTATION

Scheme Amendment 11 was referred to the Environmental Protection Authority who responded with no objection to the Amendment on the 18 April 2017.

Should permission to advertise be granted by the WAPC all relevant government agencies, the community and specifically nearby landowners will be contacted for comment during a 42 day advertising period.

COMMENT

The Jerramungup Industrial Land Study has examined the proposed location of the amendment area and refined this;

- To provide a total site area of 8.8 hectares;
- The site extends from opposite the intersection with Vasey Street south by 440m to the intersection of Memorial Road;
- The site is 200m wide but a 30m road widening along the South Coast Highway should be provided; and
- The net developable land is then 8.38 hectares.

The road widening would then mean that the existing overhead powerlines would be included in the road reserve and not the private property. This is consistent with the road widening for the information bay further north at the entrance to the septic waste disposal reserve.

The area to be rezoned is shown at Attachment 10.3.1.

STRATEGIC IMPLICATIONS

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

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

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

STATUTORY REQUIREMENTS

Section 75 of the Act provides for amending a Local Planning Scheme. Regulation 37 of the Planning and Development (Local Planning Schemes) Regulations 2015 relates to the resolution to proceed with an amendment and states

that upon completion of the amendment preparation the Local Government must resolve to proceed with the amendment with or without modification.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council pursuant to Regulation 37(1)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to proceed to advertise Scheme Amendment 11 without modification, following the receipt of the Western Australian Planning Commission's advice under Regulation 37(4).

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.2
SUBJECT:	Scheme Amendment No 12
LOCATION/ADDRESS:	Lot 1208 Borden Bremer Bay Road, Bremer Bay
NAME OF APPLICANT:	
FILE REFERENCE:	DB.ST.4
AUTHOR:	Planning Officer, Craig Pursey
DISCLOSURE OF ANY INTEREST:	None
DATE OF REPORT:	12 July 2017

SUMMARY

Council initiated Amendment 12 to the Shire of Jerramungup Local Planning Scheme No 2 to rezone a portion of Lot 1208 Borden Bremer Bay Road, Bremer Bay to the 'General Industry' zone at their meeting in December 2016.

The Amendment was referred to the Environmental Protection Authority who raised no objection. Council is requested to adopt the Amendment for the purposes of advertising and referral to the Western Australian Planning Commission (WAPC) with or without modification

ATTACHMENT

Attachment 10.3.2 - Amendment 12 Zoning Plan

BACKGROUND

Council at its meeting in December 2016 resolved to initiate Scheme Amendment 12 to the Shire of Jerramungup Local Planning Scheme No 2 to:

OC161208 Moved Cr Daniel / Seconded Cr Trevaskis

1 *That the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend Local Planning Scheme No 2 (Amendment No 12) by:*

a) Inserting sub-clause 5.23.4 as follows:

'Special Provisions

In addition to other requirements of the Scheme that apply to land within the General Industry zone, Schedule 14 sets out the specific provisions that apply to individual General Industry areas to assist in achieving the objectives of the zone.'

b) Adding a new Schedule 14 – 'General Industry Zone'

c) Rezoning a portion of Lot 1208 on Plan 256322 Borden-Bremer Bay Road, Bremer Bay from 'Rural' zone to 'General Industry' zone as per the Scheme Amendment Map provided at Attachment 10.3.4(b).

d) Inserting General Industry (IA1) zone provisions in Schedule 14 – 'General Industry Zone' as provided for in Attachment 10.3.3(a).

- 2 *That Amendment 12 be classified as a Complex amendment pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason(s):*
 - a) *The amendment proposal is not consistent with the endorsed Planning Strategy; and*
 - b) *The amendment proposal relates to a development that has potential for impacts that are significant relative to development in the locality.*
- 3 *That the draft Amendment be referred to the Environmental Protection Authority for examination and assessment pursuant to Section 81 of the Planning and Development Act 2005, the Amendment.*
- 4 *Upon receipt of the advice from the EPA Council will consider pursuant to Regulation 37 whether to adopt the Amendment for advertising and referral to the WAPC with or without modification.*

CONSULTATION

Scheme Amendment 12 was referred to the Environmental Protection Authority who responded with no objection to the Amendment on the 10 April 2017.

Should permission to advertise be granted by the WAPC all relevant government agencies, the community and specifically nearby landowners will be contacted for comment during a 42 day advertising period.

COMMENT

The intent of the Amendment is to facilitate the development of the Bremer Bay Industrial Estate, which will accommodate light and general industry development and associated uses, through rezoning the site from 'Rural' to 'General Industry'. It consists of 18.64ha of land on the corner of Borden-Bremer Bay Road and Don Ende Drive.

STRATEGIC IMPLICATIONS

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

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

STATUTORY REQUIREMENTS

Section 75 of the Act provides for amending a Local Planning Scheme. Regulation 37 of the Planning and Development (Local Planning Schemes) Regulations 2015 relates to the resolution to proceed with an amendment and states that upon completion of the amendment preparation the Local Government must resolve to proceed with the amendment with or without modification.

FINANCIAL IMPLICATIONS

None

POLICY IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council pursuant to Regulation 37(1)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to proceed to advertise Scheme Amendment 12 without modification, following the receipt of the Western Australian Planning Commission's advice under Regulation 37(4).

A D M I N

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.1
SUBJECT:	Delegated Council Functions
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Shire of Jerramungup
FILE REFERENCE:	Delegations Register
AUTHOR:	Brent Bailey / Elizabeth Hyde
DISCLOSURE OF ANY INTEREST:	The author has an impartiality interest in that certain delegations will fall under his area of responsibility.
DATE OF REPORT:	11 July 2017

SUMMARY

In order to expedite decision-making within the Shire, a recommendation is made to delegate a number of powers and duties to the Chief Executive Officer as provided for in the Local Government Act (1995). This item satisfies the requirement to review the delegations register annually.

ATTACHMENT

Nil

BACKGROUND

Section 5.46 (2) of the Local Government Act requires that at least once every financial year delegations be reviewed. In order to achieve compliance, the listing of Council's delegations is submitted for approval by Council.

The existing delegations register is provided below.

Act or Regulation	Section	Relevant Exercisable Power	Limitations
Local Government Act 1995	3.34(1)	A local government may enter land in an emergency without notice or consent	
Local Government Act 1995	3.36(3)	A local government may make an opening in a fence to do works on property subject to providing the owner or occupier with 3 days written notice	
Local Government Act 1995	3.39	A local government may authorise an employee to remove and impound any goods	
Local Government Act 1995	3.40A(1)	A local government may authorise a person to remove and impound an abandoned vehicle wreck	
Local Government Act 1995	3.40A(4)	A local government may declare that a vehicle is an abandoned vehicle wreck	
Local Government Act 1995	3.47(2)	The local government may sell or otherwise dispose of any vehicle that has not been collected within 2 months of a notice having been given under section 3.40(3) or 7 days of a declaration being made that a vehicle is an abandoned vehicle wreck	
Local Government Act 1995	3.47A(1)	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass	
Local Government Act 1995	3.48	If goods are removed or impounded under section 3.39 and the offender is convicted, the local government may recover any expenses incurred in removing and impounding the goods	
Local Government Act 1995	3.50(1)	A local government may close a thoroughfare to vehicles, wholly or partially, for a period not exceeding 4 weeks	
Local Government Act 1995	3.50(1a) and 3.50(4)	A local government may, after providing public notice of its intention and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding 4 weeks.	

Local Government Act 1995	3.50A	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare	
Local Government Act 1995	3.50(6)	An order to close a thoroughfare may be revoked by the local government	
Local Government Act 1995	3.57(1)	A local government must invite tenders before it enters into a contract for goods or services with a value of \$150,000 or more (Functions and General Reg 11)	
Local Government Act 1995	3.58(2)	A local government can only dispose of property to the highest bidder at public auction or the most suitable public tender	Subject to the disposal being identified in the Shire's Annual Budget and the value of the property being less than \$70,000.
Local Government Act 1995	3.58(3)	A local government can dispose of property by private treaty but must follow the process set out in section 3.58(3)	Delegation applies to: a. All transactions where no adverse public submissions are received in response to public advertising as required by Section 3.58(3)(a). b. Any other transactions to a maximum value of \$70,000.
Local Government Act 1995	5.42	Approve sundry donations to the value of \$250.	In assessing applications for sundry donations, the assessor must apply the assessment criteria as outlined within Administration Policy 9: Donations

Local Government Act 1995	6.9(4)	A local government may transfer money held in trust for 10 years to its municipal fund unless it is more appropriate to transfer the money to the Department of Treasury, but must repay it to a person who establishes a right to the repayment, together with any interest earned on the investment	
Local Government Act 1995	6.12(1)(b)	A local government may waive or grant concessions in relation to any amount of money or write off any amount of money that it is owed to the local government [subject to section 6.12(2)]	Subject to the debt not exceeding \$500 or applying to any amount of money owing in respect of rates and service charges under \$20.00.
Local Government Act 1995	6.14(1)	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the Trustees Act 1962	Subject to Council's Finance Policy 3 – Investments.
Local Government Act 1995	6.49	A local government may make an agreement with a person to pay their rates and service charges	
Local Government Act 1995	6.56(1)	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction	
Local Government Act 1995	6.60(2)	A local government may give notice (to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the local government in satisfaction of the rate or service charge)	
Local Government Act 1995	6.60(3)	If a local government gives notice to a lessee, under section 6.60(2), the local government must give a copy of the notice to the lessor	
Local Government Act 1995	6.60(4)	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee	

Local Government Act 1995	6.64(3)	A local government may lodge a caveat in respect of any land for which rates and service charges are outstanding	
Local Government Act 1995	9.10(1) & (2)	The local government may appoint persons or classes of persons to be authorised to perform certain functions and must issue them with a certificate stating they are authorised	
Local Government Act 1995	9.49A(4)	Signing of various classes of documents on behalf of Council.	
Local Government (Financial Management) Regulations 1996	Reg 12(1)(a)	Power to make payments from the municipal and trust funds	Subject to the requirements of Regulation 13 of the Local Government (Financial Management) Regulations 1996.
Local Government (Functions and General) Regulations 1996	Reg 14(2a)	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepted tenders	
Local Government (Functions and General) Regulations 1997	Reg 20	A local government may, with the approval of the tenderer, make a minor variation in a contract for goods or services before it enters the contract with the successful tenderer	
Local Government (Functions and General) Regulations 1998	Reg 24E(1)	Allow the Chief Executive Officer to apply the Regional price preference policies when purchasing goods and services.	
Local Government (Uniform Local Provisions) Regulations 1996	Reg 12(1)	Upon application the local government may approve the construction of a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land.	Subject to Council's Crossover Guidelines
Building Act 2011	20	Approve or refuse a Building Permit	
Building Act 2011	21	Approve or refuse a Demolition Permit	

Building Act 2011	58	Issue an Occupancy Permit and a Building Approval Certificate	
Building Act 2011	65	Consider Extending the period of duration of an Occupancy permit or a Building approval Certificate.	
Building Act 2011	96 (3)	A local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions of the Building Act 2011 and the Building Regulations 2012	
Building Act 2011	110	Issue Building Orders	
Building Act 2011	117	Revoke Building Orders	
Dog Act 1976	9	Administer and enforce provisions of the Dog Act	
Dog Act 1976	20	Issue a certificate of classification	
Health Act 1911	26	A local government may appoint and authorise any person to be its deputy to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit. Such appointment shall not affect the exercise or discharge by the local government itself of any power or function.	
Health Act 1911	27(5)	Every local government may appoint such other officers as it deems necessary.	
Bush Fires Act 1954	17(10)	Determine to vary Prohibited Burning Times, in accordance with s17(7) and (8), regarding: - shortening, extending, suspending or reimposing a period of prohibited burning times; or - imposing a further period of prohibited burning times.	Delegation to Chief Bush Fire Control Officer
Bush Fires Act 1954	59(3) & 59A(2)	Consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district.	

Food Act 2008	122	Appoint a person to be an authorised person for the purposes of the Food Act 2008 (s122(1))	
Food Act 2008	126	Appoint a person to be a Designated Officer for the purposes of the Food Act 2008 (s126(13))	

CONSULTATION

Senior Staff
Previous Council Delegations Register

COMMENT

A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Local Government Act 1995 other than those referred to in section 5.43. At least once every financial year, delegations are to be reviewed by the delegator.

The delegations presented last year have been reviewed, the following changes have been made;

- **Building Regulation 20**; Update to include the following section from the regulation; (1a) Where approval has not been given for the erection of a building and a building approval certificate is issued in relation to the unauthorised building work, subregulation (1) applies as if the local government had approved the erection of the building.
- The inclusion of reporting requirements whereby a formal notification is required to Council via a monthly delegations report or other report which is presented monthly to Council.

STATUTORY REQUIREMENTS

Sections 5.42, 5.43 and 5.46 of the Local Government Act (1995), provides as follows.

5.42 Delegation of some powers and duties to CEO

- (1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43 Limits on delegations to CEOs

A local government cannot delegate to a CEO any of the following powers or duties:

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.99 or 5.100; (fee, expenses and allowances)
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5; (objection to a decision)
- (h) any power or duty that requires the approval of the Minister or the

Governor; or
(i) such other powers or duties as may be prescribed.

5.46. Register of, and records relevant to, delegations to CEO's and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to 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.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council endorse the register of Delegations as listed below;

Section	Relevant Exercisable Power	Limitations	Reporting Request
Local Government Act 1995			
3.34(1)	A local government may enter land in an emergency without notice or consent		Nil
3.36(3)	A local government may make an opening in a fence to do works on property subject to providing the owner or occupier with 3 days written notice		Nil
3.39	A local government may authorise an employee to remove and impound any goods		Nil
3.40A(1)	A local government may authorise a person to remove and impound an abandoned vehicle wreck		Nil
3.40A(4)	A local government may declare that a vehicle is an abandoned vehicle wreck		Nil
3.47(2)	The local government may sell or otherwise dispose of any vehicle that has not been collected within 2 months of a notice having been given under section 3.40(3) or 7 days of a declaration being made that a vehicle is an abandoned vehicle wreck		Nil
3.47A(1)	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass		Nil

3.48	If goods are removed or impounded under section 3.39 and the offender is convicted, the local government may recover any expenses incurred in removing and impounding the goods		Nil
3.50(1)	A local government may close a thoroughfare to vehicles, wholly or partially, for a period not exceeding 4 weeks		Nil
3.50(1a) and 3.50(4)	A local government may, after providing public notice of its intention and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding 4 weeks.		Nil
3.50A	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare		Nil
3.50(6)	An order to close a thoroughfare may be revoked by the local government		Nil
3.57(1)	A local government must invite tenders before it enters into a contract for goods or services with a value of \$150,000 or more (Functions and General Reg 11)		Nil
3.58(2)	A local government can only dispose of property to the highest bidder at public auction or the most suitable public tender	Subject to the disposal being identified in the Shire's Annual Budget and the value of the property being less than \$70,000.	Nil

3.58(3)	A local government can dispose of property by private treaty but must follow the process set out in section 3.58(3)	Delegation applies to: a. All transactions where no adverse public submissions are received in response to public advertising as required by Section 3.58(3)(a). b. Any other transactions to a maximum value of \$70,000.	Yes – Monthly Delegations Report
6.9(4)	A local government may transfer money held in trust for 10 years to its municipal fund unless it is more appropriate to transfer the money to the Department of Treasury, but must repay it to a person who establishes a right to the repayment, together with any interest earned on the investment		Nil
6.12(1)(b) & 6.12(1)(c)	A local government may waive or grant concessions in relation to any amount of money or write off any amount of money that it is owed to the local government [subject to section 6.12(2)]	Subject to the debt not exceeding \$500 or applying to rates and service charges greater than \$20.00	Yes – Monthly Delegations Report
6.14(1)	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the Trustees Act 1962	Subject to Council's Finance Policy 3 – Investments.	Nil
6.49	A local government may make an agreement with a person to pay their rates and service charges		Nil
6.56(1)	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction		Nil
6.60(2)	A local government may give notice (to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the local government in satisfaction of the rate or service charge)		Nil

6.60(3)	If a local government gives notice to a lessee, under section 6.60(2), the local government must give a copy of the notice to the lessor		Nil
6.60(4)	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee		Nil
6.64(3)	A local government may lodge a caveat in respect of any land for which rates and service charges are outstanding		Nil
9.10(1) & 9.10(2)	The local government may appoint persons or classes of persons to be authorised to perform certain functions and must issue them with a certificate stating they are authorised		Nil
9.49A(4)	Signing of various classes of documents on behalf of Council.		Yes – Monthly Delegations Report
Shire of Jerramungup Administration Policy 6 - Donations			
AP6	Approve sundry donations to the value of \$250.	In assessing applications for sundry donations, the assessor must apply the assessment criteria as outlined within Administration Policy 9: Donations	Yes – Monthly Delegations Report
Local Government (Financial Management) Regulations 1996			
Reg 12(1)(a)	Power to make payments from the municipal and trust funds	Subject to the requirements of Regulation 13 of the Local Government (Financial Management) Regulations 1996.	Nil

Local Government (Functions and General) Regulations 1996			
Reg 14(2a)	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepted tenders		Nil
Reg 20	A local government may, with the approval of the tenderer, make a minor variation in a contract for goods or services before it enters the contract with the successful tenderer		Yes – Monthly Delegations Report
Reg 24E(1)	Allow the Chief Executive Officer to apply the Regional price preference policies when purchasing goods and services.		Nil
Local Government (Uniform Local Provisions) Regulations 1996			
Reg 12(1)	Upon application the local government may approve the construction of a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land.	Subject to Council's Crossover Guidelines	Nil
Building Act 2011			
20	Approve or refuse a Building Permit		Yes – Monthly Delegations Report
21	Approve or refuse a Demolition Permit		Yes – Monthly Delegations Report
58	Issue an Occupancy Permit and a Building Approval Certificate		Yes – Monthly Delegations Report
65	Consider Extending the period of duration of an Occupancy permit or a Building approval Certificate.		Yes – Monthly Delegations Report
96 (3)	A local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions of the Building Act 2011 and the Building Regulations 2012		Nil
110	Issue Building Orders		Yes – Monthly Delegations Report

117	Revoke Building Orders		Yes – Monthly Delegations Report
Dog Act 1976			
9	Administer and enforce provisions of the Dog Act		Nil
Building Regulations 1989			
20	Issue a certificate of classification		Nil
Health Act 1911			
26	A local government may appoint and authorise any person to be its deputy to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit. Such appointment shall not affect the exercise or discharge by the local government itself of any power or function.		Nil
27(5)	Every local government may appoint such other officers as it deems necessary.		Nil
Bush Fires Act 1954			
17(10)	Determine to vary Prohibited Burning Times, in accordance with s17(7) and (8), regarding: - shortening, extending, suspending or reimposing a period of prohibited burning times; or - imposing a further period of prohibited burning times.	Delegation to Chief Bush Fire Control Officer	Nil

59(3) & 59A(2)	Consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district.		Yes – Monthly Delegations Report
Food Act 2008			
122	Appoint a person to be an authorised person for the purposes of the Food Act 2008 (s122(1))		Nil
126	Appoint a person to be a Designated Officer for the purposes of the Food Act 2008 (s126(13))		Nil
Shire of Jerramungup Local Planning Scheme No2			
Clause 11.3	Exercise powers to consider and approve applications for planning and development under the Shire's Town Planning Scheme.	Subject to limitations contained in the Local Planning Scheme / Delegations Register.	Yes – Monthly Delegations Report

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.2
SUBJECT:	Fire Control Policy 7 - Camping & Cooking Fires
LOCATION/ADDRESS:	Not Applicable
NAME OF APPLICANT:	Not Applicable
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	11 th July 2017

SUMMARY

This item seeks to formally endorse the proposed Fire Control Policy 7 - Camping and Cooking Fires

ATTACHMENT

Attachment 10.4.2 - Proposed FCP7: Camping & Cooking Fires

BACKGROUND

At the Shire's Bushfire Advisory Committee Annual General Meeting the committee resolved to recommend that Council adopt Fire Control Policy 7 – Camping and Cooking Fires to provide guidance and a greater level of understanding about the restrictions for using camping and cooking fires in the Shire of Jerramungup.

Council resolved to advertise the policy for public comment given this is the first time a policy has been introduced on the subject.

CONSULTATION

Public consultation was undertaken via local media and notice boards
Bushfire Advisory Committee
Local Government Insurance Services

COMMENT

The development of the Shire's Camping and Cooking Fires policy provides a framework for the responsible use of camping and cooking fires in the Shire during the restricted and prohibited season. The key elements of the policy are:

- 1) A camping and/or cooking fire is defined to be a fire no greater than 1m² in area with a flame height no greater than 1m. Anything greater will be known as a bonfire and therefore illegal, during restricted and prohibited times.
- 2) Designated locations where camping and cooking fires will be permitted include:
 - Bremer Bay Beaches Resort & Tourist Park
 - Bremer Bay Caravan Park
 - Jerramungup Caravan Park
 - Tozer's Bush Camp
 - Camping areas managed by a Camp Host

- 3) Camping and cooking fires will also be permitted in areas denoted by a sign showing a local Government approval. At this stage no areas have been implemented but popular campsites such as House Beach are undergoing a risk based assessment for this purpose.

The policy also provides guidance about acceptable receptacles, sizes of fires and cleared protection zones.

No public comment was received on the matter during the public consultation phase and the policy is recommended to be adopted.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

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

Aspiration 2.4 - Emergency Management To ensure that the Shire of Jerramungup is seen as an industry leader in emergency management and preparedness.

The adoption of this policy will remove ambiguities around what type of camping and cooking fires are permitted in the absence of an absolute ban on all fires. The policy has been reviewed and developed with advice from the Shire's insurance and risk management advisors.

FINANCIAL IMPLICATIONS

The implementation of signage at known campsites will incur expenditure of approximately \$500 per site.

WORKFORCE IMPLICATIONS

The adoption of the attached policy will provide clearer guidance to Shire Rangers and administration staff when responding to customers who are using or wanting a camping or cooking fire.

POLICY IMPLICATIONS

Proposed policy to be adopted by Council.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council adopt Fire Control Policy 7: Camping & Cooking Fires

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.3
SUBJECT:	Local Emergency Management Committee Meeting Minutes – June 2017
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Ashley Peczka
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	9 th July 2017

ATTACHMENT

Attachment 10.4.3 - LEMC Meeting Minutes - June 2017

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the minutes of the Local Emergency Management Committee meeting held on Monday 12th June 2017 be received (copy of minutes are included in the attachments).

COUNCILLOR REPORTS

11. COUNCILLOR REPORTS

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

12.1 From Officers

12.2 From Elected Members

13. NEXT MEETING/S

Ordinary Meeting – to be held Wednesday 16th August, 2017 commencing 2:00pm at the Council Chambers, Jerramungup.

14. CLOSURE