



SHIRE OF JERRAMUNGUP

ORDINARY COUNCIL MEETING

**Held at the Council Chambers
8 Vasey Street, Jerramungup
Wednesday, 19 June 2019**

MINUTES

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Shire of Jerramungup
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Ordinary Meeting of Council
Wednesday 19 June 2019

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ORDINARY COUNCIL MEETING MINUTES

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 2:09 pm by the Shire President.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

| | |
|----------------------|-------------------------|
| Cr Robert Lester | Shire President (Chair) |
| Cr Joanne Iffla | Deputy Shire President |
| Cr Bill Bailey | Councillor |
| Cr Rex Parsons | Councillor |
| Cr Julie Leenhouders | Councillor |
| Cr Andrew Price | Councillor |

STAFF:

| | |
|-------------------|--------------------------------|
| Martin Cuthbert | Chief Executive Officer |
| Charmaine Solomon | Deputy Chief Executive Officer |
| Murray Flett | Manager of Works |
| Craig Pursey | Manager of Development |
| Rachel Smith | Executive Assistant |

VISITORS:

Nil

GALLERY:

Nil

2.2 APOLOGIES

Nil

2.3 APPROVED LEAVE OF ABSENCE

Nil

2.4 ABSENT

Nil

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

Nil

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

Nil

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

Charmaine Solomon declared an Impartiality Interest in item 9.3.1 Proposed House in Local Reserve for 'Recreation and Open Space'. The nature of the interest is that the applicant is her Brother-in-Law.

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

MOTION: OCM190601

MOVED: Cr Iffla

SECONDED: Cr Price

That Cr Rex Parsons be granted Leave of Absence from the Ordinary Council Meetings held on 17 July 2019 and 21 August 2019.

CARRIED: 6/0

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

Nil

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting held 15 May 2019.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held at the Council Chambers, 8 Vasey Street, Jerramungup, on 15 May 2019 be CONFIRMED

Special Council Meeting held 29 April 2019.

That the Minutes of the Special Council Meeting of the Shire of Jerramungup held at the Emergency Services Shed, Bremer Bay, on 29 April 2019 be CONFIRMED

CEO Review Committee Meeting held 27 March 2019.

That the Minutes of the CEO Review Committee Meeting held at the Council Chambers, 8 Vasey Street, Jerramungup, on 27 March 2019 be CONFIRMED

CEO Review Committee Meeting held 17 April 2019.

That the Minutes of the CEO Review Committee Meeting held at the Emergency Services Shed, Bremer Bay, on 17 April 2019 be CONFIRMED

Bush Fire Advisory Committee Meeting held 15 April 2019.

That the Minutes of the Bush Fire Advisory Committee Meeting held at the Council Chambers, 8 Vasey Street, Jerramungup, on 15 April 2019 be CONFIRMED

Bremer Bay Community Development Committee Meeting held 5 June 2019.

That the Minutes of the Bremer Bay Community Development Committee Meeting held at the Town Hall, Bremer Bay, on 5 June 2019 be CONFIRMED

Local Emergency Management Committee held 10 June 2019

That the Minutes of the Local Emergency Management Committee Meeting held at the Council Chambers, 8 Vasey Street, Jerramungup, on 10 June 2019 be CONFIRMED.

MOTION: OCM190602

MOVED: Cr Bailey

SECONDED: Cr Iffla

That Council CONFIRMS;

- 1. That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held at the Council Chambers, 8 Vasey Street, Jerramungup, on 15 May 2019 be CONFIRMED**
- 2. That the Minutes of the Special Council Meeting of the Shire of Jerramungup held at the Emergency Services Shed, Bremer Bay, on 29 April 2019 be CONFIRMED**
- 3. That the Minutes of the CEO Review Committee Meeting held at the Council Chambers, 8 Vasey Street, Jerramungup, on 27 March 2019 be CONFIRMED**
- 4. That the Minutes of the CEO Review Committee Meeting held at the Emergency Services Shed, Bremer Bay, on 17 April 2019 be CONFIRMED**
- 5. That the Minutes of the Bush Fire Advisory Committee Meeting held at the Council Chambers, 8 Vasey Street, Jerramungup, on 15 April 2019 be CONFIRMED**
- 6. That the Minutes of the Bremer Bay Community Development Committee Meeting held at the Town Hall, Bremer Bay, on 5 June 2019 be CONFIRMED**
- 7. That the Minutes of the Local Emergency Management Committee Meeting held at the Council Chambers, 8 Vasey Street, Jerramungup, on 10 June 2019 be CONFIRMED.**

CARRIED: 6/0

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Adopt the following recommendations from the Bush Fire Advisory Committee meeting held 15 April 2019:

- 1. That the following appointments for the Shire of Jerramungup be gazetted;**

ELECTION OF OFFICE BEARERS

Chief Bush Fire Control Officer

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

Deputy Chief Bush Fire Control Officers

Mr Alex Jones and Mr Paul Hislop were declared elected to the positions of Deputy Chief Bush Fire Control Officer.

Chief Fire Weather Officer

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

Deputy Chief Fire Weather Officers

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

Brigade Fire Weather Officers

| | |
|------------------|-------------------|
| Boxwood Hill BFB | Mr Anthony Thomas |
| Bremer Bay VFES | Mr Wes Thomas |
| Gairdner BFB | Mr Brad Shelton |
| Jacup BFB | Mr Mick Lester |
| Jerramungup VFES | Mr Paul Hislop |
| Needilup BFB | Mr Clint Pocock |

Fire Control Officers for 2019/20 Season

To be confirm after Brigade AGM's

Dual Fire Control Officers

| | |
|--------------------------|--------------------|
| Jerramungup/Ravensthorpe | Mr Peter Wisewould |
| Jerramungup/Kent | Mr Clint Pocock |
| Jerramungup/Lake Grace | Mr Paul Hislop |
| Jerramungup/Gnowangerup | Mr Nathan Brown |
| Jerramungup/Albany | Mr Stuart Hocking |

- The Jerramungup Bushfire Advisory Committee move to recommend landowners of 100ha or less are required to install driveway and turnarounds, per the state planning guidelines for heavy vehicles i.e. fire trucks by September 2020.**
- The Jerramungup Bushfire Advisory Committee move to set the following Restricted and Prohibited Burning Times for the 2019/20 Bushfire Season:**

| Zones 1, 2, 3, 4 – Shire of Jerramungup | | Zone 5 – Pt Henry Peninsula | |
|---|-------------------------|-----------------------------|-------------------------|
| Restricted | 1 Oct 19 – 31 Oct 2019 | Restricted | 1 Sept 19 – 31 Oct 2019 |
| Prohibited | 1 Nov 19 – 9 Feb 2020 | Prohibited | 1 Nov 19 – 9 Feb 2020 |
| Restricted | 10 Feb 20 – 28 Apr 2020 | Restricted | 10 Feb 20 – 31 May 2020 |

MOTION: OCM190603

MOVED: Cr Leenhouders

SECONDED: Cr Bailey

That Council CONFIRMS;

- That the following appointments for the Shire of Jerramungup be gazetted;**
- The Jerramungup Bushfire Advisory Committee move to recommend landowners of 100ha or less are required to install driveway and turnarounds, per the state planning guidelines for heavy vehicles i.e. fire trucks by September 2020.**
- The Jerramungup Bushfire Advisory Committee move to set the following Restricted and Prohibited Burning Times for the 2019/20 Bushfire Season:**

CARRIED: 6/0

9.0 REPORTS

9.1 TECHNICAL SERVICES

9.1.1 WORKS REPORT FOR MAY 2019

| | |
|------------------------------------|--|
| 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 June 2019 |
| Attachments: | Road Construction Program Schedule |
| Authority/Discretion: | Information |

SUMMARY:

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

BACKGROUND:

Road Construction

Due to the very dry conditions and lack of available water from farm dams, the Construction crew have not been able to undertake the pavement rehabilitation works on two of our construction projects. These projects, Dillon Bay and Cowalellup Roads have been deferred until next financial year when hopefully, there is adequate water available from dams to undertake these works.

The outstanding works on Meechi Road involve cutting 2 metres off the top of the hill and filling 1.5 metres over the culvert which will recommence when weather conditions are more favourable.

As a result of the dry conditions, the crew have been undertaking maintenance works which include gravel sheeting clay sections on bus routes to improve the skid resistance, patching pavement failures and culvert upgrades.

Attached is the year to date 2018/2019 construction program.

Town Services

The recent rains have helped rejuvenate the lawns and established native gardens within both town sites that were struggling as a result of the dry spell. Unfortunately, with the rain comes the onset of weeds so the annual spray program has commenced on the most affected roads.

The Great Southern Technical and Further Education (TAFE) campus have now propagated in excess of 12,000 native plants from seeds collected within work areas and these will be planted at rehabilitation sites by Cert III and IV students as part of their Cert III CLM training. TAFE may even exceed having 20,000 native seedlings propagated by the time the rehabilitation works commence later this year. This type of exposure to real time works has been invaluable training to these students undertaking their Cert III and Cert IV CLM units.

Road Maintenance

I am pleased to welcome Tania Price to our works team who will be working predominantly in road maintenance and with the construction crew as required. Tania joins us from the private sector with a wealth of experience in the operation of construction equipment and will be a great asset to the works crew.

Conditions are still very dry for maintenance grading so the crew are still focussing on maintaining not only the running surface, but also offshoot drains, back-slopes, the inside of curves and sight lines at intersections to improve driving conditions for the road user.

Some gravel patching has been undertaken to rectify failures in the road pavement and all road users are urged to drive accordingly given the ever changing conditions.

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 2018/2019 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 May 2019.

MOTION: OCM190604

MOVED: Cr Parsons

SECONDED: Cr Price

That Council RECEIVE the works report for May 2019.

CARRIED: 6/0

9.2 CORPORATE SERVICES**9.2.1 ACCOUNTS FOR PAYMENT – MAY 2019**

| | |
|------------------------------------|---|
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| Author: | Sarah Van Elden, Finance Officer |
| Responsible Officer: | Charmaine Solomon, Deputy Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 7 June 2019 |
| Attachments: | a. List of Accounts Paid to 31 May 2019 b. Credit Card Statement 27 April 2019 – 27 May 2019 |
| 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 May 2019.

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 2018-19 Annual Budget as adopted by Council at its meeting held 23 July 2018 (Minute No. SC180701 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 May 2019. Lists detailing the payments made are appended as an attachment.

| FUND | VOUCHERS | AMOUNTS |
|--------------------------------|-----------------|---------------------|
| Municipal Account | | |
| Last Cheque Used | 28170 | |
| EFT Payments | 15986 – 16027 | \$117,978.32 |
| EFT Payments | 16029 – 16096 | \$290,471.15 |
| Direct Deposits | | \$35,781.82 |
| Municipal Account Total | | \$444,231.29 |
| Trust Account | | |
| EFT Payments | 16028 | \$9,000.00 |
| Trust Account Total | | \$9,000.00 |
| Grand Total | | \$453,231.29 |

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 – Purchasing

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 May 2019 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 27 April 2019 – 27 May 2019 as detailed in attachment 9.2.1(b).

MOTION: OCM190605**MOVED: Cr Bailey****SECONDED: Cr Iffla**

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 May 2019 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 27 April 2019 – 27 May 2019 as detailed in attachment 9.2.1(b).

CARRIED: 6/0

Craig Pursey left the meeting at 2:31pm

9.2.2 MONTHLY FINANCIAL REPORT – MAY 2019

| | |
|------------------------------------|--|
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | |
| Author: | Tamara Pike, Senior Finance Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 8 June 2019 |
| Attachments: | Monthly Financial Report for the period ending 31 May 2019 |
| Authority/Discretion: | Information |

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 May 2019 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 30 April 2019.

BACKGROUND:

At its meeting held 23 July 2018 (Minute No. SC180701 refers), Council adopted the annual budget for the 2018-19 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 May 2019 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 of 23 July 2018, the Council adopted (Minute No. SC180701 part 1.6 refers) the following material variance reporting threshold for the 2018-19 financial year:

1.6 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 2018/2019 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 May 2019 has been incurred in accordance with the 2018-19 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 – Purchasing

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 May 2019 in accordance with section 6.4 of the *Local Government Act 1995*.

MOTION: OCM190606

MOVED: Cr Bailey

SECONDED: Cr Leenhouders

That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 May 2019 in accordance with section 6.4 of the *Local Government Act 1995*.

CARRIED: 6/0

Murray Flett left the meeting at 2:32pm

Craig Pursey returned to the meeting at 2:32pm

Murray Flett returned to the meeting at 2:34pm

9.2.3 2019/2020 PROPOSED FEES AND CHARGES

| | |
|------------------------------------|---|
| 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: | 11 June 2019 |
| Attachments: | 2019/2020 Proposed Fees and Charges |
| Authority/Discretion: | Executive |

SUMMARY:

This item addresses setting Council's fees and charges for the 2019/2020 financial year. The proposed fees and charges are provided as an attachment and the recommendation seeks to adopt the fees and charges for advertising.

BACKGROUND:

In preparation for the 2019/2020 budget period the attached proposed fees and charges are submitted for Council adoption. By adopting the fees and charges prior to the budget any applicable advertising can be undertaken and the new charges can be incorporated into the draft budget workings.

The attachment provides a listing of Council's fees and charges and comparatives to the current financial year. Items highlighted in yellow have been proposed to be added, increased or amended to the schedule.

Council's fees and charges contain clauses that allow fees set by external bodies to override those advertised and published by Council.

CONSULTATION:

Executive Management and Staff

Fees and Charges as set by external statutory bodies.

COMMENT:

The 2019/2020 schedule of fees and charges has been formulated using the 2018/2019 year as a basis and incorporating new charges, CPI increases and input from external statutory bodies that Council collects fees on behalf of.

When the annual budget agenda report is presented in July, Council will still set additional fees and charges for rates for rural and townsite properties.

STATUTORY ENVIRONMENT:***Local Government Act 1995******Subdivision 2 — Fees and charges******6.16. Imposition of fees and charges***

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

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

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

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

- (c) subject to section 5.94, providing information from local government records;*
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
- (e) supplying goods;*
- (f) such other service as may be prescribed.*

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

- (a) imposed* during a financial year; and*
- (b) amended* from time to time during a financial year. * Absolute majority required.*

6.17. Setting the level of fees and charges

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors

- (a) the cost to the local government of providing the service or goods;*
- (b) the importance of the service or goods to the community; and*
- (c) the price at which the service or goods could be provided by an alternative provider.*

(2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

(3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —

- (a) under section 5.96;*
- (b) under section 6.16(2)(d); or*
- (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*

(4) Regulations may —

- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or*
- (b) limit the amount of a fee or charge in prescribed circumstances.*

6.18. Effect of other written laws

(1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —

- (a) determine an amount that is inconsistent with the amount determined under the other written law; or*
- (b) charge a fee or charge in addition to the amount determined by or under the other written law.*

(2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of-

- (a) its intention to do so; and*

(b) the date from which it is proposed the fees or charges will be imposed.

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.

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

FINANCIAL IMPLICATIONS:

Fees and charges make up approximately \$824,000 of annual income.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Significant Accounting Policies as detailed within the Monthly Financial Report.

VOTING REQUIREMENT:

Absolute majority.

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY, adopt the attached schedule of fees and charges for the 2019/2020 financial year effective as of 1 July 2019.

MOTION: OCM190607

MOVED: Cr Price

SECONDED: Cr Leenhouders

That Council, BY AN ABSOLUTE MAJORITY, adopt the attached schedule of fees and charges for the 2019/2020 financial year effective as of 1 July 2019.

CARRIED: 6/0 BY AN ABSOLUTE MAJORITY

Charmaine Solomon declared an Impartial Interest in item 9.3.1. Due to the nature of this interest and being unable to vote Charmaine Solomon remained in the meeting.

9.3 DEVELOPMENT SERVICES

9.3.1 PROPOSED HOUSE IN LOCAL RESERVE FOR 'RECREATION AND OPEN SPACE'

| | |
|------------------------------------|---|
| Location/Address: | Lot 2015 South Coast Highway, Jerramungup |
| Name of Applicant: | Andrew Solomon-Maere |
| File Reference: | A1605908 |
| Author: | Craig Pursey, Manager of Development |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 6 June 2019 |
| Attachments: | Proposed House Plans |
| Authority/Discretion: | Administrative |

SUMMARY:

Council has received a planning application for a single house at Lot 2015 South Coast Highway, Jerramungup.

Lot 2015 South Coast Highway is freehold land but is 'zoned' as a local reserve for 'Recreation and Open Space' by Local Planning Scheme No.2. This report recommends approving the application.

BACKGROUND:

Lot 2015 South Coast Highway, Jerramungup is 14km east of the Jerramungup townsite. Lot 2015 is 34.4ha in area and largely cleared and cropped. An intermittent waterway runs east-west through the top third of the property that is surrounded by remnant vegetation.



Lot 2015 South Coast Highway, Jerramungup

Lot 2015 fronts South Coast Highway and is surrounded its eastern and southern sides by Unallocated Crown Land and an unnamed road reserve in a vegetated state.

Zoning

Lot 2015 is reserved for 'Recreation and Open Space' under the Shire's Local Planning Scheme No.2 (the Scheme), the same as the land immediately surrounding Lot 2015 and southward through to Fitzgerald River National Park.

Usually privately owned land is reserved by the Scheme because the Shire wants to secure the land for the reserve purpose. Compensation to the landowners is also implied by this reservation.

The Scheme also requires all development in a scheme reserve to have planning approval. Delegated authority is only extended to officers if the proposed land use is consistent with the reserve purpose.

Therefore, when a development application for privately owned, Scheme reserved land is received, the Scheme requires that Council is to have 'due regard' to the reserve purpose when deciding an application and therefore has three options:

1. Refuse the proposal based on the Recreation reservation under the Scheme (this may give rise to compensation under the Planning and Development Act);
2. Purchase the reserved land from the landowner; or
3. Approve the application.

CONSULTATION:

None required.

COMMENT:

Proposal

Council has received a very basic application for a single storey house with access from South Coast Highway is proposed. The intention of the planning application is to seek planning approval from Council as a condition of purchase.

A copy of the application is attached to this report.

Assessment

Of note is that if the proposed house had been on land zoned 'Rural' then no planning approval would be required. What is being considered is the implication of the Scheme reservation on the lot.

Reservation

The land is privately owned but reserved for Recreation and Open Space under the Scheme. The Scheme requires that all development on land reserved under the Scheme gain planning approval. In assessing an application on reserved land the Scheme requires the Council to have 'due regard' for the reserve purpose and the general 'matters to be considered' at clause 10.2.

In this case there seems little advantage in Council acquiring the site for addition to the reserve network. There would be the upfront cost plus the ongoing management costs with little advantage to the community.

It is recommended that the house be conditionally approved.

STATUTORY ENVIRONMENT:

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

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 IMPLICATIONS:

Should Council choose to refuse the planning application then there is the possibility of a claim for injurious affection under the *Planning and Development Act 2005*.

WORKFORCE IMPLICATIONS:

None for Council

POLICY IMPLICATIONS:

There are no policy implications for Council.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

THAT Council approve the application for a single house Lot 2015 South Coast Highway, Jerramungup (Ref 19-017) 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) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.
- (c) The new crossover/s being constructed to the Shire's specifications and satisfaction. A permit from Main Roads WA may be required prior to any work being carried out within the road reserve.
- (d) The driveway is to be maintained at a trafficable standard at all times. The driveway is to have a minimum trafficable surface of 4m, horizontal clearance of 6m and vertical clearance of 5m.
- (e) An Asset Protection Zone being cleared and maintained around the dwelling consisting of a parkland cleared area a minimum of 50m in width and shall increase by 1m in width for every degree of incline.

MOTION: OCM190608**MOVED: Cr Leenhouders****SECONDED: Cr Bailey**

THAT Council approve the application for a single house Lot 2015 South Coast Highway, Jerramungup (Ref 19-017) 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) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.**
- (c) The new crossover/s being constructed to the Shire's specifications and satisfaction. A permit from Main Roads WA may be required prior to any work being carried out within the road reserve.**
- (d) The driveway is to be maintained at a trafficable standard at all times. The driveway is to have a minimum trafficable surface of 4m, horizontal clearance of 6m and vertical clearance of 5m.**
- (e) An Asset Protection Zone being cleared and maintained around the dwelling consisting of a parkland cleared area a minimum of 50m in width and shall increase by 1m in width for every degree of incline.**

CARRIED: 6/0

9.3.2 REVIEW OF LOCAL PLANNING POLICY 18 – POINT HENRY FIRE MANAGEMENT

| | |
|------------------------------------|---|
| Location/Address: | Point Henry Rural Residential zones |
| Name of Applicant: | N/A |
| File Reference: | LU.PL.8 |
| Author: | Craig Pursey, Manager of Development |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 10 June 2019 |
| Attachments: | <ul style="list-style-type: none"> a. Schedule of Submissions b. Draft, revised Local Planning Policy 18 c. Visual guide for vegetation types in the Shire of Jerramungup as they relate to AS3959 d. Internal Procedure - Standard for assessing Fire Control Information Notice variations as it concerns clause 3 – “Rural Residential Zone – Specific to Point Henry Peninsula e. Draft Information Pack for ‘Developing in Point Henry’ |
| Authority/Discretion: | Legislative |

SUMMARY:

Review of Local Planning Policy 18 – Point Henry Fire Management Statement was initiated by Council in November 2016 following the state-wide adoption of State Planning Policy 3.7 ‘Planning in Bushfire Prone Areas’ and associated Guidelines and the Shire’s adoption of a Bushfire Risk Mitigation Plan (BRMP).

Council resolved to advertise a revised policy seeking public comment and to draft various associated supporting documents.

The draft revised policy was advertised for public comment and 11 submissions were received.

This report recommends adopting a revised LPP18 and associated documents.

BACKGROUND:

The Shire has completed a considerable number of improvements to managing the threat of bushfire to Point Henry particularly since fire threatened Bremer Bay in December 2012.

A Fire Management Strategy was prepared and adopted by Council as Local Planning Policy 18 – Point Henry Fire Management Strategy (LPP18) to guide the Shire’s improvements to the bushfire mitigation activities in this area.

Following this, the state government formally released State Planning Policy 3.7 ‘Planning in Bushfire Prone Areas’ (SPP3.7) and associated Guidelines in December 2015, this has subsequently been amended a number of times.

The Shire was then fortunate to receive state government support to prepare a Shire-wide Bushfire Risk Mitigation Plan (BRMP).

Council considered past and proposed fire management measures and a draft, revised Local Planning Policy (LPP) in Point Henry in light of the adoption of State Planning Policy 3.7 ‘Planning in Bushfire Prone Areas’ (SPP3.7) and associated Guidelines and the Shire’s Bushfire Risk Mitigation Plan (BRMP) in November 2016.

At their meeting held in November 2016 Council resolved as follows:

“THAT Council,

- 1. Amend Local Planning Policy No.18 - Point Henry Fire Management Strategy in accordance with the recommendations at Attachment B and as per the draft policy at Attachment C of this report.*

2. *Advertise the amended Local Planning Policy in accordance with Clause 5 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 by writing to all landowners on Point Henry and publishing a notice of the amended policy once a week for two consecutive weeks in a newspaper circulating in the area, giving details of:

 - i. *Where the draft policy may be inspected;*
 - ii. *The subject and nature of the Policy; and*
 - iii. *Inviting written submissions and nominating the advertising period (not less than 42 days).**
3. *Following advertising, a further report be referred to Council to consider any submissions lodged during the advertising period and to consider whether to finally adopt the amended Local Planning Policy (with or without modifications);”*
4. *An information pack be prepared summarising all development requirements including the new fire requirements for developing in Point Henry;*
5. *Prepare a standard for assessing variations to the Fire Control Information Notice as it concerns clause 3 – “Rural Residential Zone – Specific to Point Henry Peninsula”;*
6. *Prepare and adopt a specification for roadside slashing that slashes around green domes, avoids areas of Kwongkan Shrubland where practical and addresses weed infestations appropriately;*
7. *Consider linking the two portions of Wellstead Road through to a trafficable standard;*
8. *Prepare a Vegetation Management Plan for Point Henry that maps the vegetation communities and provides recommendations on weed control and fire management measures for specific vegetation communities with a view to retaining their ecological values over time.*
9. *Provide recommendations for reducing fuel levels on the ‘Balance of Title’ for private landowners that responds to specific vegetation communities, topography, soil types, resources available and property size.*
10. *Prepare a visual guide for vegetation types in the Shire of Jerramungup as they relate to AS3959;*
11. *The Council consider preparing an Asset Plan updated annually that documents all development with the status of the fire management elements available at each property.*

The original Local Planning Policy (LPP) was quite broad in its application as it had to cover much of the ground that SP3.7 and the BRMP have subsequently addressed. The revised, draft LPP sought to simply apply SPP3.7 and associated Guidelines as they apply to development applications and apply minor variations to these documents recognising the specific local conditions that apply being:

- Extensive presence of Kwongkan Shrubland, a federally listed Threatened Ecological Community (TEC);
- The single road in and out of Point Henry that gives rise to a need to apply a more conservative approach to the assessment of development applications;
- The specific topographical and vegetation communities present on Point Henry;
- High levels of absentee landownership; and
- The locality being part of the UNESCO listed ‘Man in the Biosphere’ program – Fitzgerald Biosphere.

CONSULTATION:

The revised, draft Local Planning Policy and a proposal to ‘de-commission’ a number of strategic fire breaks was advertised from the 2 December 2016 to 3 February 2017 by:

- Letters to all landowners in Point Henry, relevant government agencies and bushfire professionals operating in the Great Southern; and
- Advertising in the Bremer Bulletin, Jerry Journal and on public notice boards.

During this time 11 formal submissions were received, these are summarised and responded to in the Summary of Submissions found at Attachment A of this report. A number of changes to the draft LPP are recommended as a result of the submissions.

A full copy of each submission is available on request.

COMMENT:

The proposal to revise strategic breaks was resolved with the adoption of the BRMP which retained all strategic breaks but recognised that there was a distinction between those breaks that were trafficable and those that are low fuel areas only.

The previous resolution of Council has been addressed in the following manner:

| Council resolution | Action |
|--|---|
| <i>Amend Local Planning Policy No.18 - Point Henry Fire Management Strategy in accordance with the recommendations at Attachment B and advertise for public comment.</i> | See remainder of the comments section of this report for details. |
| <i>An information pack be prepared summarising all development requirements including the new fire requirements for developing in Point Henry</i> | Staff have been using a draft for many years, a final, updated version is found at Attachment E of this report |
| <i>Prepare a standard for assessing variations to the Fire Control Information Notice as it concerns clause 3 – “Rural Residential Zone – Specific to Point Henry Peninsula”</i> | <p>The Fire Control Information Notice (FCIN) has retrospectively required landowners to put in place a compliant driveway, turnaround and dedicated water for fire-fighting. Applications to vary these requirements has been assessed on a case by case basis. This year’s requirement is a compliant Asset Protection Zone (APZ) of 20m around habitable buildings.</p> <p>Due to the variations in topography, nature of existing development, need for privacy and presence of Kwongkan Shrubland it is anticipated that there will be more applications to vary this standard than previous FCIN requirements.</p> <p>An internal procedure has been drafted to guide staff in making decisions when considering variations to this requirement is found at Attachment D of this report and includes reducing the APZ to a BAL-29 standard and/or the preparation of a Bushfire Management Plan by an accredited bushfire professional.</p> |
| <i>Prepare and adopt a specification for roadside slashing that slashes around green domes, avoids areas of Kwongkan Shrubland where practical and addresses weed infestations appropriately</i> | <p>Darren Prior at DFES is currently working on mitigation standards to apply across the Great Southern.</p> <p>Information regarding how best to deal with Kwongkan Shrubland and recognised weeds should be forwarded to Darren to inform this process.</p> |

| | |
|---|---|
| <p><i>Consider linking the two portions of Wellstead Road through to a trafficable standard</i></p> | <p>Discussions have been held with Western Power to move an existing power pole stay that would allow for the efficient linking of these two portions of road at some time in the future. The Shire is still awaiting further advice from Western Power on this matter.</p> <p>Discussions have also been held with Pat Wellstead and Max Wellstead who are both in agreement with the proposed link.</p> |
| <p><i>Prepare a Vegetation Management Plan for Point Henry that maps the vegetation communities and provides recommendations on weed control and fire management measures for specific vegetation communities with a view to retaining their ecological values over time.</i></p> | <p>The report “Bremer Bay Point Henry Vegetation Mapping and Management Project” prepared for the Shire by Nathan McQuoid and Gary McMahon was formally received by Council in March 2017.</p> <p>It will be made readily available on the Shire’s website shortly, has been used to inform further Public Open Space management, included in recommendations when staff have prepared BAL Assessments and incorporated into the ‘Point Henry Development’ Information pack.</p> |
| <p><i>Provide recommendations for reducing fuel levels on the ‘Balance of Title’ for private landowners that responds to specific vegetation communities, topography, soil types, resources available and property size.</i></p> | <p>Appendix 8 of the <i>Bremer Bay Point Henry Vegetation Mapping and Management Project</i> is a Vegetation Management Guide that provides best practice methodology for landowners to reduce the fire hazard and retain biodiversity in each vegetation community present on their property.</p> <p>This will be widely distributed as part of planning advice on Point Henry.</p> |
| <p><i>Prepare a visual guide for vegetation types in the Shire of Jerramungup as they relate to AS3959</i></p> | <p>Bio-Diverse Solutions have prepared a basic Visual Guide for interpreting the usual vegetation types present in and around Bremer Bay and Jerramungup against AS3959 – <i>Construction of Buildings in Bushfire Prone Areas</i>.</p> <p>This may be used around the town sites and will have some use when considering vegetation communities in Point Henry. The Vegetation Management Guide referenced above also makes recommendations for how best to interpret each vegetation community against AS3959.</p> <p>A copy of the Visual Guide is found at Attachment C.</p> |
| <p><i>The Council consider preparing an Asset Plan updated annually that documents all development with the status of the fire management elements available at each property</i></p> | <p>The Asset Management Plan will be in two parts.</p> <p>The BRMP has already mapped the various major assets across the Shire, these are mostly in public spaces (although the strategic break network in Point Henry has been included) and have been communicated to the local bushfire brigade.</p> <p>A separate record of what assets are available at each private land holding is being kept by staff. This is in an excel spreadsheet, with links to photos taken at each property. After this year’s FCIN inspections this should be up to date and able to be shared with the local volunteers. <i>N.B. There is the ability to represent this on a map using a GIS program at some time in the future.</i></p> |

On review of the submissions the revised, draft Local Planning Policy (LPP) is still too wordy, overly complex and includes too many measures not related to new development. That is, the original LPP sought to implement the many recommendations of the Point Henry Fire Management Strategy 2014, which included non-development issues and the revised version adopted in November 2016 still reflects this approach too strongly.

It is recommended to simplify the LPP to include only the following development related matters:

- Formally recognise and adopt SPP3.7 and associated Guidelines (bushfire planning framework) as the policy that applies to new development proposals;
- Vary this bushfire planning framework to acknowledge the local factors that affect new development in Point Henry; and
- Reference all other fire management measures in the background section of the policy in order to give some context for the LPP and clarify each fire management measure's role in the whole of Shire response to this matter.

STATUTORY ENVIRONMENT:

Fire management

The Department of Planning have prepared a suite of information sheets, the sheet '*Information for Local Governments*' summarises the statutory situation as follows:

Areas within Western Australia have now been designated as bushfire prone by the FES Commissioner. This order was gazetted in tandem with the Planning and Development (Local Planning Scheme) Amendment Regulations 2015 and new State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7) which together form the State Government's bushfire planning reforms.

The Map of Bush Fire Prone Areas identify the parts of the State that are designated as bushfire prone and come into effect on 8 December 2015.

The Planning and Development (Local Planning Scheme) Amendment Regulations 2015 (LPS Amendment Regulations 2015) introduce deemed provisions relating to bushfire at Part 10A and came into effect on 8 December 2015. Due to the transitional arrangements provided by the LPS Amendment Regulations 2015, some provisions will not become operational until 8 April 2016.

SPP 3.7 and the Guidelines for Planning in Bushfire Prone Areas were released and took effect on the 7 December 2015. SPP 3.7 provides the foundation for land use planning decisions in designated bushfire prone areas and local governments need to give due regard to the policy provisions.

Section 4.5.3 of the Guidelines for Planning in Bushfire Prone Areas allows for local or regional variations to bushfire criteria which must be endorsed by the WAPC and DFES.

The Deemed Provisions of the Planning and Development Regulations 2015 require Council to have due regard for specifically listed planning matters that include:

- c) any approved State planning policy;
- f) any policy of the Commission.

The requirements of State Planning Policy 3.7 and the associated Guidelines are therefore called up and apply to all development in this zone.

Policies

Local Planning Policy procedure is now addressed by the 'Deemed Provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Clause 5 of the Deemed Provisions establishes the procedure of amending local planning policies. It requires an amended policy to be advertised for 21 days.

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

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026:

Aspiration 1.2 – Environmental Planning and Restoration: To facilitate community programs and initiatives that deliver best practice environmental planning, management and mitigate the impacts of climate change.

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

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

FINANCIAL/BUDGET IMPLICATIONS:

In regard to development applications and the role of the Local Planning Policy discussed in this report there are little additional costs for Council. There will be additional costs in applying the roadside slashing specifications into the future, however mitigation methods cannot be applied in isolation from other considerations such as the spread of weeds, impact upon federally listed TEC and privacy for individual long term landowners.

WORKFORCE IMPLICATIONS:

It is beneficial, but not essential, for the Shire planning staff to have experience and accreditation in BAL Assessments and the application of fire management principles in assessing development applications. Additional training may become necessary from time to time.

POLICY IMPLICATIONS:

As described in this report.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

THAT Council,

- 1. Amend Local Planning Policy No.18 – Point Henry Fire Management Strategy as per the draft policy at Attachment B and in accordance with the recommendations of the Schedule of Submissions at Attachment A of this report.**
- 2. Publish a public notice in an official newspaper circulating in the area to notify the public that Council has adopted a revised Local Planning Policy No 18 (in accordance with Schedule 2, Part 2 (4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 3. Refer the final version of Local Planning Policy 18 to the Western Australian Planning Commission and the Department of Fire and Emergency Services under clause 4.5.3 of the Guidelines for Planning in Bushfire Prone Areas for approval of the proposed ‘local variations’.**
- 4. Receive the Visual Guide for vegetation types in the Shire of Jerramungup as they relate to AS3959 found at Attachment C of this report.**
- 5. Note the internal procedure establishing the standard for assessing variations to the Fire Control Information Notice as it concerns clause 3 – “Rural Residential Zone – Specific to Point Henry Peninsula” as found at Attachment D of this report.**
- 6. Receive the ‘Point Henry Development’ information pack found at Attachment E of this report.**
- 7. Forward advice to the DFES Great Southern Regional Office requesting that mitigation standards currently being prepared include reference to applying best practice management techniques when managing recognized weeds and Kwongkan Shrubland, as described in the document “Bremer Bay Point Henry Vegetation Mapping and Management Project”.**

MOTION: OCM190609**MOVED: Cr Bailey****SECONDED: Cr Parsons****THAT Council,**

- 1. Amend Local Planning Policy No.18 – Point Henry Fire Management Strategy as per the draft policy at Attachment B and in accordance with the recommendations of the Schedule of Submissions at Attachment A of this report.**
- 1. Publish a public notice in an official newspaper circulating in the area to notify the public that Council has adopted a revised Local Planning Policy No 18 (in accordance with Schedule 2, Part 2 (4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 2. Refer the final version of Local Planning Policy 18 to the Western Australian Planning Commission and the Department of Fire and Emergency Services under clause 4.5.3 of the Guidelines for Planning in Bushfire Prone Areas for approval of the proposed ‘local variations’.**
- 3. Receive the Visual Guide for vegetation types in the Shire of Jerramungup as they relate to AS3959 found at Attachment C of this report.**
- 4. Note the internal procedure establishing the standard for assessing variations to the Fire Control Information Notice as it concerns clause 3 – “Rural Residential Zone – Specific to Point Henry Peninsula” as found at Attachment D of this report.**
- 5. Receive the ‘Point Henry Development’ information pack found at Attachment E of this report.**
- 6. Forward advice to the DFES Great Southern Regional Office requesting that mitigation standards currently being prepared include reference to applying best practice management techniques when managing recognized weeds and Kwongkan Shrubland, as described in the document “Bremer Bay Point Henry Vegetation Mapping and Management Project”.**

CARRIED: 6/0

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN MAY 2019

| | |
|------------------------------------|--|
| 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: | 29 May 2019 |
| Attachments: | May 2019 Information Bulletin |
| Authority/Discretion: | Information |

SUMMARY:

To advise Council on the information items for May 2019 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 May 2019.

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 May 2019.

MOTION: OCM190610

MOVED: Cr Leenhouders

SECONDED: Cr Bailey

That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of May 2019

CARRIED: 6/0

9.4.2 2019 WA LOCAL GOVERNMENT CONVENTION AND APPOINTMENT OF VOTING DELEGATES

| | |
|------------------------------------|--|
| Location/Address: | Shire of Jerramungup |
| Name of Applicant: | Shire of Jerramungup |
| File Reference: | |
| Author: | Martin Cuthbert, Chief Executive Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 22 May 2019 |
| Attachments: | WALGA conference registration papers and program |
| Authority/Discretion: | Executive |

SUMMARY:

For Council to nominate which two members will be the voting delegates for this year's Annual General Meeting (AGM) of the WA Local Government Association (WALGA) to be held during the 2019 WA Local Government Convention.

BACKGROUND:

WALGA has advised that the 2019 WA Local Government Convention will be held at the Perth Convention and Exhibition Centre (PCEC) from Wednesday, 7 August to Friday, 9 August 2019.

WALGA's 2019 AGM will be held during the WA Local Government Convention in Perth. All member Councils are entitled to be represented by two voting delegates, being elected members or serving employees. Two proxy voting delegates are also required to be nominated.

Only registered delegates or proxies will be permitted to exercise voting entitlements on behalf of the Shire of Jerramungup.

CONSULTATION:

Nil

COMMENT:

The format of the 2019 Convention is as follows:

Tuesday, 6 August (Pre-Convention)

| | |
|------------------|--|
| 9.00am – 3.30pm | Local Government Forum: Engaging with Aboriginal Communities |
| 9.00am – 12.00pm | Workshop: Emergency Management: Before-During-After |
| 3.30pm – 5.30pm | Mayors and Presidents' Forum |
| 5.30pm – 7.00pm | Mayors and Presidents' Reception |

Wednesday, 7 August

| | |
|------------------|--|
| 7.30am – 8.45am | Breakfast with Hon David Templeman MLA |
| 9.00am – 11.00pm | State and Local Government Forum |
| 12.00pm – 1.15pm | Luncheon for 2019 WALGA Honours Recipients |
| 1.30pm – 5.00pm | Annual General Meeting |
| 5.00pm – 6.30pm | Convention Opening Welcome Reception |

Thursday, 8 August

| | |
|------------------|---|
| 7.00am – 8.30am | ALGWA (WA) AGM and Breakfast |
| 7.00am – 8.45am | Local Government Policy Awards: Children – Health – Environment |
| 9.00am – 5.00pm | Conference Sessions |
| 7.00pm – 11.00pm | Gala Dinner |

Friday, 9 August

| | |
|-----------------|---------------------------------------|
| 7.45am – 9.00am | Convention Breakfast with Rodney Eade |
| 9.15am – 4.00pm | Conference Sessions |

Entries in the 2019 #shoWcAse in Pixels Competition (formerly known as the “Banners in the Terrace” competition) will be displayed digitally on the 45-metre high tower at Yagan Square from Monday, 29 July to Sunday, 18 August 2019.

Themed Local Government: **RENEWAL PRACTICAL**, the program will take place against the backdrop of the development of the new Local Government Act for Western Australia, new legislation for local government that will enable the sector to reach its full potential and deal with the vast and diverse range of wants and needs of our communities. The presenters include Lord Sebastian Coe, President of the International Association of Athletics Federations (IAAF) and Olympic Gold Medalist as the Opening Keynote Speaker. Other speakers include Professor Roberta Ryan, Hugh Riminton, Dale Williams ONZM JP, Gary Adshead, Andy Dexterity and Rodney Eade. The concurrent sessions will discuss contemporary and sometimes controversial topics, while the overarching conference format provides opportunity to converse, debate, discuss and to share ideas in a welcoming and professional forum.

The WA Local Government Convention is an excellent opportunity for the Shire President, Elected Members and Chief Executive Officer to meet with Ministers, Government agencies and others, if required. It is also a good opportunity for Elected Members to attend training sessions prior to and after the convention.

STATUTORY ENVIRONMENT:

The Western Australian Local Government Association Constitution states that each Ordinary Member of the Association is entitled to be represented by two delegates at any Annual General Meeting or Special General 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:

There will be an allocation in the 2019/2020 budget for elected members to attend conferences.

WORKFORCE IMPLICATIONS:

Government Policies provide direction for all Shire of Jerramungup employees.

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 with respect to the 2019 WA Local Government Convention, Council:

- 1. APPOINT President Rob Lester and Deputy Shire President Jo Iffla to represent the Shire of Jerramungup as voting delegates at the Western Australian Local Government Association’s Annual General Meeting, to be held on Wednesday 7 August 2019; and**
- 2. APPOINT Councillor _____ and Councillor _____ as proxy voting delegates for the Western Australian Local Government Association’s Annual General Meeting, to be held on Wednesday 7 August 2019.**

MOTION: OCM190611

MOVED: Cr Leenhouders

SECONDED: Cr Bailey

- 1. APPOINT President Rob Lester and Deputy Shire President Jo Iffla to represent the Shire of Jerramungup as voting delegates at the Western Australian Local Government Association’s Annual General Meeting, to be held on Wednesday 7 August 2019.**

CARRIED: 6/0

Charmaine Solomon left the meeting at 2:56pm

9.4.3 DISABILITY ACCESS INCLUSION PLAN REVIEW

| | |
|------------------------------------|--|
| Location/Address: | Shire of Jerramungup |
| Name of Applicant: | Shire of Jerramungup |
| File Reference: | |
| Author: | Martin Cuthbert, Chief Executive Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 4 June 2019 |
| Attachments: | a. Current Disability Access and Inclusion Plan 2013-2018 b. Draft Disability Access and Inclusion Plan 2019-2024 |
| Authority/Discretion: | Legislative |

SUMMARY:

The purpose of this report is for Council to review the Disability Access and Inclusion Plan (DAIP) 2019-2024 in accordance with the *Disability Services Act 1993*.

BACKGROUND:

Under the *Disability Services Act 1993* (Act) local governments in Western Australia are required to develop, implement, and report on a Disability Access and Inclusion Plan. The purpose of a DAIP is to set out strategies that a local government will undertake to ensure that people with disability can access its services, and that the services provided will facilitate increased independence, opportunities and inclusion for people with disability in the community.

‘Disability’ is defined as any continuing condition that restricts everyday activities and can be attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of those impairments.

DAIPs contain strategies in 7 key outcome areas, which are established in the *Disability Services Regulations 2013* (Regulations). The 7 outcome areas are:

- Access to services and events;
- Access to buildings and other facilities;
- Access to information;
- Quality of service provided by the local government;
- Opportunity to make complaints;
- Opportunity to participate in public consultation; and
- Employment at the local government.

Under the Act, local governments are required to review and update their DAIP every 5 years. The draft DAIP 2019–2024 has been prepared to fulfil this requirement.

Once the DAIP has been adopted by Council, it will be forwarded to the Department of Communities – Disability Services for final endorsement. Implementation of the DAIP will be ongoing and guided by an internal implementation plan which allocates each strategy to a Shire team or teams that will be charged with overseeing and reporting on that strategy. It is important to note, however, that the success of the DAIP will require a whole of organisation approach, as many of the strategies have application across multiple service areas.

CONSULTATION:

Department of Communities – Disability Services, Internal Staff and local health professionals.

Further public consultation will occur by placing a notice on the Shire website, Facebook page, local papers and a newspaper circulating throughout the district.

COMMENT:

In accordance with section 28(7) of the *Disability Services Act 1993* a full review of the DAIP must occur at least every five years.

Disability Services Act 1993

28. *Disability access and inclusion plans*

(7) *Not more than 5 years is to elapse —*

- (a) *between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or*
- (b) *between the lodgement of the report of one review of a plan and the lodgement of the report of another review of the plan.*

Council officers have undertaken a full review of the Shire of Jerramungup Disability Access and Inclusion Plan 2013-2018 in consultation with the Department of Communities – Disability Services and have prepared a Draft document for 2019-2024 which is now required to be advertised seeking public submissions.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Disability Services Act 1993

Equal Opportunity Act 1984

Disability Discrimination Act 1992

Disability Services Act 1993

28. *Disability access and inclusion plans*

- (1) *Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.*
- (2) *A disability access and inclusion plan must meet any prescribed standards.*
- (3) *A public authority must lodge its disability access and inclusion plan with the Commission —*
 - (a) *if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;*
 - (b) *if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.*
- (4) *A public authority may amend its disability access and inclusion plan at any time.*
- (5) *A public authority may review its disability access and inclusion plan at any time.*
- (6) *After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).*
- (7) *Not more than 5 years is to elapse —*
 - (a) *between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or*
 - (b) *between the lodgement of the report of one review of a plan and the lodgement of the report of another review of the plan.*

- (8) *After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.*
- (9) *If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.*
- (10) *A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.*

Disability Services Regulation 2004

10. Procedure for public consultation by authorities (s. 28)

- (1) *For the purposes of section 28(10) of the Act, a public authority is to undertake consultation in relation to its disability access and inclusion plan by calling for submissions either generally or specifically –*
- (a) *by notice in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the Local Government Act 1995; and*
- (b) *on any website maintained by or on behalf of the public authority.*
- (2) *Nothing in sub regulation (1) prevents a public authority from also undertaking any other consultation.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026; Aspiration 2.3 – Health and Happy Community: To promote and deliver programs, initiatives and infrastructure that contribute to a healthier, happier community.

Objectives:

2.3.7 – Implementation of Access and Inclusion Plan.

FINANCIAL/BUDGET IMPLICATIONS:

The implementation of the DAIP is integrated into the Shire’s annual programs and services through operating procedures, plans and budgets.

WORKFORCE IMPLICATIONS:

The DAIP provides direction for all Shire of Jerramungup employees.

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:

- 1. ENDORSES the Draft Shire of Jerramungup Disability Access Inclusion Plan 2019-2024 as presented and attached to this Agenda; and**
- 2. ADVERTISE the Draft Disability Access Inclusion Plan 2019-2024 for a period of four weeks and consider any submissions received.**

MOTION: OCM190612

MOVED: Cr Parsons

SECONDED: Cr Price

That Council:

- 1. ENDORSES the Draft Shire of Jerramungup Disability Access Inclusion Plan 2019-2024 as presented and attached to this Agenda; and**
- 2. ADVERTISE the Draft Disability Access Inclusion Plan 2019-2024 for a period of four weeks and consider any submissions received.**

CARRIED: 6/0

Charmaine Solomon returned to the meeting at 2:58pm

9.4.4 CODE OF CONDUCT REVIEW

| | |
|------------------------------------|--|
| Location/Address: | Shire of Jerramungup |
| Name of Applicant: | Shire of Jerramungup |
| File Reference: | |
| Author: | Martin Cuthbert, Chief Executive Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 4 June 2019 |
| Attachments: | a. Current Code of Conduct b. Draft Code of Conduct |
| Authority/Discretion: | Legislative |

SUMMARY:

The purpose of this report is for Council to consider for approval the Draft Code of Conduct that has been updated as detailed in this report.

BACKGROUND:

The current Code of Conduct was adopted by Council in May 2014 and subsequently reviewed in May 2017. The Code of Conduct has been reviewed against the WALGA Model Code of Conduct with some minor changes required.

The Code of Conduct provides Council Members, Committee Members and employees of the Shire of Jerramungup with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability.

The Code is complementary to the principles adopted in the *Local Government Act 1995* and regulations which incorporates four fundamental aims to result in;

- a) Better decision-making by local government;
- b) Greater community participation in the decisions and affairs of local government;
- c) Greater accountability of local government to the community; and
- d) More efficient and effective local government.

The Code provides a guide and a basis of expectations for Council Members, Committee Members and employees. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective responsibilities may be based.

CONSULTATION:

Internal – Relevant Shire staff have been consulted.

Western Australian Local Government Association.

COMMENT:

As outlined with the background section of this report, the number of proposed changes is minor. The proposed document is closely aligned to the Model Code of Conduct produced by WALGA and builds on the existing Code by including two new sections.

The new sections included in the Code of Conduct review are:

1.4 Principles affecting the employment of employees by the Shire

The following principles, set out in section 5.40 of the Local Government Act 1995, apply to the employment of the Shire's employees:

- a) *Employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- b) *No power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*

- c) *Employees are to be treated fairly and consistently; and*
- d) *There is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- e) *Employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- f) *Such other principles, not inconsistent with this Division, as may be prescribed.”*

And

4.3 Personal Communications and Social Media

- a) *Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.*
- b) *Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire of Jerramungup, it’s Council Members, employees or contractors, which breach this Code of Conduct.*
- c) *Council Member comments which become public and breach the Local Government (Rules of Conduct) Regulations 2007 may constitute a breach of the Local Government Act 1995 and may be referred for investigation.*
- d) *Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be reported under the Public Sector Management Act 1994, in accordance with the Corruption, Crime and Misconduct Act 2003.*

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 5.103. Codes of conduct

- (1) *Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.*
- [(2) *deleted*]
- (3) *Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government under subsection (1) is of effect only to the extent to which it is not inconsistent with regulations.*

5.104. Other regulations about conduct of council members

- (1) *Regulations may prescribe rules, to be known as the rules of conduct for council members, that council members are required to observe.*
- (2) *The rules of conduct for council members apply, to the extent stated in the regulations, to a council member when acting as a committee member.*
- (3) *The rules of conduct may contain provisions dealing with any aspect of the conduct of council members whether or not it is otherwise dealt with in this Act.*
- (4) *Regulations cannot prescribe a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).*
- (5) *Regulations cannot specify that contravention of a local law under this Act is a minor breach if contravention of the local law would, in addition to being a minor breach under section 5.105(1)(b), also be a serious breach under section 5.105(3).*
- (6) *The rules of conduct do not limit what a code of conduct under section 5.103 may contain.*
- (7) *The regulations may, in addition to rules of conduct, prescribe general principles to guide the behaviour of council members.*

Local Government (Rules of Conduct) Regulations 2007**Local Government (Administration) Regulations 1996***34B. Codes of conduct about gifts, content of (Act s. 5.103(3))**34C. Codes of conduct about disclosing interests affecting impartiality, content of (Act s. 5.103(3))***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:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

The Code of Conduct provides employees of the Shire of Jerramungup with consistent guidelines for an acceptable standard of professional conduct.

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 ADOPTS the Draft Code of Conduct for the Shire of Jerramungup as presented and attached to this Agenda.

MOTION: OCM190613**MOVED: Cr Iffla****SECONDED: Cr Bailey**

That Council ADOPTS the Draft Code of Conduct for the Shire of Jerramungup as presented and attached to this Agenda.

CARRIED: 6/0

9.4.5 WORKS ENTERPRISE AGREEMENT 2018

| | |
|------------------------------------|--|
| Location/Address: | Shire of Jerramungup |
| Name of Applicant: | Shire of Jerramungup |
| File Reference: | |
| Author: | Martin Cuthbert, Chief Executive Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 4 June 2019 |
| Attachments: | Shire of Jerramungup Works Enterprise Agreement 2018 |
| Authority/Discretion: | Information |
| SUMMARY: | |

The purpose of this report is for Council to note the finalisation and signing of the Shire of Jerramungup Works Enterprise Agreement 2018, noting that it is for a four year term and has been lodged for certification with Fair Work Commission.

BACKGROUND:

The existing Shire of Jerramungup Enterprise Agreement 2015 (Works Department) expired on 30 June 2018. The Bargaining Representative and Management have undertaken the negotiation process to develop a new Enterprise Agreement utilising assistance from WALGA. The employees voted on 22 May 2019 unanimously to accept the new agreement. The new Shire of Jerramungup Works Enterprise Agreement 2018 has been lodged with Fair Work Commission for certification.

The Collective Enterprise Agreement provides an opportunity for the employer and employees to agree on mutually beneficial objectives for improvement of the workplace and the delivery of services to the community.

Following a 12% increase in base hourly rates in the 2012 Agreement the 2015 agreement did not make any changes to base hourly rates outside of Fair Work Commission increases, the same base hourly rate increases have been retained in the 2018 Agreement. These increases are in line with Council's Long Term Financial Plan and existing budgets. The negotiation process has been well received by both parties and a mutually beneficial outcome has been achieved without any significant financial impost on Council's budget.

The main changes made to the new agreement were administrative changes which reflect the latest changes in industrial relations legislation and standard employment practices to comply with Fair Work Commission regulations.

CONSULTATION:

Chief Executive Officer

Manager of Works

Works Crew Bargaining Representative

Works Crew

WALGA

Fair Work Commission

COMMENT:

Over previous years the Shire of Jerramungup has consistently sought to be seen in the market place as a valued employer that provides excellent opportunity as can be seen by the high calibre of employees it has recruited in the past.

The Shire advised of its intentions to negotiate a new agreement during 2018 with three meetings held between WALGA, Management and Works Crew Bargaining Representatives. The CEO was not required to

attend all these meetings noting that the Agreement is ultimately submitted to the CEO as “the employer”. Several staff workshops were held to keep all affected staff informed of progress.

The proposed Agreement was presented to staff in May 2019 and in accordance with legislative requirements, a staff vote was held on 22 May 2019 with staff resoundingly accepting the Agreement.

| | |
|-----------------------|-----------|
| For the Agreement | 12 |
| Against the Agreement | 0 |
| Invalid | 0 |
| TOTAL | 12 |

Following staff support for the new Agreement it was forwarded to the Chief Executive Officer for approval. The CEO has accepted the Agreement which has now been lodged at the Fair Work Commission for approval.

The Shire of Jerramungup Works Enterprise Agreement 2018 has been prepared using the existing Shire of Jerramungup Enterprise Agreement 2015 (Works Department) as the base document.

During the negotiations it was recognised that it is important that the Shire of Jerramungup maintains its good working conditions and reputation as an “employer of choice”. It is widely acknowledged that many workplaces in Western Australia (and local government in particular) are still dealing with a serious skills shortage despite the conclusion of the mining “boom”. Whilst the staff turn-over at the Shire is still relatively low, the Shire finds it increasingly difficult to fill vacancies and find replacement employees with skilled operators becoming increasingly difficult to fill.

In addition to this, it has to be acknowledged that the current workforce at the Shire of Jerramungup is ageing, and that a significant percentage of the workforce will approach retirement age in the next few years. It is therefore critical that the Shire as an Employer develops and implements effective attraction and retention strategies to achieve a sustainable workforce in the future so that service levels can be maintained.

The Shire’s Enterprise Agreement is an important strategic investment, conveying to staff and the industry that the Shire of Jerramungup is determined to attract and retain the best personnel during this continuing development of the Shire.

The CEO believes the Shire’s workforce should be applauded for the manner in which they approached negotiations and respected the constraints of the current economic climate throughout the process. Every staff member was consulted and asked to consider the strategic objectives of the organisation and community before voting on the Agreement. The outcome is believed to reach an appropriate balance between employee and employer expectations.

The CEO would also like to acknowledge and congratulate the Enterprise Agreement Bargaining Representatives for the manner in which negotiations were conducted and the Agreement collated. The Council’s philosophy as an employer underpins the Agreement and staff have resoundingly supported that philosophy in the recent ballot.

STATUTORY ENVIRONMENT:

The development and lodgement of a Collective Enterprise Agreement is covered by a number of items of legislation including the:

- *Fair Work Act 2009*
- *Local Government Act 1995*
- *National Employment Standards*
- *Local Government Industry Award 2010*

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:

2.5.5 – Attract and retain a highly competent local workforce.

FINANCIAL/BUDGET IMPLICATIONS:

The impact of the new Enterprise Agreement will result in employees receiving their pay increases indexed to the Fair Work Commission’s annual increases to minimum wages.

WORKFORCE IMPLICATIONS:

The Enterprise Agreement underpins the employment of the Works Department who are responsible for the majority of Council’s service delivery and infrastructure maintenance. An effective Enterprise Agreement will provide an environment for a productive and efficient workplace.

POLICY IMPLICATIONS:

AP1 – Equal Employment Policy

AP2 – Payments to Employees in addition to Contract or Award

AP6 – Council Housing and Staff Accommodation Policy

AP7 – Human Resources – Remuneration, Subsidies and Other Work Arrangements Policy

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council NOTE the signing of the Shire of Jerramungup Works Enterprise Agreement 2018 as presented and attached to this Agenda, noting that it is for a four year term and has been lodged for certification with Fair Work Commission.

MOTION: OCM190614

MOVED: Cr Price

SECONDED: Cr Leenhouders

That Council NOTE the signing of the Shire of Jerramungup Works Enterprise Agreement 2018 as presented and attached to this Agenda, noting that it is for a four year term and has been lodged for certification with Fair Work Commission.

CARRIED: 6/0

9.4.6 POLICY REVIEW

| | |
|------------------------------------|--|
| Location/Address: | Shire of Jerramungup |
| Name of Applicant: | Shire of Jerramungup |
| File Reference: | |
| Author: | Martin Cuthbert, Chief Executive Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 8 April 2019 |
| Attachments: | <ul style="list-style-type: none"> a. Current – FP1 – Capitalisation and Depreciation of Non-Current Assets Policy b. Draft – FP1 – Capitalisation and Depreciation of Non-Current Assets Policy |
| Authority/Discretion: | Legislative |

SUMMARY:

The purpose of this report is for Council to review and adopt the updated FP1 – Capitalisation and Depreciation of Non-Current Assets Policy.

BACKGROUND:

Although not a requirement of the *Local Government Act 1995*, it is considered good practice for Council to review its Policy Manual on a regular basis. It is intended to review the Policy Manual by each section on a monthly basis until all policies have been reviewed during 2019.

In addition to any annual review, any changes to existing policies or the need for new policies identified during the course of the year will be presented through the appropriate meetings for Council consideration.

Policies are determined by Council and may be amended or waived according to circumstances. This power is conveyed to Council in section 2.7(2)(b) of the *Local Government Act 1995*. Policies cannot be made in relation to those powers and duties given directly to the CEO by the Act.

The objectives of the Council's Policy Manual are:

- to provide Council with a formal written record of all policy decisions;
- to provide the staff with clear direction to enable them to respond to issues and act in accordance with Council's general direction;
- to enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Shire;
- to enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- to enable electors to obtain immediate advice on matters of Council Policy.
- Policies are to relate to issues of an on-going nature; policy decisions on single issues are not to be recorded in the manual.

Policies should not be confused with management practices or operational procedures, which are determined by the CEO, as a mechanism for good management, and implementation of Council policies.

Changes to Council Policy shall be made only on:

- The outcome of the Annual Review; or
- An agenda item clearly setting out details of the proposed amendment.

Users should be mindful of the fact that, in simple terms:

- Policy provides what can be done;
- Procedures provide for how to do it; and
- Delegation provides for who can do it.

It is important to note that the Shire's adopted policies have been made to facilitate:

- Consistency and equity in decision making;
- Promptness in responding to customer needs; and
- Operational efficiency.

CONSULTATION:

Internal – Relevant Shire staff have been consulted.

COMMENT:

There have been a number of amendments to the *Local Government (Financial Management) Regulations 1996*, one of which is the exclusion of assets in the financial report valued at under \$5,000.

Currently, the Shire of Jerramungup uses the following thresholds for its assets:

Land: all purchases are capitalised but land resumed for public works need not be capitalised if the resumption costs is less than \$2,000.

Buildings: improvement expenses totalling less than \$2,000 on any one building in any year need not be capitalised.

Furniture and (Internal) Equipment: expenses totalling less than \$1,500 on any one item in any year need not be capitalised. Software is not capitalised.

Plant and (External) Equipment: expenses totalling less than \$2,000 on any one item in any year need not be capitalised.

Tools: expenses totalling less than \$1,500 on any one item in any year need not be capitalised.

Freehold Land for Sale: all expenses are capitalised.

The amendments to section 17A of the *Local Government (Financial Management) Regulations 1996* will exclude assets on a local government annual financial report valued under \$5,000. The Shire's current capitalisation threshold policy, as stipulated in the Significant Accounting Policies note in the Annual Financial Report has thresholds ranging from \$1,500 to \$2,000 as mentioned above.

The amendment is consistent with thresholds used by the State Government and it is recommended that the threshold of be amended to include \$5,000 for all Shire of Jerramungup asset transactions.

Extending the threshold to \$5,000 will require the write-down of existing assets as well as ensuring ongoing effective asset management of low value assets, specifically those susceptible to loss or theft. These portable and attractive items will be maintained through a separate property register as determined by the FP9 – Portable and Attractive Items Policy that Council adopted at the April 2019 meeting.

STATUTORY ENVIRONMENT:

Local Government Act 1995 s.2.7(2)(b)

2.7. Role of council

1. *The council —*
 - (a) governs the local government's affairs; and*
 - (b) is responsible for the performance of the local government's functions.*
2. *Without limiting subsection (1), the council is to —*
 - (a) oversee the allocation of the local government's finances and resources; and*
 - (b) determine the local government's policies.*

*Local Government (Financial Management) Regulations 1996**17A. Assets, valuation of for financial reports etc.*

(1) In this regulation —

carrying amount, in relation to an asset, means the carrying amount of the asset determined in accordance with the AAS;

fair value, in relation to an asset, means the fair value of the asset measured in accordance with the AAS.

(2) Subject to subregulation (3), the value of an asset shown in a local government's financial reports must be the fair value of the asset.

(3) A local government must show in each financial report —

(a) for the financial year ending on 30 June 2013, the fair value of all of the assets of the local government that are plant and equipment; and

(b) for the financial year ending on 30 June 2014, the fair value of all of the assets of the local government —

(i) that are plant and equipment; and

(ii) that are —

(I) land and buildings; or

(II) infrastructure;

and

(c) for a financial year ending on or after 30 June 2015, the fair value of all of the assets of the local government.

(4) A local government must revalue an asset of the local government —

(a) whenever the local government is of the opinion that the fair value of the asset is likely to be materially different from its carrying amount; and

(b) in any event, within a period of at least 3 years but no more than 5 years after the day on which the asset was last valued or revalued.

(5) An asset is to be excluded from the assets of a local government if the fair value of the asset as at the date of acquisition by the local government is under \$5 000.

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:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

Policies provide direction for all Shire of Jerramungup employees.

POLICY IMPLICATIONS:

As detailed in each policy.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. Pursuant to section 2.7(2)(b) of the *Local Government Act 1995* reaffirm the continued application and operation of the following current Council Policy as amended in the report and attached to this report for a further two (2) years or such earlier date as Council may determine from time to time:

FP1 – Capitalisation and Depreciation of Non-Current Assets Policy.

MOTION: OCM190615

MOVED: Cr Iffla

SECONDED: Cr Bailey

That Council:

1. Pursuant to section 2.7(2)(b) of the *Local Government Act 1995* reaffirm the continued application and operation of the following current Council Policy as amended in the report and attached to this report for a further two (2) years or such earlier date as Council may determine from time to time:

FP1 – Capitalisation and Depreciation of Non-Current Assets Policy.

CARRIED: 6/0

10.0 COUNCILLOR REPORTS

Cr Rex Parsons

Attended FBG board meeting

Met with Major General Stephen Day from the Commonwealth Joint Agency Drought Taskforce

Attended budget meeting

Cr Andrew Price

Attended WALGA Planning Essentials course in Albany

Attended budget meeting

Cr Joanne Iffla

Attended WALGA Planning Essentials course in Albany

Has been reappointed by GSDC for further 6 months

Attended BBCDC meeting in Bremer Bay

Attended budget meeting

Cr Bill Bailey

Met with Major General Stephen Day from the Commonwealth Joint Agency Drought Taskforce

Received an update on the Needilup Tower. It is designed to fill in a black spot not provide extensive coverage

Cr Julie Leenhouders

Attended Sport and Rec meeting in Gnowangerup

Attended budget meeting

Cr Robert Lester

Attended BBCDC meeting in Bremer Bay

Attended meeting with Department of Transport on Bremer Bay Marina

Attended LEMC meeting

Attended budget meeting

11.0 NEW BUSINESS OF AN URGENT NATURE

Nil

12.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

(CONFIDENTIAL MATTERS)

Nil

13.0 CLOSURE

13.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 17 July 2019, commencing at 2.00pm, in the Council Chambers, Jerramungup.

13.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at 3:32pm

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: