



# SHIRE OF JERRAMUNGUP

## NOTICE OF COUNCIL MEETING

**To the President and Councillors,**

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

Wednesday, 20 March 2019  
At the Council Chambers,  
Jerramungup  
Commencing at 2:00pm

### **Council Meeting Procedures**

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

Martin Cuthbert  
**CHIEF EXECUTIVE OFFICER**  
12 March 2019

## AGENDA

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## **OUR GUIDING VALUES**

Progressive, Prosperous and a Premium Place to Live and Visit

### **DISCLAIMER**

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

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

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

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

## **NOTES FOR MEMBERS OF THE PUBLIC**

### **PUBLIC QUESTION TIME**

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

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

### **MEETING FORMALITIES**

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

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## NOTES FOR ELECTED MEMBERS

### NATURE OF COUNCIL'S ROLE IN DECISION MAKING

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

### ALTERNATIVE MOTIONS

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

### DECLARATIONS OF INTERESTS

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

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

Section 5.60B states;

*"a person has a proximity interest in a matter if the matter concerns –*

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

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

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

Regulation 34C (Impartiality) states;

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

## 2019 MEETING DATES

At its Ordinary Meeting of Council on 19 December, 2018, Council adopted the following meeting dates for 2019:

January	-	-	Council in Recess
Wednesday	20 February 2019	2.00pm	Council Chambers, Jerramungup
Wednesday	20 March 2019	2.00pm	Council Chambers, Jerramungup
Wednesday	17 April 2019	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	15 May 2019	2.00pm	Council Chambers, Jerramungup
Wednesday	19 June 2019	2.00pm	Council Chambers, Jerramungup
Wednesday	17 July 2019	2.00pm	Council Chambers, Jerramungup
Wednesday	21 August 2019	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	18 September 2019	2.00pm	Council Chambers, Jerramungup
Wednesday	16 October 2019	2.00pm	Council Chambers, Jerramungup
Wednesday	20 November 2019	8.30am	Council Chambers, Jerramungup
Wednesday	18 December 2019	8.30am	Emergency Services Shed, Bremer Bay

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

## APPLICATION FOR LEAVE OF ABSENCE

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

**Shire of Jerramungup**  
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**Wednesday 20 March 2019**

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## **ORDINARY COUNCIL MEETING AGENDA**

### **1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS**

The meeting was opened at .....pm by the Shire President.

### **2.0 RECORD OF ATTENDANCE**

#### **2.1 ATTENDANCE**

**ELECTED MEMBERS:**

**STAFF:**

**VISITORS:**

**GALLERY:**

#### **2.2 APOLOGIES**

Martin Cuthbert, Chief Executive Officer

#### **2.3 APPROVED LEAVE OF ABSENCE**

#### **2.4 ABSENT**

#### **2.5 DISCLOSURE OF INTERESTS**

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

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

##### **2.5.1 DECLARATIONS OF FINANCIAL INTERESTS**

##### **2.5.2 DECLARATIONS OF PROXIMITY INTERESTS**

##### **2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS**



### **3.0 APPLICATIONS FOR LEAVE OF ABSENCE**

#### **4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

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

#### **5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

#### **6.0 PUBLIC TIME**

##### **6.1 PUBLIC QUESTION TIME**

##### **6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS**

#### **7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Ordinary Council Meeting held 20 February 2019.

**That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held at the Council Chambers, 8 Vasey Street, Jerramungup, on 20 February 2019 be CONFIRMED**

## 8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

### 8.1 AUDIT COMMITTEE

#### 8.1.1 COMPLIANCE AUDIT RETURN 2018

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	12 February 2019
<b>Attachments:</b>	1. Compliance Audit Return 2018
 <b>Authority/Discretion:</b>	 Legislative

#### SUMMARY:

For the Council to adopt and authorise the signing of the Compliance Audit Return (CAR) for 2018 prior to it being submitted to the Department of Local Government, Sport and Cultural Industries.

#### BACKGROUND:

The 2018 Car was made available to local government authorities by the Department of Local Government, Sport and Cultural Industries via its centralised portal called SmartHub.

The structure of the return is similar to previous years with a focus on areas of compliance considered high risk. However, questions relating to elections have been removed this year given there were no elections held during 2018. For the 2018 return there is a new section related to Integrated Planning and Reporting which is required to be completed. This was introduced in the 2017 CAR which as then considered optional stating “This question is optional, answer N/A if you choose not to respond.”

In accordance with the *Local Government Act 1995* and *Local Government (Audit) Regulations 1996* a local government is required to complete an annual Compliance Audit Return for the period 1 January to 31 December each year. The CAR is to be forwarded to the Department of Local Government, Sport and Cultural Industries by 31 March each year after being presented to the Compliance and Strategic Review Committee and adopted by Council.

The aim of the CAR is to build good governance by promoting and enforcing compliance and encouraging all local governments to move beyond minimum compliance through continuous improvement.

The CAR contains the following compliance categories:

- Commercial Enterprises by Local Governments (5)
- Delegation of Power/Duty (13)
- Disclosure of Interest (16)
- Disposal of Property (2)
- Finance (16)
- Integrated Planning and Reporting (7)
- Local Government Employees (5)
- Official Conduct (6)
- Tenders for Providing Goods and Services (25)

**CONSULTATION:**

No community consultation is required on this matter. However, a number of officers who have compliance responsibility relevant to the CAR were consulted.

Source documents such as, but not limited to, minutes of meetings, declarations of interest, annual and primary returns, resolutions of Council, and public notices, were all utilised in evidencing the Shire's compliance with the requirements of the Compliance Audit Return.

Guidance has been communicated by the Department of Local Government, Sport and Cultural Industries via government circulars, guidelines and direct contact.

**COMMENT:**

The period examined by this audit is 1 January to 31 December 2018 and the completed return is required to be:

- Reviewed by the Audit Committee;
- Considered and adopted by Council;
- Certified by the President and CEO following Council adoption;
- Submitted together with a copy of the Council Minutes to the Department by 31 March 2019.

The CAR assists the Shire to monitor legislative compliance by examining a range of prescribed requirements under regulation 13 of the *Local Government (Audit) Regulations 1996* in detail. The Shire's audit findings must be recorded in the Compliance Audit Return pro forma which is duly completed and provided as an attachment.

As required by regulation, the 2018 CAR has been reviewed by the Audit Committee and is now referred to the March Ordinary Meeting of Council for adoption prior to submission to the Department of Local Government, Sport and Cultural Industries.

In carrying out the compliance return for 2018 there were no areas of non-compliance identified.

**STATUTORY ENVIRONMENT:*****Section 7.13(i) of the Local Government Act 1995******7.13. Regulations as to audits***

*(1) Regulations may make provision—*

- (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are—*
  - (i) of a financial nature or not; or*
  - (ii) under this Act or another written law.*

***Local Government (Audit) Regulations 1996 – 14 and 15:******Regulation 14 – Compliance audits by local governments***

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*

- (a) *presented to the council at a meeting of the council; and*
- (b) *adopted by the council; and*
- (c) *recorded in the minutes of the meeting at which it is adopted.*

**Regulation 15 – Compliance audit return, certified copy of etc. to be given to Executive Director**

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with –*
  - (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
  - (b) *any additional information explaining or qualifying the compliance audit,*

*is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*

- (2) *In this regulation – certified in relation to a compliance audit return means signed by –*
  - (a) *the mayor or president; and*
  - (b) *the CEO.*

**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 to be considered as part of this report.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications to be considered as part of 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:**

- 1. ADOPTS the completed 2018 Compliance Audit Return for the period 1 January 2018 to 31 December 2018 as attached;**
- 2. AUTHORISES the Shire President and Chief Executive Officer to sign the joint certification; and**
- 3. SUBMITS the completed Compliance Audit Return, and any additional information explaining or quantifying the compliance audit, to the Department of Local Government, Sport and Cultural Industries by 31 March 2019.**

## 9.0 REPORTS

### 9.1 TECHNICAL SERVICES

#### 9.1.1 WORKS REPORT FOR FEBRUARY 2019

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Murray Flett, Manager of Works
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	6 March 2019
<b>Attachments:</b>	1. Road Construction Program Schedule
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

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

#### BACKGROUND:

##### Road Construction

The Construction crew have commenced major earthworks on Meechi Road with the installation of double barrel 1200mm culverts and headwalls. The major cut adjacent to the culvert has commenced however, due to the very dry conditions and the lack of moisture within the subgrade materials, these works have been suspended until more favourable moisture conditions prevail.

In addition to these major drainage and earthworks, the curve to the north of the crossing will be realigned to meet current design standards. Once these works have been undertaken, this road will then meet the criteria for inclusion onto the RAV 7 (Restricted Access Vehicles) network.

As a result of the dry conditions which has affected delivery of the Works Program, the crew have commenced general road maintenance which consists of cleaning culverts, patching potholes, replacing/refurbishing guidepost delineation and signage.

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

##### Town Services

The very dry conditions are also affecting the established native gardens within both Townsites which has seen the Town Services crew kept busy trying to preserve what native flora we have. The Jerramungup Shire has been working very closely with the Great Southern Technical and Further Education (TAFE) campus who have now propagated 7,000 native plants from seeds collected within work areas for future re-vegetation projects. These seedlings will be planted at rehabilitation sites by Cert III and IV students as part of their Cert III CLM training. TAFE expect to have over 20,000 native seedlings propagated by the time the rehabilitation works commence. 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

With these very dry conditions, the crew have been 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.

Routine Maintenance grading and some gravel patching has been undertaken to rectify failures in the road pavement. Road users are urged to drive according to the road conditions given the very dry conditions.

Boral were the successful tenderer for the sealing contract this year and reseal works were undertaken on Needilup North, Devils Creek, Borden Boxwood, Black Rocks and Jacup North Roads. There were also several roads sealed in the Bremer Bay and Jerramungup Townsites. In total 136,500m<sup>2</sup> of roads were sealed which will preserve this asset for another 15+ years.

The crew that undertook these works were very professional in their approach and workmanship which showed in the finished product and Boral should be commended.

**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 February 2019.**

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

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>Author:</b>	Sarah Van Elden, Finance Officer
<b>Responsible Officer:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	12 March 2019
<b>Attachments:</b>	1. List of Accounts Paid to 28 February 2019 2. Credit Card Statement 26 January 2019 – 27 February 2019
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of February 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 February 2019. Lists detailing the payments made are appended as an attachment.

<b>FUND</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
<b>Municipal Account</b>		
Last Cheque Used	28170	
EFT Payments	15745 – 15850	\$481,206.55
Direct Deposits		\$26,412.69
<b>Municipal Account Total</b>		<b>\$507,619.24</b>
<b>Trust Account</b>		
EFT Payments		\$0.00
<b>Trust Account Total</b>		<b>\$0.00</b>
<b>Grand Total</b>		<b>\$507,619.24</b>

**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 28 February 2019 as detailed in Attachment 9.2.1(a).**
- b) **The Credit Card Statement 26 January 2019 – 27 February 2019 as detailed in attachment 9.2.1(b).**

**9.2.2 MONTHLY FINANCIAL REPORT – FEBRUARY 2019**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	7 March 2018
<b>Attachments:</b>	1. Monthly Financial Report for the period ending 28 February 2019
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the statement of financial activity for the period ended 28 February 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 28 February 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 28 February 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 28 February 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 28 February 2019 in accordance with section 6.4 of the *Local Government Act 1995*.**

### 9.3 DEVELOPMENT SERVICES

#### 9.3.1 PROPOSED OUTBUILDING

<b>Location/Address:</b>	Lot 596 (#5) Eucla Court, Bremer Bay
<b>Name of Applicant:</b>	Murray and Kim Hobbs
<b>File Reference:</b>	A22438/P19-002
<b>Author:</b>	Craig Pursey, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	11 March 2019
<b>Attachments:</b>	1. Planning Application
<b>Authority/Discretion:</b>	Administrative

#### SUMMARY:

Council has received an application for an outbuilding that is slightly over the maximum sizes recommended in the Council's Outbuildings Local Planning Policy.

The application has been referred to neighbours for comment with no substantive objections being received. Approval is recommended.

#### BACKGROUND:

Lot 596 (#5) Eucla Court, Bremer Bay is 836m<sup>2</sup> in area and zoned Residential R15/30 by the Shire of Jerramungup Local Planning Scheme No.2 (the Scheme).

Lot 596 is currently developed with a single house and patio. The lots immediately surrounding Lot 596 are all developed with a single house with an outbuilding in the back yard.



*Lot 596 Eucla Court, edge in red. Aerial photography Landgate 2018*

**CONSULTATION:**

As a departure from the adopted Outbuildings Local Planning Policy is proposed, the outbuilding was referred to neighbouring landowners for comment, closing on 11 March 2019.

The neighbour immediately to the south questioned the actual height of the outbuilding from natural ground level once earthworks had been included into the proposal.

Further information was forwarded to this neighbour stating a cut and fill approach is proposed and that the maximum roof height proposed would remain at 4.2m (when viewed from the neighbouring property). No further objection/comment was received at the time of writing this report.

The neighbour immediately to the north of Lot 596 offered no objection to the proposal, this comment was lodged with the application.

**COMMENT:*****Proposal***

Murray and Kim Hobbs are proposing an outbuilding and minor demolition of an existing structure with the following elements:

- Demolition of a small existing patio area adjacent to the house;
- An outbuilding with a floor area of 92m<sup>2</sup>, wall height of 3.2m and roof height of 4.2m to house a boat with canopy, caravan, 2 trailers, tools of trade, quad bike, gardening equipment, camping gear, etc; and
- A 3m rear setback is proposed to allow for the Water Corporation sewerage easement and a 0.5m side setback proposed to the northern boundary (with supportive neighbours comments).

The applicant has stated that they understand that they are requesting a relaxation of the standard policy requirement but seek an exemption based on:

- The proposed relaxations are very minor, being only 30cm height and 2m<sup>2</sup> floor area;
- They have a great deal of personal and work effects that require storing out of sight and out of the weather;
- The surrounding residences all have quite large sheds and the proposed outbuilding will block the views into surrounding gardens improving privacy;

A full copy of the application is attached to this report.

***Local Planning Policy 16 – Outbuildings***

Council adopted a revised Local Planning Policy No 16 for final approval on the 19 April 2017. The objective of this policy is to:

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

The table below shows the applicable size requirements.

	<b>LPP requirement</b>	<b>Proposed</b>
Floor Area	90m <sup>2</sup> max	92m <sup>2</sup>
Roof Height	4.2m to apex	4.5m
Wall Height	3.6m	3.2m

The applicant states the roof height at 4.2m, however given the gentle slope of the land and the need to cut and fill to achieve a flat site, a minor amount of fill would be required at the northern end of the proposed outbuilding resulting in a maximum roof height of 4.5m.

Therefore, the proposed outbuilding fails to comply with the floor area and roof height requirements of the policy.

It is important that Council recognises that the Policy is a guideline only and each application still needs to be based on its individual merit. The main considerations in examining the proposed outbuilding are compliance with the policy objectives, visual impact and streetscape.

The Policy states that *'Any variations to the policy will require the applicant to demonstrate exceptional circumstances as to why the policy should be relaxed with the proposal being presented to an Ordinary Meeting of Council for determination. Assessment of the application will require consultation with adjoining and affected landowners.'*

### **Assessment**

Part (b) of the objective of the outbuilding policy is to “achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, of the Shire as a whole.”

This is the statement that everything else in the policy is trying to achieve. In this case there appears to be a ‘legitimate need’ to house a boat, caravan and work related items for amenity and security reasons and to keep them out of the weather.

The original proposal was for a roof height of 4.55m, plus minor fill. After discussions with the applicant revised plans have been lodged with a maximum roof height of 4.2m. The minor height discrepancy is now due to the need for some cut and fill to achieve a flat site.

The proposal is to cut and fill the site (rather than straight fill) which shows a willingness to keep the overall height down.

### Floor Area

An additional 2m<sup>2</sup> over the regular 90m<sup>2</sup> maximum is being applied for as part of the original application. This allows sufficient room to house the items mentioned above in the applicants supporting comments across two bays and a lean-to.

### Conclusion

Overall, the requested relaxations from policy are minor, the back yard is surrounded by other outbuildings, it will not shadow or obstruct views, the outbuilding would be largely screened from the street by the existing house and the need appears to have been substantiated.

On the other hand, Council’s Outbuilding Policy is generous in its permitted maximum heights and floor area and any departure from the policy has the potential to set an undesirable precedent.

On balance, the application is supported as it is a minor relaxation of Policy and appears to meet the objectives of the policy to meet the needs of the applicant whilst minimising adverse effects on the neighbourhood.

**STATUTORY ENVIRONMENT:**

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

**STRATEGIC IMPLICATIONS:**

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026;  
*1.2.4 - Ensure that new development is well designed and sustainable, where community needs are met while conserving our natural and built environment.*

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications for Council.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

Local Planning Policy 16 – Outbuildings guides the assessment of outbuildings.

Local Planning Policy 22 – BAL Contour Plan for Jerramungup and Bremer Bay assigns a BAL-12.5 rating to the proposed development.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**THAT Council;**

- 1. Approve the application for an outbuilding on Lot 596 (#5) Eucla Court, Bremer Bay (Ref 19-002) subject to the following conditions:**
  - (a) Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application.**
  - (b) The outbuilding being used for domestic storage only and not for commercial or industrial use or human habitation.**
  - (c) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.**
- 2. Advise the applicant that;**
  - (a) Planning approval should not be construed as an approval to commence works as a separate building permit is also required.**
  - (b) The Shire’s Local Planning Policy 22 – BAL Contour Plan for Jerramungup and Bremer Bay assigns a BAL-12.5 rating to the proposed development.**



## 9.4 EXECUTIVE SERVICES

### 9.4.1 INFORMATION BULLETIN FEBRUARY 2019

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	12 March 2019
<b>Attachments:</b>	1. February 2019 Information Bulletin
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

To advise Council on the information items for February 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 February 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 March 2019.**

**9.4.2 DELEGATIONS OF AUTHORITY – REVIEW**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	7 February 2019
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current Register of Delegated Authority</li> <li>2. Revised Register of Delegated Authority</li> <li>3. Table of Changes</li> </ol>
<b>Authority/Discretion:</b>	Executive

**SUMMARY:**

For Council to meet its statutory compliance requirement to review the delegation of specified powers and duties to the Chief Executive Officer and other employees in accordance with the provisions of the *Local Government Act 1995* (the Act).

**BACKGROUND:**

In accordance with sections 5.16 and 5.42 of the Act, a local government can delegate certain functions to a committee of Council, or to the Chief Executive Officer. A variety of other legislation also permits the delegations of functions to the Chief Executive Officer, as well as other officers. The Chief Executive Officer's statutory powers and duties under the Act and any powers or duties delegated by the Council can be further delegated by the Chief Executive Officer to other officers of Council. Delegation details must be recorded in a register, which is available for inspection by the public.

Sections 5.18 and 5.46 of the *Local Government Act 1995* require that at least once every financial year, delegations are to be reviewed by the delegator. The Council reviewed its delegations in the 2015/2016 financial year (Minute No. OC161605 refers) and the 2017/2018 financial year (Minute No. OC170707 refers), however it appears a review was not conducted in the 2016/2017 financial year. It is important for the Register of Delegated Authority to be reviewed each year to ensure Council is meeting its statutory compliance obligations.

**CONSULTATION:**

Executive Management Team

Internal Shire staff

**COMMENT:**

A register of delegations of authority is essential in order to inform the public of the activities, functions, powers and duties of the local government as well as meeting the requirements of section 5.46 of the *Local Government Act 1995*.

Local governments utilise levels of delegated authority to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership, with the organisation focussing on the day-to-day operations of the Shire. The use of delegated authority means the large volume of routine work of a local government can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

The annual review process does not preclude the Council from granting new delegations to the Chief Executive Officer if and when required, nor for it to review existing delegations at any time during the course of the financial year.

The Shire of Jerramungup's register of delegations of authority was last reviewed by Council in July 2017 and is now due for review. The register of delegations of authority has undergone significant amendment both in format and content.

### **Format**

The new format of the delegations contained in the register seeks to reflect the legislative requirements of the Act. Each delegation specifies the head of power under which the delegation has been made and the legislative reference of the power that is delegated. The current register referred mostly to the general power of delegation under section 5.42 of the Act and only in limited circumstances to the legislative reference. The new format clearly states the function delegated and any conditions that Council wishes to place on the exercise of delegation. It notes whether the Chief Executive Officer has the power to sub-delegate under section 5.44 of the Act to another employee. It also records whether the function or duty has been sub-delegated and to whom. Record keeping requirements are documented including reporting to Council requirements and keeping of appropriate registers.

It should be noted that whether a function or duty has been sub-delegated is determined by the Chief Executive Officer unless the Council has made it a condition that the original delegation may not be sub-delegated.

### **Content**

Each delegation has been considered on the basis of whether or not the delegation is necessary and if it will provide greater efficiency in service delivery for the Shire. A number of new delegations have been created that reflect legislative changes since the July 2017 review. Foremost has been the passage of the *Public Health Act 2016* and the enactment of part of that legislation. A delegation to the Chief Executive Officer under section 21 of that Act to appoint officers has been included in the current list of delegations. A general delegation pursuant to the *Bush Fires Act 1954* and the *Dog Act 1976* have been included. The delegations relating to the *Bush Fires Act 1954* required amendment to comply with legislation, section 48(3) prohibits sub-delegation of authority.

New delegations have been included for legislation that has come into effect yet never been included in the delegation review such as the *Cat Act 2011*, *Public Health Act 2016* and the *Graffiti Vandalism Act 2016*.

Although Council has used a panel of prequalified suppliers in recent years no delegation has been developed for this review. Before a delegation can be given to use a panel of prequalified suppliers Council must have a policy on developing a panel of suppliers. Section 24AC(1) of the *Local Government (Functions and General) Regulations 1996* states that a local government must not establish a panel of pre-qualified suppliers unless (a) it has a written policy that makes provision in respect of the matters set out in subregulation (2). Officers are currently investigating the benefits of developing a panel of pre-qualified suppliers and an item will be presented to Council once complete.

A combined delegation for the Shire of Jerramungup Local Laws has been included. The Department of Local Government and the Western Australian Local Government Association recommend that delegation of functions under local laws should be specific to each local law as a delegation under s3.18(1) is too broad and requires extensive conditions/limitations relevant to each delegate. Given the Shire of Jerramungup local laws are overdue for review it is considered appropriate at this time to adopt a combined delegation with a review to be done at the conclusion of the local law review process.

### **Repeal**

A number of existing delegations were deleted that were already a function of the Chief Executive Officer and could not be delegated. Delegations such as existing delegation 1.26 Execution of Documents is an example of this. Section 9.49A(4) Execution of Documents, specifically requires a local government to authorise, by resolution, authorise the chief executive officer, another employee or an agent to sign documents on behalf of the local government. The drafting purposefully uses "authorise" and not "delegate" as there is no power for a Chief Executive Officer, Employee or Agent to execute documents. Adoption of a Council policy is recommended, which details the classes of offices authorised to execute specified types of documents on behalf of the local government.

Under section 5.45 of the Act, a delegation made under the Act will be effective for the period of time specified in the delegation or otherwise indefinitely. Any amendment or repeal of a delegation by a local government is to be by an absolute majority. Some existing delegations have been significantly amended whilst others have been deemed invalid, therefore it is appropriate to repeal the existing delegations as contained in the July 2017 Register of Delegations of Authority and to adopt the new delegations as rewritten.

### **Delegation to the Chief Executive Officer**

It should be noted that a delegation made under the *Local Government Act 1995*, may only be made to the Chief Executive Officer. However, not all delegations are made under the *Local Government Act 1995*. Other Acts such as the *Dog Act 1976* also allow for delegations to be made. In some instances, such as the *Building Act 2011*, delegations may be made to employees other than the Chief Executive Officer.

### **STATUTORY ENVIRONMENT:**

#### ***Local Government Act 1995***

#### ***5.16. Delegation of some powers and duties to certain committees***

(1) *Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.*

*\* Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

(3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984—*

(a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*

(b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*

(4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

#### ***5.17. Limits on delegation of powers and duties to certain committees***

(1) *A local government can delegate—*

(a) *to a committee comprising council members only, any of the council's powers or duties under this Act except—*

(i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*

(ii) *any other power or duty that is prescribed;*

*And*

(b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*

(c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of—*

(i) *the local government's property; or*

(ii) *an event in which the local government is involved.*

(2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

**5.18. Register of delegations to committees**

*A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.*

**5.42. Delegation of some powers and duties to CEO**

- (1) *A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under*
- (a) *this Act other than those referred to in section 5.43.*
  - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5)*

*\* Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

**5.43. Limits on delegations to CEO**

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

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government’s powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

**5.44. CEO may delegate powers and duties to other employees**

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty—*
- (a) *The CEO’s power under this section to delegate the exercise of that power or the discharge of that duty; and*
  - (b) *the exercise of that power or the discharge of that duty by the CEO’s delegate,*
- are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3) (b) does not limit the CEO’s power to impose conditions or further conditions on a delegation under this section.*

(5) *In subsections (3) and (4)—*

*conditions includes qualifications, limitations or exceptions.*

**5.45. Other matters relevant to delegations under this Division**

(1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984—*

- (a) *A delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
- (b) *Any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*

(2) *Nothing in this Division is to be read as preventing—*

- (a) *A local government from performing any of its functions by acting through a person other than the CEO; or*
- (b) *A CEO from performing any of his or her functions by acting through another person.*

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

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

**Regulation 19 of the Local Government (Administration) Regulations relates to records to be kept of delegations exercised.**

**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.*

**Building Act 2011 section 127**

**Bush Fires Act 1954 section 48**

**Cat Act 2011 section 44**

**Dog Act 1976 section 10AA**

**Food Act 2008 section 118**

**Public Health Act 2016 section 21**

**Road Traffic (Events on Roads) Regulations 1991**

**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:**

There are no workforce implications for this report.

**POLICY IMPLICATIONS:**

Policy implications do not apply to this report at this time

It is the opinion of the author that policy development needs to be considered and an item will be presented to Council at a future meeting.

**VOTING REQUIREMENT:**

Absolute Majority

**OFFICER RECOMMENDATION:****That Council, BY AN ABSOLUTE MAJORITY:**

1. **RAISE FROM THE TABLE, Report 9.4.1 – Delegations of Authority – Review, presented by the Chief Executive Officer at the Ordinary Meeting of Council held 19 December 2018;**
2. **NOTES completion by Council as the Delegator, the 2018/2019 annual statutory review of the Register of Delegations of Authority, in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*, section 47(2) of the *Cat Act 2011* and section 10AB of the *Dog Act 1976*.**
3. **REVOKEs the Register of Delegations of Authority contained in the Shire of Jerramungup Register of Delegations of Authority dated July 2017 as detailed in attachment 1, under the *Local Government Act 1995*, *Cat Act 2011*, *Dog Act 1976* and *Graffiti Vandalism Act 2016*; *Building Act 2011*, *Bush Fires Act 1954* and *Food Act 2008*.**
4. **APPROVES the local government functions as listed in the amended Register of Delegations of Authority 2018/2019 forming Attachment 2 to report 9.4.1, in accordance with section 5.17 and 5.42 of the *Local Government Act 1995*, acknowledging the relevant heads of power in addition to the *Local Government Act 1995*:**
  - ***Building Act 2011* – section 127**
  - ***Bush Fires Act 1954* – section 48**
  - ***Cat Act 2011* – section 44**
  - ***Dog Act 1976* – section 10AA**
  - ***Food Act 2008* – section 118**
  - ***Public Health Act 2016* – section 21**
  - ***Road Traffic (Vehicles) Act 2012***
  - ***Graffiti Vandalism Act 2016* – section 16**



**9.4.3 OUT OF BUDGET EXPENSE**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	The author declares an impartiality interest as husband is a Bowling Club member
<b>Date of Report:</b>	6 March 2019
<b>Attachments:</b>	1. <b>Confidential Attachment</b> – Updated financial information and correspondence Jerramungup Bowling Club
<b>Authority/Discretion:</b>	Executive

**SUMMARY:**

For Council to consider a request from the Jerramungup Bowling Club for further financial assistance towards the resurfacing of the Bowling Green.

**BACKGROUND:**

Council requested that applicants for funding in CSRFF Small Grants Rounds inform Shire staff in advance of annual budget deliberations. The request for funds from the Jerramungup Bowling Club was considered and approved in the 2018/19 budget which has been adopted by Council. At the Ordinary Meeting of Council held 15 August 2018 Council reconfirmed their financial commitment.

The Shire facilitates the CSRFF funding stream, by setting aside 2.5% of the previous year's rates towards individual community and sporting organisations, for projects that fit within the policy guidelines. Only one application was received for the 2018/19 CSRFF small grants round and it was from the Jerramungup Sports Club Inc. The application was for the Jerramungup Bowling Club to:

- Remove and dispose of the old playing surface; and
- Repair, level and reseal base layer and install new underlay and carpet.

The current surface was laid ten years ago with significant assistance from the Department of Sport and Recreation and the Shire of Jerramungup. The Jerramungup Bowling Club were required to put in place a business plan with a target of putting aside \$10,000 per year which would be used when the bowling surface required replacing. The club successfully put aside \$90,000 towards the replacement of the surface.

**CONSULTATION:**

Executive Staff

Jerramungup Bowling Club members

**COMMENT:**

The original project cost to replace the bowling green was \$153,400 ex GST, however when the old carpet surface was removed last month it was discovered that the underlying base had to be replaced as well, this could not be foreseen when the Contractor originally quoted on the project. The total project cost is now \$189,900 ex GST due to the upgrade works required to the base.

The Bowling Club have provided updated financial information which is provided to Council as a confidential attachment. The updated financial information indicates the Bowling Club will have a deficit of \$4,569. The Bowling Club are seeking an additional financial contribution of \$10,000 towards the project.

Under the CSRFF special conditions all organisations undertaking the installation of a synthetic surface and/or a re-surfacing project must create an Asset Replacement Fund for the replacement of the playing surface by 15 June in the year which the grant is offered. It is expected that Club financials will be reviewed next year to ensure the Fund has been established and the Club is putting aside funds for the future replacement.

#### **STATUTORY ENVIRONMENT:**

*Section 6.8 of the Local Government Act 1995 applies;*

#### **6.8. Expenditure from municipal fund not included in annual budget**

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
  - (b) *is authorised in advance by resolution\*; or*
  - (c) *is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

- (1a) *In subsection (1) —*

**additional purpose** *means a purpose for which no expenditure estimate is included in the local government's annual budget.*

- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
  - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

#### **STRATEGIC IMPLICATIONS:**

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026; Aspiration 5: An active community supported by fit for purpose sport and recreation facilities.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

The contribution requested from the Shire towards the project was \$50,617 ex GST in the 2018/19 budget. The funding amount was approved by Council and it was budgeted to draw the amount from the Community Recreation Reserve.

The additional funds requested of \$10,000 will create a shortfall in the 2018/19 budget however can be offset with funds from the Community Sport and Recreation Reserve.

#### **WORKFORCE IMPLICATIONS:**

There are no workforce implications for this report.

#### **POLICY IMPLICATIONS:**

Finance Policy 4 – Sport and Recreation Grants

#### **VOTING REQUIREMENT:**

Absolute majority

**OFFICER RECOMMENDATION:**

**That Council, BY AN ABSOLUTE MAJORITY;**

- 1. AUTHORISE tThe out of budget expense of \$10,000 to the Jerramungup Bowling Club for the extra expenditure incurred to replace the underlying base.**
- 2. AUTHORISE a reserve transfer of \$10,000 prior to 30 June 2019 from the Community Sport and Recreation Reserve to the Shire’s Municipal Account.**

**10.0 COUNCILLOR REPORTS**

**11.0 NEW BUSINESS OF AN URGENT NATURE**

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

**13.0 CLOSURE**

**13.1 DATE OF NEXT MEETING**

The next ordinary meeting of Council will be held Wednesday, 17 April 2019, commencing at 2.00pm, in the Emergency Services Shed, Bremer Bay.

**13.2 CLOSURE OF MEETING**

The Presiding Member closed the meeting at .....pm

These minutes were confirmed at a meeting held

.....

Signed: .....

Presiding Person at the meeting at which these minutes were confirmed

Date: .....