



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, 22 June 2022
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
16 June 2022

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.”

2022 MEETING DATES

At its Ordinary Meeting of Council on 27 October 2021, Council adopted the following meeting dates for 2022:

January	-	-	Council in Recess
Wednesday	23 February 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	23 March 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	27 April 2022	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	25 May 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	22 June 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	27 July 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	24 August 2022	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	28 September 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	26 October 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	23 November 2022	8.30am	Council Chambers, Jerramungup
Wednesday	21 December 2022	8.30am	Emergency Services Shed, Bremer Bay

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

APPLICATION FOR LEAVE OF ABSENCE

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

Shire of Jerramungup
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ORDINARY COUNCIL MEETING AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened atpm by the Shire President.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

2.4 ABSENT

2.5 DISCLOSURE OF INTERESTS

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

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

2.5.1 DECLARATIONS OF FINANCIAL INTERESTS

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

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

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

Nil

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting held 25 May 2022.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 25 May 2022 be CONFIRMED

CEO Review Committee Meeting held 25 May 2022.

That the Minutes of the CEO Review Committee Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 25 May 2022 be CONFIRMED

BBCDC Meeting

Bremer Bay Community Development Committee Meeting (BBCDC) Meeting held 1 June 2022

That Council RECEIVE the Minutes of the BBCDC meeting.

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

OFFICER RECOMMENDATION:

That the meeting be closed to the general public to discuss Confidential Item 8.1 pursuant to the *Local Government Act 1995* section 5.23 (2)(a) relating to a matter affecting an employee or employees.

8.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	Personnel File
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Financial – relates to the authors contract of employment and salary package
Date of Report:	11 June 2022
Attachments:	1. Confidential – Shire of Jerramungup CEO Annual Performance Review Report
Authority/Discretion:	Legislative

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** that Mr Martin Cuthbert’s Performance Review in his role as Chief Executive Officer for the Shire of Jerramungup for the 2021/22 appraisal period has been undertaken;
2. **ENDORSES** Mr Cuthbert’s overall rating of “Meets Performance Requirements”;
3. **SCHEDULES** the next review of the Chief Executive Officer’s performance to be conducted by April 2023;
4. **ENDORSES** the Performance Criteria for the 2022/23 appraisal period.
5. **Reviews** Mr Cuthbert’s Total Reward Package in accordance with contractual (employment) obligations; and
6. **Approve** a 2.5% increase to the Chief Executive Officer’s salary and superannuation co-contribution allowance effective as of 16 April 2022.

OFFICER RECOMMENDATION:

That the meeting again be opened to the general public.

8.2 ADOPTION OF BFAC RECOMMENDATIONS

SUMMARY:

Adopt the following recommendations from the Bush Fire Advisory Committee meeting held 26 April 2022:

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

ELECTION OF OFFICE BEARERS

Chief Bush Fire Control Officer

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

Deputy Chief Bush Fire Control Officers

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

Chief Fire Weather Officer

Mr Alex Jones was declared elected to the position of Chief Fire Weather Officer.

Deputy Chief Fire Weather Officers

Mr Paul Hislop and Mr Anthony Thomas were declared elected to the position of Deputy Chief Fire Weather Officer.

Brigade Fire Weather Officers

Boxwood Hill BFB	Mr Stuart Hocking
Bremer Bay VFES	Mr Wes Thomas
Gairdner BFB	Mr Craig Hall
Jacup BFB	Mr Michael Lester
Jerramungup VFES	Mr Paul Hislop
Needilup BFB	Mr Nathan Brown

Fire Control Officers for 2022/23 Season

NAME	POSITION	CONTACT#	CALL SIGN
CBFCO/DCBFCO			
Alex Jones	CBFCO/CFWO	0429 361 034	Jerry Chief
Paul Hislop	DCBFCO/DCFOW	0427 354 037	Jerry 2
Anthony Thomas	DCBFCO/DCFOW	0429 366 021	Boxwood 1
BOXWOOD HILL BUSH FIRE BRIGADE			
Stuart Hocking (DUAL FCO - ALBANY)	Captain/FCO/FWO	0438 287 280	Boxwood 1
Jarrold King	FCO	0427 812 242	Boxwood 2
Michael Campbell	FCO	0428 366 044	Boxwood 3
Anthony Thomas	FCO	0429 366 021	Boxwood 4
Peter Kinnear	Permit Officer	0438 420 608	
BREMER BAY VOLUNTEER FIRE & EMERGENCY SERVICES			
Peter Buckenara	FCO/LT Fire	0429 371 003	Bremer 1
Terry Anderson	FCO	0437 953 020	Bremer 2
Stacey Francis	FCO	0437 611 759	Bremer 3
Ash Lester	FCO	0427 354 041	Bremer 4
Wes Thomas	FWO	0429 374 065	Bremer 5
Bryan Hunter	Permit Officer	0427 083 979	

GAIRDNER BUSH FIRE BRIGADE			
Brad Shelton	FCO/Captain	0457 679 413	Gairdner 1
Craig Hall	FCO/FWO	0427 086 011	Gairdner 2
Bruce Hill	FCO	0447 140 079	Gairdner 3
Daniel Smart	FCO	0427 366 058	Gairdner 4
JACUP BUSH FIRE BRIGADE			
Trevor Ross	FCO/Captain	0427 355 023	Jacup 1
Michael Lester	FCO/FWO	0429 374 268	Jacup 2
Brad Bailey	FCO	0427 291 078	Jacup 3
Peter Wisewould (DUAL FCO - RAVENSTHORPE)	FCO	0427 356 086	Jacup 4
Mark Spinks	FCO	0428 354 065	Jacup 5
JERRAMUNGUP VOLUNTEER FIRE & EMERGENCY SERVICES			
Anthony Armstrong	FCO/LT Fire	0427 651 561	Jerry 1
Paul Hislop (DUAL FCO - LAKE GRACE)	FCO/FWO	0427 354 037	Jerry 2
Kim Parsons	FCO	0428 351 128	Jerry 3
NEEDILUP BUSH FIRE BRIGADE			
Ron Pocock	FCO/Captain	0429 353 005	Needilup 1
Chad Sounness	FCO	0427 511 450	Needilup 2
Nathan Brown (DUAL FCO - GNOWANGERUP)	FCO/FWO	0427 351 057	Needilup 3
Jye Duggan	FCO	0427 353 028	Needilup 4
SHIRE OF JERRAMUNGUP			
Russell Palmer	CESO	0438 498 221	Jerry CESM
Mal Grant	BRPC	0499 351 155	Jerry BRPC
Michael McManus	Ranger	0429 351 022	Shire Ranger
Mark Cruickshank	Ranger	0409 617 045	

Dual Fire Control Officers

Jerramungup/Ravensthorpe	Mr Peter Wisewould
Jerramungup/Kent	TBC
Jerramungup/Lake Grace	Mr Paul Hislop
Jerramungup/Gnowangerup	Mr Nathan Brown
Jerramungup/Albany	Mr Stuart Hocking

2. The Jerramungup Bushfire Advisory Committee move to set the following Restricted and Prohibited Burning Times for the 2022/23 Bushfire Season:

Zones 1, 2, 3, 4 – Shire of Jerramungup		Zone 5 – Bremer Bay/Pt Henry Peninsula	
Restricted	1 October 2022 - 31 October 2022	Restricted	1 September 2022 - 31 October 2022
Prohibited	1 November 2022 - 7 February 2023	Prohibited	1 November 2022 - 4 April 2023
Restricted	8 February 2023 - 30 April 2023	Restricted	5 April 2023 - 31 May 2023

9.0 REPORTS

9.1 TECHNICAL SERVICES

Nil

9.2 CORPORATE SERVICES**9.2.1 ACCOUNTS FOR PAYMENT – MAY 2022**

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 June 2022
Attachments:	a) List of Accounts Paid to 31 May 2022 b) Credit Card Statement 26 April 2022 – 26 May 2022
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 2022.

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 2021-22 Annual Budget as adopted by Council at its meeting held 28 July 2021 (Minute No. OCM210706 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 2022. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28177	
EFT Payments	19529 – 19638	\$1,342,979.52
Direct Deposits		\$59,481.95
Municipal Account Total		\$1,402,461.47
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$1,402,461.47

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 2021 – 2031; Implement systems and processes that meet our legal and audit obligations.

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 – Transaction Cards

Finance Policy FP6 – Procurement of Goods and Services

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

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

- a) The List of Accounts Paid to 31 May 2022 as detailed in Attachment 9.2.1(a).**
- b) The Credit Card Statement 26 April 2022 – 26 May 2022 as detailed in attachment 9.2.1(b).**

9.2.2 MONTHLY FINANCIAL REPORT – MAY 2022

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Tamara Pike, Senior Finance Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 June 2022
Attachments:	a) Monthly Financial Report for the period ending 31 May 2022
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 May 2022 as required by the *Local Government Act 1995* ('the Act').

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31 May 2022.

BACKGROUND:

At its meeting held 28 July 2021 (Minute No. OCM210706 refers), Council adopted the annual budget for the 2021-22 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 2022 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

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

Additionally, and pursuant to regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting on 28 July 2021, Council adopted (Minute No. OCM210706 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2021-22 financial year:

Officer Recommendation 4: That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2021/2022 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 2021 – 2031; Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 31 May 2022 has been incurred in accordance with the 2021-22 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:

AP3 – Regional Price Preference

FP1 – Accounting for Non-Current Assets

FP2 – Debt Recovery

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 May 2022 in accordance with section 6.4 of the *Local Government Act 1995*.

9.2.3 2022/2023 PROPOSED FEES AND CHARGES

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	14 June 2022
Attachments:	a) 2022/2023 Proposed Fees and Charges
Authority/Discretion:	Executive

SUMMARY:

This item addresses setting Council's fees and charges for the 2022/2023 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 2022/2023 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.

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

CONSULTATION:

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

Fees and Charges as set by external statutory bodies.

COMMENT:

The 2022/2023 schedule of fees and charges has been formulated using the 2021/2022 year as a basis.

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.

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

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 2021 – 2031; Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

Fees and charges make up approximately \$780,000 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 2022/2023 financial year effective as of 1 July 2022.

9.2.3 SALE OF PROPERTY FOR OUTSTANDING RATES – LOT 192 COLLINS STREET, JERRAMUNGUP

Location/Address:	Lot 192 Collins Street, Jerramungup
Name of Applicant:	N/A
File Reference:	A11697
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	14 June 2022
Attachments:	Nil
Authority/Discretion:	Legislative

SUMMARY:

This item is to advise Council that Staff will be moving into the final stages of a property seizure and sale order for rates which have been outstanding for longer than three (3) years for Lot 192 Collins Street, Jerramungup.

BACKGROUND:

Unpaid rates and service charges in respect of Assessment No. A11697 for Lot 192 Collins Street, Jerramungup have remained unpaid since 2015-2016 financial year.

Despite efforts by the Shire to recover the debt from the “Ratepayers”, the debt remains unpaid. Accordingly, the Shire engaged McLeods Lawyers to write a letter to the “Ratepayers” demanding arrangements for payment were made. The letter of demand was sent by McLeods Lawyers to the “Ratepayers” specifying a date by which arrangements for payment were to be made. However, the “Ratepayers” failed to make any such arrangements by the time prescribed. Therefore, the Shire instructed McLeods Lawyers to commence Court recovery proceedings against the “Ratepayers” in accordance with section 6.56 of the *Local Government Act 1995*.

The Shire’s Court claim was successfully commenced and subsequently served on the “Ratepayers”. Following successful service of the Shire’s claim, the “Ratepayers” failed to file a formal response to the claim with the Court within the prescribed time by which the Court required such a response. Accordingly, an application was made for default judgment to be entered in favour of the Shire against the “Ratepayers”.

The application to the Court was successful and resulted in default judgment being entered in favour of the Shire against the “Ratepayers”. Subsequently, a Certificate of Judgement was issued by the Court and McLeods Lawyers wrote a final letter of demand to the owners requesting satisfactory payment arrangements to be made with the Shire within a prescribed time.

The “Ratepayers” continued with their failure to make satisfactory payment arrangements or otherwise respond within the time prescribed. Accordingly, as was outlined in the final notice provided by McLeods Lawyers to the “Ratepayers”, it is now open to the Shire to proceed to enforce the debt owed in accordance with section 6.64(1)(b) of the *Local Government Act 1995* to seize and sell the subject property.

CONSULTATION:

McLeods Lawyers

COMMENT:

The Shire is not required to pass a resolution resolving to exercise its power of sale where recovery attempts through the Court have occurred within the past three (3) years. The matter has been put to

Council so that Council's resolution can be recorded in the minutes of the meeting where the decision is made.

STATUTORY ENVIRONMENT:

Section 6.64(1)(b) of the *Local Government Act 1995*.

6.64. Actions to be taken

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –*
- (a) from time to time lease the land; or*
 - (b) sell the land; or*
 - (c) cause the land to be transferred to the Crown; or*
 - (d) cause the land to be transferred to itself.*
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- (3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031; Implement systems and processes that meet our legal and audit obligations.

FINANCIAL/BUDGET IMPLICATIONS:

The collection of outstanding rates is important to maintaining an adequate cash flow for Council operations.

Council will continue to incur collection costs associated with this property until the matter is resolved. The costs incurred will be recouped through the sale process.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Finance Policy FP2 – Debt Recovery Policy

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council RESOLVES to proceed to enforce the debt owed in accordance with section 6.64(1)(b) of the *Local Government Act 1995*, to seize and sell the subject property being Lot 192 Collins Street, Jerramungup.

9.2.4 OUSTANDING RATES AND CHARGES – LOT 314 BENNETT STREET, JERRAMUNGUP

Location/Address:	Lot 314 Bennett Street, Jerramungup
Name of Applicant:	N/A
File Reference:	A1601914
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	14 June 2022
Attachments:	Nil
Authority/Discretion:	Legislative

SUMMARY:

The report recommends Council consider a proposed payment option for the outstanding rates and charges associated with Assessment Number A1601914, Lot 314 Bennett Street, Jerramungup.

BACKGROUND:

Unpaid rates and service charges in respect of Assessment Number A1601914 for Lot 314 Bennett Street, Jerramungup have remained unpaid since 2014-2015 financial year.

Recovery efforts for the unpaid debt was placed on hold on account of both of the “Ratepayers” of the subject property, both being declared as bankrupt individuals pursuant to the provisions of the *Bankruptcy Act 1966*. In light of that bankruptcy status, the Shire was unable to commence Court recovery proceedings in accordance with section 6.56 of the *Local Government Act 1995* and could not exercise any right to seize and sell the subject property without the approval of the administrator of the bankruptcy estate.

On or about the end of 2019, the bankruptcy administration for both of the “Ratepayers” was discharged. Accordingly, the “Ratepayers” from that time were no longer bankrupt individuals, which allowed the Shire to proceed with recovery action in accordance with section 6.56 of the *Local Government Act 1995*.

Prior to commencing recovery proceedings against the “Ratepayers”, the Shire engaged McLeods Lawyers to write a letter to the owners demanding arrangements for payment to be made. The letter of demand was sent by McLeods Lawyers to the owners specifying a date by which arrangements for payment were to be made with the Shire. However, the “Ratepayers” failed to make any such arrangements by the time prescribed. Therefore, the Shire instructed McLeods Lawyers to commence Court recovery proceedings against the “Ratepayers” in accordance with Section 6.56 of the *Local Government Act 1995*.

The Shire’s Court claim was successfully commenced and subsequently served on the “Ratepayers” personally. Following the successful service of the Shire’s claim, both the Shire directly and McLeods Lawyers received communications from the “Ratepayer” and also several agents acting on behalf of the “Ratepayers”. Service of the Shire’s claim caused negotiations between the “Ratepayers” and the Shire to take place over several months in relation to settling the Court claim. Those negotiations resulted in a proposed agreed outcome whereby the debt owed to the Shire and recovery costs would be paid in exchange for a write-off of a portion of the interest component of the debt, being \$1,327.30 which accrued during the period from 2016 to 2019 as that was the period in which the “Ratepayers” were declared bankrupt individuals.

The Shire has provided in principle agreement to the proposed negotiated resolution. However, that agreement has not been finalised and it is conditional on Council resolving to write off the agreed interest component (\$1,327.30) in accordance with section 6.12(1)(c) of the *Local Government Act 1995*.

CONSULTATION:

McLeods’ Lawyers

COMMENT:

Staff proposes Council delegate authority to the Chief Executive Officer to agree to the final offer to resolve the outstanding rates, collection, legal, interest and ESL costs of \$15,635.08 for Assessment number A1601914, Lot 314 Bennett Street, Jerramungup;

- The “Ratepayer” pays in full the emergency services levy of \$661 by close of business Wednesday 29 June 2022;
- The “Ratepayer” pays in full the emergency service levy penalty interest cost of \$254.55 by close of business Wednesday 29 June 2022;
- The “Ratepayer” pays in full the outstanding rates of \$6,339.75 by close of business Wednesday 29 June 2022;
- The “Ratepayer” pays the outstanding legal costs of \$5,641.70 and the outstanding interest costs of \$1,410.78 over a 24 month period via direct debit (\$293.85 per month) commencing from Friday 22 July 2022;
- Authorise the Chief Executive Officer to write-off of a portion of the outstanding interest component of the debt for Assessment number A1601914, being \$1,327.30 which accrued during the period from 2016 to 2019 when the “Ratepayers” were declared bankrupt individuals.

Under section 6.12(1)(c) of the *Local Government Act 1995*, Council can resolve by *absolute majority* to write off any amount of money which is owed to them and it is recommended that this power be used to write-off an interest amount of \$1,327.30 in this instance where the “Ratepayers” were declared Bankrupt.

Once payment of all outstanding rates, collection, legal, interest and ESL costs of \$14,307.78 have been made in full to the Shire of Jerramungup the Shire will proceed with withdrawing the Caveat *N703781 lodged on the 24 August 2017 for Lot 314 Bennet Street, Jerramungup.

Should the “Ratepayers” fail to comply with the payment options proposed, the Shire will commence legal action immediately.

STATUTORY ENVIRONMENT:

Section 6.12 of the *Local Government Act 1995* applies;

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

(a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or

(b) waive or grant concessions in relation to any amount of money; or

(c) Write off any amount of money,

which is owed to the local government.

*Absolute majority required

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031; Implement systems and processes that meet our legal and audit obligations.

FINANCIAL/BUDGET IMPLICATIONS:

The collection of outstanding rates is important to maintaining an adequate cash flow for Council operations. Staff will continue to incur collection costs associated with this property until the matter is resolved.

The resolution proposes a substantial payment of \$7,255.30 by 29 June 2022 and a proposal to enter into a payment plan for outstanding legal and interest costs of \$7,052.48 over a 24 month period and interest write-off of \$1,327.30 during the time the “Ratepayers” were declared bankrupt.

The write-off for the outstanding interest expense totalling \$1,327.30 will need to be recorded as a provision for doubtful debt in Council’s finances.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Finance Policy FP2 – Debt Recovery Policy

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION:

That COUNCIL resolve to the following payment option for Assessment Number A1601914, Lot 314 Bennett Street, Jerramungup subject to the following conditions;

- The “Ratepayer” pays in full the emergency services levy of \$661 by close of business Wednesday 29 June 2022;
- The “Ratepayer” pays in full the emergency service levy penalty interest cost of \$254.55 by close of business Wednesday 29 June 2022;
- The “Ratepayer” pays in full the outstanding rates of \$6,339.75 by close of business Wednesday 29 June 2022;
- The “Ratepayer” pays the outstanding legal costs of \$5,641.70 and the outstanding interest costs of \$1,410.78 over a 24 month period via direct debit (\$293.85 per month) commencing from Friday 22 July 2022;
- Delegate authority to the Chief Executive Officer to write-off of a portion of the outstanding interest for Assessment number A1601914, being \$1,327.30 which accrued during the period from 2016 to 2019 when the “Ratepayers” were declared bankrupt individuals and record the expense totalling \$1,327.30 as a provision for doubtful debt in Council’s finances.
- Should the “Ratepayers” fail to comply with this payment option, the Shire will commence legal action immediately.

9.3 DEVELOPMENT SERVICES

9.3.1 PROPOSED SHOP – GREVILLEA DRIVE, BOXWOOD HILL

Location/Address:	Lot 3 Grevillea Drive, Boxwood Hill.
Name of Applicant:	Harley Dykstra Planning and Survey Solutions on behalf N & DK Pty Ltd
File Reference:	A30065
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 June 2022
Attachments:	a) Location Plan b) Building Plans c) Summary of Submissions
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to consider a development application proposing the construction of a shop, site office and amenities building that will retail goods and equipment primarily servicing the agricultural sector.

It is the recommendation of the administration that the application be approved subject to conditions.

BACKGROUND:

Lot 3 Grevillea Drive is located within the Boxwood Hill town site and the subject lot is located immediately to the west of the existing Boxwood Hill Roadhouse.

The land is vacant of any development, is generally level, has frontages to both Grevillea Drive and Melaleuca Street and has an overall area of 4,546m².

Zoning:

The property is zoned 'Town Site' under Local Planning Scheme No.2.

Proposed Development:

The proposed development comprises a shop with attached covered drive through, office, separate amenities building and water tank.

In form the shop component of the development comprises a shed and covered drive through which cumulatively have an overall dimension of 1,050m² of which the shed occupies 600m² and the open sided roofed drive through has an area of 450m².

The shop is orientated toward the western boundary of the lot so as to enable traffic to enter from Grevillea Drive and circulate through the site and then exit back out onto Grevillea Drive. The internal driveway which will direct traffic through the drive-through will be sealed with concrete in order to minimise both dust emissions and ensure a smooth surface for vehicles.

The site will be managed from an office building located forward of the shop and adjacent to the front boundary of the lot facing onto Grevillea Drive. Positioning the office in this area of the lot creates a legible entry point to the property for visitors and a sealed carpark servicing visitors and employees is located immediately adjacent to the office.

The proposed built form of the shop, land use and associated structures are considered to be consistent with the Boxwood Hill Roadhouse development on the neighbouring lot. Other lots immediately adjoining Lot 3 are currently vacant of any development. In the Boxwood Hill town site, there are three lots established for residential purposes.

CONSULTATION:

Notwithstanding the land use Shop is a “P” (permitted) use within the Scheme, the development has been advertised to those owners of properties immediately abutting the subject site and also to all owners of properties that are developed with buildings within the Boxwood Hill townsite.

At the conclusion of the community consultation period, 1 submission objecting to the development has been received. Concerns raised during the community consultation period are summarised as follows:

- Economic competition to an existing business;
- Clearing of the land;
- Potential for odor nuisance from stored chemicals.

The applicant has provided a response to the submission and a summary of the submissions received along with Administration’s responses are provided in an Attachment to this report.

Main Roads WA will be required to be consulted with in respect to road train access to the site from the South West Highway and that requirement is to be included in any condition of approval that may be granted by the Council.

COMMENT:

STATUTORY ASSESSMENT:

Land Use:

LPS 2 defines the objective of the Townsite Zone as follows:

To allow a wide range of uses such as may be found in small townsites but subject to preservation of local amenities.

The proposed development is for a Shop use. ‘Shop’ is identified as being an ‘P’ use in the Town Site zone under the Shire of Jerramungup’s Local Planning Scheme No. 2 (LPS 2). Shop is identified at Schedule 1.2

Land Use Definitions as being:

Shop means –

Premises used to sell goods by retail, hire goods, or provide services of a personal nature (including hairdresser or beauty therapist) but does not include a showroom or fast food outlet.

The proposed development is considered to be consistent with the above definition of Shop. Therefore, the proposed development is permitted subject to compliance with all relevant development standards and requirements of the scheme.

The proposed shop is also considered to be consistent with the objective of the Townsite zone. The proposed shop will assist to improve the existing local amenities and increase choice and opportunity for the broader community and is a business type and form that could reasonably be expected to occur in rural communities.

Setbacks:

Part 5.19.1 of LPS 2 relates to specific setbacks for the Townsite zone.

Site rqmnts – Non-residential Uses	Required	Proposed
Front setback	7.5m	0.7m – Office
Rear setback	7.5m	9.0m – Shop
Side setback	5.0m one side	12.0m – Shop from western boundary and 45m (appx) from eastern boundary

A variation to the front setback is proposed. The variation relates to the office which is proposed to have a minimal setback to the Grevillea Drive (front) setback. Other setbacks are consistent with the scheme requirements.

The existing streetscape is presently defined by the adjoining roadhouse which is utilitarian in nature and is not likely to be compromised by the new development being sited forward on the lot. Further, the subject lots and other lots on Grevillea Drive have frontages of approximately 100m wide and as such it is unlikely that the location of the building as proposed would impinge upon any future development that may occur on those lots to the west.

It is therefore concluded that the type and set out of the proposed development is appropriate for this property and location and is unlikely to compromise the proper and orderly planning of the locality.

Parking:

The proposed shop varies from Table 2 Scheme Requirements of the LPS 2 in relation to car parking space.

Table 2 - Site and Development Requirements	Required	Proposed
Shop	<ul style="list-style-type: none"> 1 for every 15m² floor area 600m / 15 = 40 bays 	7 Bays
Office	<ul style="list-style-type: none"> 1 for every 30m² floor area 95m²/30 = 3 bays 	

A total of seven car parking spaces are proposed including one accessible carpark despite the floor area of the shop being 600m² which would require 40 car parking spaces and the office component requiring a further 3 bays under Table 2 of LPS 2.

This variation is justified as the scale of goods sold requires more floor space than general shops, while the isolated nature of Boxwood Hill means that the reasonably expected volume of customers attending the premises at any one time will not be consistent with that experienced in larger urban settings. The drive-through facility will also allow customers to pick up goods without the need to utilise the onsite parking bays. It is also acknowledged that further informal parking areas exist within the boundaries of the lot should an additional need for parking arise from time to time. Collectively parking can be accommodated within the property without impinging on either of the adjoining roadway or on those adjoining properties.

Having regard to these matters, it is the recommendation that a reduced parking provision is an acceptable variation to the scheme requirements in this instance and the proposed provision of 7 formalised car bays will not prejudice the proper and orderly planning of the locality.

Access:

Access to and egress from the property will be taken from Grevillea Drive. The development has been set out to avoid access being taken from and onto Melaleuca Street which is more residential in nature. The internal driveway will be constructed and sealed to minimise dust and noise nuisance.

Access to Grevillea Drive is taken from the South West Highway which is controlled by Main Roads WA (MRWA) and deliveries to the site will include heavy vehicles that may require a portion of the road to be approved as a RAV route.

As such it is proposed that a condition be applied to any approval granted by Council that the development be referred to MRWA prior to the application for a Building Permit being submitted and that any upgrade to make the route to the property compliant to be for the care of the applicant.

STATUTORY ENVIRONMENT:

- Local Planning Scheme No.2
- Planning and Development (Local Planning Schemes) Regulations 2015

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

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Strategic Community Plan 2021 - 2031;

Economy: Work with the business community to attract investment, create jobs and support small business growth;

Environment Built: Deliver sustainable long-term planning for the built environment that meets the needs of the community

SUMMARY:

The proposed Shop at Lot 3 Grevillea Drive, Boxwood Hill is considered permissible development under the Shire of Jerramungup's Local Planning Scheme No. 2 and is an application that Council may approve noting the variations to setback and car parking provisions.

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 and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of Local Planning Scheme No. 2 Council APPROVES the application for a Shop at Lot 3 Grevillea Drive, Boxwood Hill as shown on the plans submitted with the application dated 28 April 2022, subject to the following conditions:

1. This approval is for a Shop, Office, Ablution Block, Carpark and Driveways as shown on the approved plans dated 29 March 2022 and 05 June 2022. No other development forms part of this approval;
2. All runoff from impervious surfaces being contained within the property and disposed of to the Shire's satisfaction;
3. The external walls and roof of all buildings are to be constructed out of non-reflective materials to the satisfaction of the Shire. Details of materials and colour pallets are to be provided to the Shire and approved prior to the submission of a Building Permit;
4. All chemicals and organic materials are to be stored in accordance with the manufacturers recommendations – the open storage of chemicals or organic material is not permitted;
5. The layout and dimensions of all driveway(s) and parking area(s) shall be in accordance with AS2890.1;
6. All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first

occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the Shire;

- 7. The development being connected to an on-site effluent disposal system to the satisfaction of the Shire's appointed Environmental Health Officer;**
- 8. Main Roads Western Australia are to be consulted with respect to heavy vehicle access to the site from the South West Highway and Grevillea Drive prior to the submission of a Building Permit. Any recommendations or upgrades required by Main Roads Western Australia regarding access arrangements to the site will be for the care of the applicant and are to be completed to the satisfaction of Main Roads Western Australia and the Shire prior to the commencement and use of the premises;**
- 9. Crossovers to the site are to be installed as per Shire specifications and satisfaction;**
- 10. No vehicular access is to be taken from or onto Melaleuca Street.**

9.3.2 PLANNING APPLICATION – LOT 2 SEADRAGON AVENUE, BREMER BAY

Location/Address:	Lot 2 Seadragon Avenue, Bremer Bay
Name of Applicant:	Z Mitchell
File Reference:	A1606360
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 June 2022
Attachments:	a) Site Plans/Elevations
Authority/Discretion:	Administrative

SUMMARY:

Council has received a planning application for stage 3 of the development of Lot 1 Seadragon Avenue, Bremer Bay. A mixed-use development is proposed including space for mix of retail and accommodation uses.

The application is recommended for approval subject to conditions.

BACKGROUND:Site Description:

Lot 1 Seadragon Avenue, Bremer Bay (Lot 1) is 1,276m² in area located on the corner of Bremer Bay Road.

The property has been the subject of previous planning approvals:

1. P15-033 (19/11/2015): Mixed Use Development – Office Shop and Accommodation
2. P17-008 (12/05/2017): Mixed Use development and Craft Brewery
3. P19-007 (17/05/2019): 3 Lot Strata Subdivision
4. P19-028 (03/07/2019): Change of Use – Office Shop to Accommodation

Zoning & Scheme Requirements

Lot 1 is zoned ‘Special Use Zone No.8’ under the Shire of Jerramungup Local Planning Scheme No.2 (the Scheme). This is a zone that identifies the area as the Bremer Bay Town Centre and establishes the objectives and conditions of development.

Special Use Zones apply to special categories of land use which do not comfortably sit within any other zone of the Scheme. All development must be in accordance with the objectives and conditions set out in Schedule 4 of the Scheme.

The scheme describes Special Use Zone No 8 as:

1. The area is to accommodate a Town Centre to service Bremer Bay.
2. The objectives of the Bremer Bay Town Centre are:
 - (a) To ensure the Bremer Bay town centre is the principal place for civic, retail, business and administration within the town, whilst allowing flexibility for non-commercial uses.
 - (b) To encourage a high standard of development through design guidelines for buildings, landscaping, and car parking.
 - (c) To encourage development of the town centre as an attractive place and varied area to visit, conduct business and reside.

- (d) To preserve remnant vegetation along the eastern boundary of the town centre as a north-south ecological corridor linkage.

3. The following land uses will be actively encouraged within Bremer Bay Town Centre;

- Civic uses
- Offices
- Community purposes
- Shops
- Cafes/Restaurants
- Grouped Dwellings to comply with the density code as nominated on the Structure Plan
- Short stay and tourist accommodation
- Aged Accommodation
- Tourist related developments.

CONSULTATION:

Nil

COMMENT:

The current application represents the third and final stage of development of the lot that was envisaged under the initial approval granted for the site in 2015 and then further refined under the subsequent approval issued in 2017.

The application at hand proposes the construction of a two storey mixed use building that incorporates retail commercial space on the ground level with four accommodation units on the upper level and one accommodation unit designed for universal access on the ground level.

In form the building has been designed to mirror the height and scale of the existing Brewery building and the commercial ground floor space has been orientated so as to link with the outdoor seating area and entrance to the Brewery and an awning extends across the frontage of the building and over the footpath that links the buildings to the existing carpark.

Assessment:

The proposed land use and setbacks fully comply with the requirements of the Scheme and Bremer Bay Town Centre Structure Plan and the general sett and assembly of buildings on the lot as had been set out under previous planning approvals.

Lot 1 is the first lot to be developed in the Bremer Bay Town Centre. It is located at the entry roundabout and fronts both Bremer Bay Road and Seadragon Avenue. There is a communal parking area at the rear of Lot 1 that Council has resolved to build as part of the town centre development over time. Lot 1 is part of the 'Retail & Commercial' precinct, the objectives of which are:

- To provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the town as a whole in a continuous main street environment.
- To provide for ancillary residential development, either located above or to the rear of commercial development as part of any mixed use developments.

Design Guidelines requirements:

The proposed development is generally in accordance with the requirements of the Design Guidelines with some variation that arises from the proposal to locate the one accommodation unit on the ground level. Compliance with the Design Guidelines is explored in the table below.

Requirement	Officer comment
<p>Key Design Principles for the town centre:</p> <ul style="list-style-type: none"> • Buildings should be of a high quality, contemporary design, and appropriate for the intended use. Materials should reflect the uniqueness and desired “coastal village” character of Bremer Bay. • Building designers should seek inspiration from the character of the locality in a way that enhances the street, locality and the town. • Buildings should generally have a lightweight image rather than an appearance of mass and weight. 	<p>The building proposed is heavily influenced by the style and form of the existing Brewery building and has been designed to reflect the form and bulk of that building.</p> <p>This is considered to be an appropriate design response given the relative closeness of the two buildings on the site.</p> <p>The new building does propose a masonry lower level and as such the intended finish to that element will be critical to achieving the outcomes set out within the Design Principles.</p>
<p>Key Design Principles for the Retail/Commercial precinct:</p> <ul style="list-style-type: none"> • Development within the retail and commercial core will focus on the main street, which delivers customers into the Town Centre from all directions, not just past the Town Centre. • All retail, office and civic activity will trade to a single street. • Buildings shall be constructed up to the footpath edge to create a continuous and contiguous streetscape. • The Shire will encourage two storey development along the main street, with either commercial or residential uses at the first floor level. • Retail/commercial buildings should have pedestrian access from both the front (to main street) and the rear where a public off-street car park will be provided. 	<p>The proposed development is built up to the street and balances street activation and streetscape objectives with access to the rear of the site.</p> <p>The location of buildings accords with past planning approvals that envisaged building being sited in this location.</p> <p>Two storey development with accommodation/residential land uses on the top storey is proposed with a single unit be located on the lower level that is designed for universal access.</p> <p>Pedestrian access is available from surrounding streets and the communal carpark behind.</p>
<p>8.1.3 Building Form, Location and Scale:</p> <ul style="list-style-type: none"> • Development may be one or two storeys in height. • Buildings should either: <ul style="list-style-type: none"> – have a pitched roof of between 26 and 45 degrees, or – have a flat roof behind a pediment. • Buildings must be constructed with a nil front and side setback. • ...the service and storage areas must be carefully designed to be screened from public view to ensure the presentation of the buildings as viewed from the rear is of a high standard 	<p>Complies, maximum of two storeys proposed.</p> <p>Roof pitch has been designed to match with the existing two storey building and is considered to be an appropriate design response. The introduction of a gabled roof building would create a confusing mix of built forms in close proximity to each other.</p> <p>The Design Guidelines are a policy and Council is only to have ‘due regard’ for them in making decisions.</p> <p>The building is to be built up the Bremer Road frontage of the lot with a ‘service corridor’ along the northern boundary. All service areas for the commercial floor space are contained within the building and the building</p>

<ul style="list-style-type: none"> • No on-site landscaping is required. • Building facades and frontages shall exhibit a vertical emphasis through the shape and placement of windows and openings and the use of building materials, colours and textures. • Building facades should be “active” and interesting. Windows shall not be tinted, reflective or painted out. • Blank, unarticulated walls should be avoided in all instances, and will not be permitted facing a street, pedestrian pathway or public space. • For two storey development, articulation is to be incorporated into the façade above ground floor level through the inclusion of balconies, recessed outdoor living areas, windows and/or architectural features. 	<p>design addresses the adjoining building and approaches.</p> <p>Although no landscaping is required the building faces onto the Bremer Bay road reserve which is planned to be landscaped as part of the entry statement into the town and the applicant has agreed to contribute materials towards that project.</p> <p>Generally complies however final finishes to masonry element are to be confirmed and to ensure that the objectives are achieved.</p> <p>The ground floor element incorporates space for a retail outlet (bakery) that incorporates full length windows on the south eastern corner of the building.</p> <p>The only area of concern is the blank wall that extends from the full length windows to the western end of the building that may be viewed from Bremer Bay Road. That may be offset by ensuring that an appropriate finish is applied to that wall and the introduction of landscaping in the road reserve forward of the building. The internal layout of the building would not enable further windows to be installed. The section of wall in question is a relatively minor element when the development is viewed as a whole</p> <p>The upper floor elevation does not meet with this design element – presenting a plain elevation with domestic scaled openings.</p> <p>Any support to the proposal should require that some review to incorporate architectural features that will create the desired design outcomes.</p>
<p>8.1.4 Building Materials, Textures and Colours:</p> <p>Building materials should be high quality and durable, and appropriate to the town’s coastal location. “Lightweight” construction is preferred.</p> <p>Preferred building materials are:</p> <ul style="list-style-type: none"> ▪ Custom orb profile steel sheeting with the ridges laid horizontally. ▪ Timber weatherboards. ▪ Rammed earth (laterite or limestone) and local stone may also be used as feature walling material. <p>A combination of two or three materials on street facades is strongly preferred to provide visual interest.</p>	<p>The design generally accords with those recommended in the Design Guidelines. As discussed above, confirmation of the intended finish of the masonry wall element will be important to ensure that the development achieves the desired design outcomes of a coastal theme.</p>

<p>8.1.5 Car Parking and Access: No on-site car parking is required.</p> <p>The cash-in-lieu amount is \$20 per square metre of net lettable commercial space, reviewed annually.</p> <p>No vehicle access will be permitted on/off Main Street under any circumstances.</p>	<p>No parking is provided, the development relies on the public parking provided and proposed.</p> <p>Stage 1 proposes ~70m² of net lettable commercial area, requiring a payment of \$1,420 toward the provision of carparking in the surrounding public spaces.</p>
<p>Strategic Development Sites Corner sites are highly visible due to their prominent location at the junction points of intersecting streets, and/or due to their siting on the entry road into town. The corner sites within the Mixed Use and Retail/Commercial Precincts are particularly prominent and strategically located.</p> <p>It is important that particular care is taken in the design and construction of development on these sites. Development should be of a high standard and help to establish benchmarks for quality design.</p> <p>These sites are the key to establishing a memorable “sense of place” that is appropriate to Bremer Bay and its setting, and each new development on these corner sites should be designed to add positively to the Town Centre’s distinctiveness, character and amenity. Due to the high visibility of these sites in the streetscape, and their potential to become “gateways” to development on the remainder of the related street block, these sites should receive particular attention in their architectural detailing.</p>	<p>The current proposal at hand is the final element of the development of this site and is consistent with previous approvals for the site.</p>

Main issues:

Although the proposed development appears to meet most of the requirements of the various planning controls there are two issues that require consideration.

Local Planning Policy No.19 – Town Centre Design guidelines nominates that accommodation use should be located on the upper level of buildings whereas the current application proposes that one unit be located on the ground level.

The unit in question has been designed to meet with universal access provisions making it available to persons with mobility restrictions. Providing this form of accommodation on the upper level would require the installation of a lift and would make it less accessible and also less viable from a financial perspective.

The floor are of the building is approximately 161m² on each level and the area of the ground floor accommodation unit is approximately 25m² which represents approximately 15% of the floor space. The

balance of the floor area is allocated to the proposed retail space and ancillary uses. As such the use is regarded as being an incidental component of the overall area.

It is noted that the Design Guidelines are a policy and Council is only to have 'due regard' for them in making decisions. In this instance the provision of a unit that increases accommodation choices within the town for people with mobility restrictions is seen as a positive matter that aligns with Council's Disability Access obligations and does not unduly compromise the longer term vision or intent for development for the area.

The second issue for consideration is that which applies to the building form and the façade of the upper level as it addresses Bremer Bay Road.

The plans approved for the original planning approval identified that the upper level of the building would incorporate balconies and full length windows to each unit. The plans under consideration has deleted the balconies and present a single plain elevation with domestic scale openings to the rooms beyond. The Design Guidelines seek to have upper floors articulated so as to create interest and variation to the building. There are architectural elements that can be introduced into the design that will achieve those outcomes without having to compromise the current layout and internal design of the building and create a façade that is more consistent with the objectives of the Guidelines for buildings that face onto the main entry road into the town. As such it will be a recommendation that any approval that is granted by the Council be conditioned to the applicant submitting revised plans that address this aspect of the Design Guidelines and that such changes be to the satisfaction of the Council prior to any Building Permit being applied for.

Conclusion:

The proposed development generally meets the requirements of the planning framework bringing a good standard of development to a prominent site and increasing the range of retail and accommodations options in the town.

On balance this report recommends support for the application subject to conditions including payment of a carparking contribution and provision of further architectural plans detailing what finishes are proposed to the lower ground masonry elements and modifications to the upper floor elevation of the building that will introduce the desired outcomes in respect to articulation and interest for buildings facing onto Bremer Bay Road.

STATUTORY ENVIRONMENT:

Local Planning Scheme No.2;
 Planning and Development (local Planning Scheme) Regulations;
 Local Planning Policy No.19 – Town Centre Development Guidelines

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Strategic Community Plan 2021 - 2031;

Economy:	Work with the business community to attract investment, create jobs and support small business growth;
Environment Built:	Deliver sustainable long-term planning for the built environment that meets the needs of the community

FINANCIAL/BUDGET IMPLICATIONS:

Council has commitment to constructing a portion of the public car park at the rear of Lot 1.

The timing of this matter remains undefined at this juncture as Council is presently progressing the issue of land releases with the Department of Planning Lands and Heritage (DPLH).

The administration has met with the DPLH Land Disposition Team and the matter is being progressed through their due diligence processes. This is a matter outside the current application under consideration and further updates on the progress of that matter will be provided to Council as they come to hand.

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,

- 1. Approve the application of a mix-use development including retail and accommodation floor space at Lot 2 Seadragon Avenue, Bremer Bay subject to the following conditions:**
 - a) Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.**
 - b) The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire and have been approved in writing:**
 - Details of how the southern masonry wall of the building is to be finished to meet with the objectives 8.1.3 and 8.1.4 of Local Planning Policy No.19;**
 - Details of how the upper floor elevation of the building will be modified to meet with the objectives 8.1.3 and 8.1.4 of Local Planning Policy No.19;**
 - c) All runoff from impervious surfaces being contained within the property and disposed of to the Shire's satisfaction.**
 - d) Payment of a parking contribution as detailed in part 8.1.5 of Local Planning Policy 19 – Bremer Bay Town Centre Design Guidelines is required prior to the issue of a Building Permit.**
 - e) All entrances from the surrounding streets must be at pavement level to allow for Universal Access.**

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN JUNE 2022

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Rachel Smith, Executive Assistant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 June 2022
Attachments:	a) May/June 2022 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for May/June 2022 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 months of May/June 2022.

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 2021 – 2031;

Provide informed and transparent decision making that meets our legal obligations and the needs of our diverse community

Implement systems and processes that meet our legal and audit obligations.

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/June 2022.

9.4.2 REVIEW OF CORPORATE BUSINESS PLAN 2021-2025

Location/Address:	N/A
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:	11 June 2022
Attachments:	a) Corporate Business Plan 2021-2025
Authority/Discretion:	Executive

SUMMARY:

Council is requested to consider the adoption of the review of the Shire of Jerramungup's Corporate Business Plan 2021-2025.

BACKGROUND:

All local governments in Western Australia are required to develop a Plan for the Future as prescribed under section 5.56(1) of the *Local Government Act 1995* (Act). In 2011, amendments were made to the *Local Government (Administration) Regulations 1996* (Regulations), specifically the inclusion of regulation 19BA which in summary states that a Plan for the Future is to incorporate a Strategic Community Plan and a Corporate Business Plan.

The Strategic Community Plan provides the long term view (10 plus year timeframe) for the Shire and sets out the vision, aspirations and objectives of the community. Council adopted the initial Strategic Community Plan at the Ordinary Meeting of Council held 21 November 2012, (Minute No. OC121107 refers).

The Corporate Business Plan is responsible for translating the strategic direction of the Shire, articulated within the Strategic Community Plan, into specific priorities and actions at an operational level. The Corporate Business Plan also draws together actions contained within the Long Term Financial Plan, Capital Works Programs and various informing strategies. It provides a medium term snapshot of operational actions and priorities to inform the annual planning and budgeting process.

CONSULTATION:

Senior Staff

COMMENT:

The content of the Corporate Business Plan has been reviewed by staff with no major changes recommended given that a major review of the Integrated Planning and Reporting Framework was undertaken during the 2020-21 financial year, with a new Strategic Community Plan adopted May 2021 (Minute No. OCM210511 refers) and Corporate Business Plan adopted June 2021 (Minute No. OCM210613 refers).

As per the requirements of the *Local Government (Administration) Regulations 1996* the Corporate Business Plan has been updated to be a rolling four year document, with 2024-2025 being the final year of the adopted Plan. A local government is to review its current Corporate Business Plan every year, of which reference is made to the Corporate Business Plan annually when developing the annual budget.

STATUTORY ENVIRONMENT:***Local Government Act 1995******5.56. Planning for the future***

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Local Government (Administration) Regulations 1996

19BA. Terms used

In this Part —

corporate business plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;

strategic community plan means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

19CA. Information about modifications to certain plans to be included (Act s.5.53(2)(i))

- (1) *This regulation has effect for the purposes of section 5.53(2)(i).*
- (2) *If a modification is made during a financial year to a local government’s strategic community plan, the annual report of the local government for the financial year is to contain information about that modification.*
- (3) *If a significant modification is made during a financial year to a local government’s corporate business plan, the annual report of the local government for the financial year is to contain information about that significant modification.*

19C. Strategic community plans, requirements for (Act s.5.56)

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

19DA. Corporate business plans, requirements for (Act s.5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
- (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

STRATEGIC IMPLICATIONS:

The Corporate Business Plan has been developed based on the priority areas and aspirations expressed by the community as contained within the Strategic Community Plan.

FINANCIAL/BUDGET IMPLICATIONS:

The Corporate Business Plan, once adopted by Council, will provide guidance on the priorities for resource allocations for the next four (4) years.

Officers are currently preparing the Draft 2022-2023 Annual Budget.

It must be noted that a majority of capital projects outlined within the Corporate Business Plan are reliant on external funding. If external funding is not forthcoming, projects could be delayed or will not be completed.

WORKFORCE IMPLICATIONS:

The Corporate Business Plan will set direction for staff over the next four years.

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:

Absolute Majority

OFFICER RECOMMENDATION:

- 1. That Council ADOPTS the review of the Shire of Jerramungup Corporate Business Plan 2021-2025 as contained within Attachment 1.**

9.4.3 PROPOSAL BY SYNERGY TO INSTALL AN ELECTRIC VEHICLE CHARGING STATION IN JERRAMUNGUP

Location/Address:	Lot 378 on Deposited Plan 188027, Tobruk Road, Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	CS.SP.29
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	11 June 2022
Attachments:	a) Correspondence from Synergy on proposal b) EV Charging Station Location Map
Authority/Discretion:	Administrative

SUMMARY:

Council is recommended to:

- support the installation of an electric vehicle DC and AC Charging Station at 2 Tobruk Road, Jerramungup; and
- authorise the Shire President and Chief Executive Officer to sign an access agreement with Synergy on behalf of the Shire.

BACKGROUND:

Synergy has requested that the Shire agree to provide an appropriate area of land in Jerramungup for the installation of an electric vehicle charging station.

Synergy advise that the installation of DC Fast Chargers is part of a \$21m WA State Government program whereby Western Australia will soon have the longest electric highway in Australia. The network will comprise 90 charging stations and back-up chargers at 45 different locations connecting north to Kununurra, south to Esperance and east to Kalgoorlie.

It is Synergy's preference that they be located on local government controlled land. The detailed design phase by Synergy is yet to commence. One of the areas that Synergy advise they will investigate is to mitigate vandalism and damage to the units (including the possible installation of CCTV and lighting in the areas. In either case, the Fast Chargers will remain the responsibility of Synergy to service and maintain.

Should Council support Synergy's request, an Access Licence Agreement will need to be prepared (by Synergy) and approved by the Shire (in consultation with the Shire's Insurer (LGIS)). Information has been received from WALGA with respect to recommended arrangements for similar Fast Chargers'. WALGA advise as follows:

"The below points, are items we identified for another LG to consider in their negotiation of a metro agreement with a different provider, some of which may be relevant for you too.

Some initial LG Considerations in summary:

- *Local Government Act 1995, s.3.58, requirements relevant to the disposal of land;*
- *Potential Local Law implications (such as Parking Local Law controls relating to charge stations and penalties for contravention of these controls);*
- *What design standards apply?;*
- *How will future increases in demand for access impact surrounding land uses and availability of parking bays, for example, queues of EVs waiting for access? How will this be managed/addressed in the future and at whose cost?*

- *Who will be responsible for costs associated with installation, maintenance and servicing of other supporting infrastructure, for example, rubbish receptacles and site clean ups where vandalism occurs or where there is ad-hoc litter;*
- *Provisions for actions that may be required by the Local Government and/or the provider if charging station infrastructure no longer adequately services demand, for example, queuing or number of cars waiting for access is negatively impacting public amenity, safety, pedestrian and traffic movements, or surrounding land uses;*
- *Seek advice from LGIS as to minimum insurance requirements for the provider, for example, public liability, professional indemnity, etc and how will currency of insurances be evidenced to the LG over the term of the agreement;*
- *Minimum response times, contact personnel and obligations for the provider to respond to maintenance, public safety/amenity issues or other matters relevant to the operation of the site;*
- *How will the provider evidence that power sources are green and not green-washed or brown?;*
- *Has a comprehensive risk assessment be conducted to understand all risks and costs (known and currently unknown) by LG?;*
- *When charging station infrastructure needs to be relocated or upgraded, due to Local Government capital works or redevelopment of the relevant location, an appropriate contractual mechanism should be provided for. Any such relocation or works necessary to the charging station should be at the provider's cost and may initiate an exit clause or a new agreement for relocation;*
- *Reinstatement requirements following installation (trenching impact on surrounding LG infrastructure) and on expiry of agreement or execution of the exit clause should be the obligation of the provider, such as to remove infrastructure and reinstate the site, to the reasonable satisfaction of the Local Government. This should include the removal of all hazardous substances at cost to the provider;*
- *What happens if there is a rezoning or change of use of land of surrounding land?;*
- *Local Governments should have access to all relevant information related to Charging Stations, including all financial information; and*
- *Where any costs to the Local Government are identified, whether direct or indirect costs, a full cost recovery principle should be established in any arrangement.“*

CONSULTATION:

The Shire has not conducted any consultation in relation to this matter. The proposal before Council is consultation being undertaken by Synergy.

COMMENT:

Synergy advise that given the size of these chargers (150kW) and the size of the electrical networks in Jerramungup, they are somewhat restricted in where exactly the Fast Chargers can be placed.

Synergy is in the process of rolling out the installation of a number of Fast Chargers throughout WA, one of which is sought to be installed in Jerramungup at Lot 378 on Deposited Plan 188027 Tobruk Road behind the Kokoda Op-Shop with access off Java Sea Road.

With respect to the site chosen by Synergy, the following comments are offered:

Late last year the CEO and Manager of Works met with representatives from Synergy to investigate potential sites for the location of a Fast Charger within Jerramungup. The site proposed to Council was preferred by Officer's and Synergy.

Locating the Fast Charger behind the Kokoda Op-Shop would help with congestion in the area and not impede on current users to the Op-Shop or park area.

The location would benefit vehicle users for ease of access, ensure the Fast Charger is in a more visual area for surveillance purposes and provide a somewhat easier location for electric vehicle users to find.

It is located within the Lions Park area where travellers already stop to access public ablutions, the newly installed RV Dump Point and businesses such as the roadhouse, café and IGA supermarket.

The proposed term of the agreement is five years with two further options of five years. This is considered to be the minimum term necessary to justify the substantial infrastructure set up costs.

The continued development of tourism throughout the Shire is an important issue for Council. The proposal to install an electric vehicle charging station in Jerramungup will create an additional impetus for drivers of electric vehicles using the Gnowangerup-Jerramungup Road or the South Coast Highway to enter Jerramungup whilst travelling the East-West route. Whilst these visitors may not stay in Jerramungup for an extended period, even a brief visit which may not have occurred if not for the need to charge their vehicle gives them a chance to see the area and stop for coffee or something to eat supporting local businesses.

It is noted that charging will not be free. Customers will be required to swipe their credit card and payment will be credited directly to Synergy, the Shire of Jerramungup will not be involved in any way.

STATUTORY ENVIRONMENT:

Whilst there are no known statutory environment implications for the Fast Charger themselves, the exclusive use of Shire land is regarded as ‘disposal of land’ under s.3.58 of the *Local Government Act 1995*.

The most appropriate means would be by Private Treaty under sections 3.58 (3)(a) of the *Local Government Act 1995* by Council accepting the proposed disposition and inviting via public notice submissions to be made to the local government for a period no less than 2 weeks. Synergy has not made an offer to use the Shire land for the Fast Chargers but it is anticipated that the installation would be at no cost to the Shire.

There does not appear to be any exemption under either the *Local Government Act 1995* or the *Local Government (Functions and General) Regulations 1996* to dispose of the land.

The subject land is reserved Civic and Cultural under Local Planning Scheme No. 2. The purpose of the reserve was museum and tourist centre, the administration has progressed an amendment to the reserve purpose to include the use of recharge station. The Shire of Jerramungup has a management order with power to lease for 21 years with the approval of the Minister. The above action will enable Council to progress with a access agreement and/or lease should it determine to support the proposal.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031;

Economy

Work with the business community to attract investment, create jobs and support small business growth

Advocate for improved road and communication connectivity to support rural and agricultural businesses and environmental tourism

Environment Built

Deliver sustainable long-term planning for the built environment that meets the needs of the community

Design, construct and maintain infrastructure in a manner that maximise its life, capacity, and function

FINANCIAL/BUDGET IMPLICATIONS:

The proposed location is currently undeveloped and undefined and works are required to upgrade Java Sea Road to provide access. There is an existing budget allocation for these works that is proposed to be carried forward to the 2022/2023 budget.

There is a need to upgrade the area ready for the charging stations to make the area functional and accessible with preliminary costings for the construction of a concrete forecourt area, driveway and connecting footpath of \$25,000. These costs would be separate and above funds budgeted for the Java Sea Road upgrade.

An annual \$5.00 “peppercorn” lease fee is requested by Synergy to be paid to the Shire and all documentation costs to be met by Synergy.

SUMMARY:

The proposed charging station has potential to deliver a range of benefits to the community:

- The proposed station would complement the current use of the area by visitors who access the RV dump point, amenities and services.
- It is consistent with objectives of the South Coast Climate Alliance to reduce greenhouse gas emissions.
- Assists local businesses and economy by retaining visitors in town to the benefit of the local economy.
- Help raise awareness of local attractions ie the evolving Jerramungup Discovery Trail, History Project, Interpretive Centre and similar.

Options:

1. Notwithstanding the various benefits identified above the proposed cost to Council for the construction of the forecourt and ancillary structures represents a reasonably high cost to Council. However there may be opportunity to rationalise/reduce costs by integrating this development with the planned upgrade works at Java Sea Road. This approach is however, dependent upon Council approving the carry forward of the budget into the new 2022/2023 financial year and Council being able to secure a tender to perform the works. As such, no firm commitment could be given towards the timing as to when construction could proceed.
2. Council may recognise the benefits of the recharging station being established in Jerramungup but determine not to contribute funds towards construction costs on the basis that the required budget allocation is seen to fall outside the scope of Council’s responsibility and affordability at this time.
3. Council refuse the offer as put by Synergy for the facility to be constructed on Council controlled land.

Having regard to the above it is the recommendation of the Administration that Council adopt option 1, which is to support the installation of the charging station at the proposed location and that Council make provision in the 2022/2023 financial year budget.

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 (in relation to request by Synergy to install and Electric Vehicle Fast Charger on Shire land in Jerramungup):

- 1. Accept Synergy's request to establish a Fast Charger at Lot 378 on Deposited Plan 188027, Tobruk Road, Jerramungup as identified in this report;**
- 2. Advertise the disposal of land associated with Synergy's request to install an Electric Vehicle Fast Charger on Shire land in Jerramungup in accordance in with section 3.58 (3)(a) of the *Local Government Act 1995*; and**
- 3. At the close of 2. above, the President and Chief Executive Officer be authorised to enter into an appropriate access agreement with Synergy and on behalf of the Shire sign and utilise the Council Seal; and**
- 4. Make a budget provision of \$25,000 in the 2022/2023 Budget for associated works.**

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

11.0 COUNCILLOR REPORTS

12.0 NEW BUSINESS OF AN URGENT NATURE

13.0 CLOSURE

13.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 27 July 2022, commencing at 2.00pm, in the Council Chambers, Jerramungup.

13.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atpm

These minutes were confirmed at a meeting held

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Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: