



# **SHIRE OF JERRAMUNGUP**

## **ORDINARY COUNCIL MEETING**

**Held at the Council Chamber,  
8 Vasey Street, Jerramungup on  
Wednesday, 22 March 2023**

### **MINUTES**

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# Shire of Jerramungup

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Wednesday 22 March 2023

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## ORDINARY COUNCIL MEETING MINUTES

### 1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 10.03am by the Shire President.

I would like to begin today by acknowledging the Goreng people who are the Traditional Custodians of the land on which we meet today, and the Shire of Jerramungup would like to pay their respect to their Elders both past and present.

### 2.0 RECORD OF ATTENDANCE

#### 2.1 ATTENDANCE

##### ELECTED MEMBERS:

Cr Joanne Iffla	Shire President (Chair)
Cr Julie Leenhouders	Deputy Shire President
Cr Robert Lester	Councillor
Cr Drew Dawson	Councillor
Cr Neil Foreman	Councillor

##### STAFF:

Martin Cuthbert	Chief Executive Officer
Noel Myers	Manager of Development
Gordon Capelli	Works Supervisor
Glenda Gray	Executive Assistant
Tamara Pike	Senior Finance Officer (10.03am – 10.26am)

##### VISITORS:

Nil.

##### GALLERY:

Virginia Miles

#### 2.2 APOLOGIES

Cr Rex Parsons  
Charmaine Solomon

#### 2.3 APPROVED LEAVE OF ABSENCE

Cr Andrew Price

**2.4 ABSENT**

Nil.

**2.5 DISCLOSURE OF INTERESTS**

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

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

**2.5.1 DECLARATIONS OF FINANCIAL INTERESTS**

Nil.

**2.5.2 DECLARATIONS OF PROXIMITY INTERESTS**

Nil.

**2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS**

Nil.

**3.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**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**

Virginia Miles, Boxwood Hill

Will there be any increase in rates this year?

CEO Response: We won't know whether there will be any increase in rates until the budget for 2023/24 is adopted. The budget process has yet to be worked through and it is a bit too early to answer this question. Usually there is an increase in line with the CPI.

When will the roads in Boxwood Hill be graded?

Works Supervisor Response: Currently the Shire only has one grader and one operator. There are no grading contractors available at the moment, they are all busy with private works. We do check availability with them regularly. Grading of the Shire is done in sections, eg all roads in the northern part are graded before moving to another area. School bus routes are treated as a priority and are graded during school holidays. We have many roads being graded annually. A new grader has been purchased for mostly construction work, but will carry out maintenance grading when there is time.

Has Heath Street been assessed, as it floods and runs through my property?

Works Supervisor Response: We will get the grader to Heath Street as soon as possible.

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

Nil.

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

7.1 Ordinary Council Meeting held 22 February 2023.

**That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 22 February 2023 be CONFIRMED.**

**MOTION: OCM230301**

**MOVED: Cr Lester**

**SECONDED: Cr Foreman**

**That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup, on 22 February 2023 be CONFIRMED.**

**CARRIED: 5/0**

7.2 Audit Committee Meeting held 22 March 2023.

**That the Minutes of the Audit Committee Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup, on 22 March 2023 be CONFIRMED.**

**MOTION: OCM230302**

**MOVED: Cr Lester**

**SECONDED: Cr Foreman**

**That the Minutes of the Audit Committee Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup, on 22 March 2023 be CONFIRMED.**

**CARRIED: 5/0**

7.3 Local Emergency Management Committee Meeting held 13 March 2023.

**That Council RECEIVE the Minutes of the Local Emergency Management Committee Meeting held on 13 March 2023.**

**MOTION: OCM230303**

**MOVED: Cr Lester**

**SECONDED: Cr Foreman**

**That Council RECEIVE the Minutes of the Local Emergency Management Committee Meeting held on 13 March 2023.**

**CARRIED: 5/0**

## 8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

### 8.1 COMPLIANCE AUDIT RETURN 2022

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	GR.AU.1
<b>Author:</b>	Glenda Gray, Executive Assistant
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	14 March 2023
<b>Attachments:</b>	a) Compliance Audit Return 2022
<b>Authority/Discretion:</b>	Legislative

#### SUMMARY:

For the Council to adopt and authorise the signing of the Compliance Audit Return (CAR) for 2022 prior to it being submitted to the Department of Local Government, Sport and Cultural Industries.

#### BACKGROUND:

The 2022 CAR was made available to local government authorities by the Department of Local Government, Sport and Cultural Industries via its centralised portal. The structure of the return is similar to previous years with a focus on areas of compliance considered high risk.

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

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

The CAR contains the following compliance categories:

- Commercial Enterprises by Local Governments (5)
- Delegation of Power/Duty (13)
- Disclosure of Interest (21)
- Disposal of Property (2)
- Elections (3)
- Finance (7)
- Integrated Planning and Reporting (3)
- Local Government Employees (5)
- Official Conduct (4)
- Optional Questions (9)
- Tenders for Providing Goods and Services (22)

#### CONSULTATION:

The CAR does not require community consultation, however, Shire officers with compliance responsibilities were consulted.

Source documents such as minutes of meetings, declarations of interest, annual and primary returns, resolutions of Council and various registers were used as evidence when completing the CAR.



The Department of Local Government, Sport and Cultural Industries (the Department) has provided guidance via government circulars, guidelines and direct contact.

**COMMENT:**

The period examined by this audit is 1 January to 31 December 2022. The completed CAR is required to be:

- Reviewed by the Audit Committee;
- Considered and adopted by Council;
- Certified by the President and CEO following Council adoption;
- Submitted to the Department, together with a copy of the Council Minutes, by 31 March 2023.

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

No areas of non-compliance were identified while completing the 2022 CAR.

**STATUTORY ENVIRONMENT:**

***Section 7.13(i) of the Local Government Act 1995***

***7.13. Regulations as to audits***

*(1) Regulations may make provision—*

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

***Local Government (Audit) Regulations 1996 – 14 and 15:***

***Regulation 14 – Compliance audits by local governments***

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

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

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
  - (b) any additional information explaining or qualifying the compliance audit,**is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*

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

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

There are no financial implications to be considered as part of 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:

1. **ADOPTS** the completed 2022 Compliance Audit Return for the period 1 January 2022 to 31 December 2022 as attached;
2. **AUTHORISES** the Shire President and Chief Executive Officer to sign the joint certification; and
3. **SUBMITS** the completed Compliance Audit Return, and any additional information explaining or quantifying the compliance audit, to the Department of Local Government, Sport and Cultural Industries by 31 March 2023.

**MOTION: OCM230304****MOVED: Cr Leenhouders****SECONDED: Cr Lester****That Council:**

1. **ADOPTS** the completed 2022 Compliance Audit Return for the period 1 January 2022 to 31 December 2022 as attached;
2. **AUTHORISES** the Shire President and Chief Executive Officer to sign the joint certification; and
3. **SUBMITS** the completed Compliance Audit Return, and any additional information explaining or quantifying the compliance audit, to the Department of Local Government, Sport and Cultural Industries by 31 March 2023.

**CARRIED: 5/0**

## 9.0 REPORTS

### 9.1 TECHNICAL SERVICES

#### 9.1.1 WORKS REPORT FOR MARCH 2023

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Gordon Capelli, Works Supervisor
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	13 March 2023
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

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

#### BACKGROUND:

##### Road Construction

The Road Construction Crew has finished a 3km reconstruction on Stock Road. The crew is now going about helping Road Maintenance with blowouts on Lake Magenta Road and Lake Road. The construction grader has been working on Bremer Bay roads including Millers Point Road, Ocumup Road, O’Dea Road, Point Gordon Road, and Warramurrup Road. All going well, the Crew will start a full reconstruction on Doubtful Island Road on 20 March 2023.

##### Road Maintenance

The Maintenance Crew grader is currently working on Lake Magenta Road and Lake Road, repairing blowouts from the large volume of trucks using the roads. Once these roads are repaired, it will return to grading bus routes and maintenance of shoulders, back slopes and off chutes.

##### Town Services

###### Bremer Bay

For the past two weeks, Town Services Crews have been working on various projects in Bremer Bay, including:

- Reinstatement of Bremer Bay street signage and Reserves signage.
- Revitalization of Bremer Bay’s entry statements.
- Revitalization of Bremer Bay’s CRC grounds.
- Weed control activities along Wellstead Road, Point Henry Road, Meechi Road, Devils Creek Road and Swamp Road.
- Reinstatement of bollards at main beach carpark.

###### Jerramungup

Over the last couple of days, Town Services Crews have been working on several garden projects within the Jerramungup townsite, including:

- Weed control activities.
- Revitalization of street trees along Vasey Street and Memorial Road.
- Revitalization of Jerramungup’s entry statements.

## Environmental Projects

- Seed collecting activities have recommenced with Great Southern Regional TAFE (Albany). TAFE students will assist in the propagation of seedlings for revegetation projects on Jerramungup's road reserves and retired gravel extraction pits.
- On Wednesday, 8 March 2023, a meeting with staff from the Fitzgerald Biosphere Group (FBG) resulted in a positive outcome for the future management of invasive weeds across the road reserves and associated natural areas managed by the Shire. Although in discussion stages, FBG is happy to work with the Shire on weed control of invasive species and the rehabilitation of road reserves that support a high degree of *Proteaceous* plant communities which form the critical food resources for the Carnaby's Black Cockatoos.

### CONSULTATION:

Internal

### COMMENT:

This report is for information only to advise Council on the previous month's works activities.

### STATUTORY ENVIRONMENT:

There are no statutory implications for this report.

### STRATEGIC IMPLICATIONS:

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

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

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

Deliver a sustainable and progressive approach to natural resource and waste management.

### FINANCIAL/BUDGET IMPLICATIONS:

The works completed are included in the 2022/2023 Shire of Jerramungup budget.

### WORKFORCE IMPLICATIONS:

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

### POLICY IMPLICATIONS:

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

### VOTING REQUIREMENT:

Simple Majority

### OFFICER RECOMMENDATION:

That Council RECEIVE the works report for March 2023.

**MOTION: OCM230305**

**MOVED: Cr Dawson**

**SECONDED: Cr Lester**

**That Council RECEIVE the works report for March 2023.**

**CARRIED: 5/0**

**9.2 CORPORATE SERVICES****9.2.1 ACCOUNTS FOR PAYMENT – FEBRUARY 2023**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Sarah Van Elden, Accounts Officer
<b>Responsible Officer:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	9 March 2023
<b>Attachments:</b>	a) List of Accounts Paid to 28 February 2023 b) Credit Card Statement 27 January 2023 – 27 February 2023
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of February 2023.

**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 Officer 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 2022-23 Annual Budget as adopted by Council at its meeting held 27 July 2022 (Minute No. OCM220707 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

The table below summarises the payments drawn on the funds during the month of February 2023. Lists detailing the payments made are appended as an attachment.

<b>FUND</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
<b>Municipal Account</b>		
Last Cheque Used	28180	
EFT Payments	20456 – 20580	\$975,633.88
Direct Deposits		\$84,105.70
<b>Municipal Account Total</b>		<b>\$1,059,739.58</b>
<b>Trust Account</b>		
<b>Trust Account Total</b>		<b>\$0.00</b>
<b>Grand Total</b>		<b>\$1,059,739.58</b>

**CERTIFICATE**

This schedule of accounts as presented, which was submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been paid.

**STATUTORY ENVIRONMENT:**

*Local Government (Financial Management) Regulations 1996*

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

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

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

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

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

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

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

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

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

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

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

**STRATEGIC IMPLICATIONS:**

This item relates to the following component from the Shire of Jerramungup Community Plan 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 Card

Finance Policy FP6 – Procurement of Goods and Services

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

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

- a) The List of Accounts Paid to 28 February 2023 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 27 January 2023 – 27 February 2023 as detailed in attachment 9.2.1(b).

**MOTION: OCM230306****MOVED: Cr Leenhouders****SECONDED: Cr Foreman**

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

- a) The list of Accounts Paid to 28 February 2023 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 27 January 2023 – 27 February 2023 as detailed in attachment 9.2.1(b).

**CARRIED: 5/0**

**9.2.2 MONTHLY FINANCIAL REPORT – FEBRUARY 2023**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Tamara Pike, Senior Finance Officer
<b>Responsible Officer:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	13 March 2023
<b>Attachments:</b>	a) Monthly Financial Report for the period ending 28 February 2023
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the statement of financial activity for the period ended 28 February 2023 as required by the *Local Government Act 1995* ('the Act').

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 28 February 2023.

**BACKGROUND:**

At its meeting held 27 July 2022 (Minute No. OCM220707 refers), Council adopted the annual budget for the 2022-23 financial year. The figures in this report are compared to the adopted budget.

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year-to-date position to 28 February 2023 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 27 July 2022, Council adopted (Minute No. OCM220707 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2022-23 financial year:



*Officer Recommendation 4: That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2022/2023 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 28 February 2023 has been incurred in accordance with the 2022-23 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 28 February 2023 in accordance with section 6.4 of the *Local Government Act 1995*.**

**MOTION: OCM230307**

**MOVED: Cr Lester**

**SECONDED: Cr Dawson**

**That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 28 February 2023 in accordance with section 6.4 of the *Local Government Act 1995*.**

**CARRIED: 5/0**

## 9.3 DEVELOPMENT SERVICES

### 9.3.1 ADOPTION OF UPDATED BREMER BAY TRAILS MASTER PLAN 2023

<b>Location/Address:</b>	Bremer Bay Townsite and Environs
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Noel Myers, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	13 March 2023
<b>Attachments:</b>	a) Draft Bremer Bay Trails Master Plan 2023
<b>Authority/Discretion:</b>	Administrative

#### SUMMARY:

The purpose of this report is for Council to adopt the updated Bremer Bay Trails Master Plan 2023 (the Plan).

#### BACKGROUND:

The Shire's current Trails Master Plan was prepared in 2013 and various elements of the Plan have been implemented, however, it has not been reviewed since that time.

It is appropriate that the Plan be reviewed to ensure that it is consistent with both current community aspirations and priorities, and the form and substance of the Great Southern Regional Trails Master Plan 2020-2029, which has previously been adopted by the Shire of Jerramungup.

#### COMMENT:

The Master Plan project objective is to develop a recreational trails plan that encompasses the town of Bremer Bay and the three peninsulas that surround it: Point Henry, Cape Knob and Hood Point (Doubtful Islands).

This Master Plan has been developed with the guidance of the Bremer Bay Regional Trails Committee, in line with the project objective, purpose and scope, and the Department of Biodiversity Conservation and Attractions Trail Development Process (DBCA 2019).

The priorities and focus within that area have been guided by both the Bremer Bay Regional Trails Committee and community consultation. The Plan is designed to expand on the scope of the current trail network plan - *The Cycle and Shared-use Trail Plan for Bremer Bay/Point Henry*.

The Plan is required for four key reasons:

1. Incorporate a larger geographical area into the Plan.
2. Update priorities based on significantly increased visitor numbers in recent years.
3. Provide inclusion and identify/confirm priorities by consultation with the community, including Elders from the Noongar Aboriginal community.
4. Act on the recommendations made by the Great Southern Centre for Outdoor Recreation Excellence (GSCORE – now Outdoors Great Southern), thereby ensuring our local plan is consistent with the form and substance of the Great Southern Regional Trails Master Plan 2020-2029, which has been adopted by the Shire of Jerramungup.

**Purpose and Scope:**

The Master Plan will be used in the following ways:

1. As a strategic document to attract funding for the development, planning and implementation of priority trails;
2. As a pre-planning document (so that all key stakeholders are aware of, and in agreement on, broad priorities, timelines, key opportunities and issues); and
3. To engage with potential partners by providing a blueprint they can work with in conjunction with their own strategic plans.

To achieve this, the Master Plan incorporates the following:

- An outline audit of current trails (what we already have, what needs to be improved upon, what could be extended and/or renewed, what is totally new);
- Community consultation to identify trail priorities, including the views of the Noongar community;
- Indicative social and economic benefits and opportunities that arise from the proposed trails, including the target 'market' and relative importance locally and/or regionally;
- A rationale as to why proposed trails (including those already identified in the 2013 plan and new trails) are important (priority ranking);
- Indicative issues and challenges identified for individual trails (eg, environmental and safety concerns);
- An outline of environmental assessments required;
- A jurisdictional and tenure outline, and recommendations for consultation needed to establish broad in-principle agreement of relevant stakeholders; and,
- Governance model considerations (care and maintenance provisions).

The following section identifies key elements of the Plan:

**High Priority Actions:****Trail repairs, upgrades and/or rationalisations:**

1. Wellstead Estuary Walk Trail surface maintenance and repairs.
2. Point Henry Headland drive and walk track repair and rationalisation.
3. Wellstead Estuary Bog Arm trail drive and walk track repair and rationalisation.

**New trails:**

1. Paperbark Park to Rock Cairn trail and boardwalk loop.
2. Point Henry Headland Trail, existing track conversion to shared-use trail and new sections.
3. Wellstead Estuary Bog-Arm trail, existing track conversion to shared use trail and new sections.
4. Bremer Beaches to Back Beach Marina loop trail.

**Site developments associated with existing or new tracks:**

1. Bird Hide – spur off Wellstead Estuary Walk Trail.
2. Carpark and memorial site definition at Rock Cairn Anzac Memorial (Cuneo Drive).
3. Point Henry Headland Trail car park and trail head, corner of Point Henry and Little Boat Harbour Roads.

**Interpretive and directional sign and other infrastructure repair or replacement:**

1. Little Boat Harbour Dive Trail Recreation site/trailhead.
2. Wellstead Estuary Walk Trail directional signs and seats. Trail upgrades and developments recognise that dual-naming and provision of interpretive signage, lookouts, installations and infrastructure that support nature conservation, cultural connection and interpretation of natural features are integral.

**Implementation**

An integral component of any Plan is to ensure that there are effective implementation strategies clearly identified. To this end, the Plan provides commentary and direction on trail implementation and is designed and described at four levels as outlined above:

1. Priority trail repair and upgrade to existing trails and tracks;
2. Priority new trail development;
3. Priority trail associated site development; and
4. Interpretive and directional sign repair or replacement.

Implementation of trail repair and upgrades for existing trails and tracks are a relatively simple planning and modest resourcing process, not requiring development planning.

Implementation of priority site developments or upgrades are about additions or associated works for existing or planned trails, which will require site development planning.

Implementation of priority new trail developments including the conversion of existing 4x4 track networks, requires significant investment and undertaking in the development planning phase, which for this Master Plan is implementation in a first step sense, in line with the DBCA Trails Development Process. This would form the basis for exploring grant support opportunities to resource planning, implementation and associated interpretation, conservation and utility infrastructure and installations.

Development planning for significant sites and new trails will require further consultation with the community, specifically the Noongar community, to include their wishes and stories in the final products. Provision for the resourcing of this will be required, most likely through grant opportunities.

**STATUTORY ENVIRONMENT:**

Local Government Act 1995

**STRATEGIC IMPLICATIONS:**

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

**Environment Built:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Funding for the review of the plan was secured by the Fitzgerald Biosphere Group via the Australian Government's Building Better Regions Fund.

Implementation of the various recommendations detailed within the Plan will require consideration when setting future Council budgets.

**WORKFORCE IMPLICATIONS:**

None directly associated with the adoption of this item.

**POLICY IMPLICATIONS:**

Nil

**CONSULTATION:**

Broad community consultation at the inception of the project was undertaken in the form of a poll through the Shire of Jerramungup Survey Monkey account, in addition to broadcast notices being placed on notice boards and other social media platforms, and direct consultation with selected key stakeholder groups. The survey questions were designed by members of the project steering committee, to encourage respondents to describe existing and desired trail experiences and features and places that would ideally be included on trails.

It is proposed that:

1. The draft Trails Master Plan be released for a 14-day public comment period post the Council's adoption of the draft.
2. On the basis that there are no sustainable objections to the plan arising from that process, the Council delegates authority to the Chief Executive Officer to finalise the plan, in order for the Fitzgerald Biosphere Group to acquit its grant.

**SUMMARY:**

This Trails Master Plan is laid out according to the order logic of the Great Southern Regional Trails Master Plan 2020-2029 (GSCORE 2020), which was considered to be a pre-requisite in order to secure Council's endorsement of the Plan.

It is acknowledged that some aspects of future trail development detailed within the Plan are aspirational and may take some time to realise, due to externalities beyond Council's influence and budget capacity. Notwithstanding, the Plan should be regarded as being flexible and ideally should be reviewed periodically to measure its outcomes on at least a five-year rotational basis.

It is considered to represent a legible and cohesive Plan that will inform the future upgrading of the existing trails network and development of future trails within the Bremer Bay townsite, as funding opportunities arise.

**VOTING REQUIREMENT:**

Simple majority

**OFFICER RECOMMENDATION:**

**That COUNCIL;**

1. **Adopts the Draft Bremer Bay Trails Master Plan 2023, dated January 2023, subject to the Plan being advertised for a 14-day public consultation period;**
2. **Delegates authority to the Chief Executive Officer to finalise the Draft Bremer Bay Trails Master Plan following the conclusion of the public consultation period, on the basis that:**
  - i) **There are no fatal flaws arising to the Plan from the public submissions; or**
  - ii) **Modifications required do not represent a material change to the various recommendations and strategies as detailed within the Draft Plan.**

**MOTION: OCM230308**

**MOVED: Cr Dawson**

**SECONDED: Cr Foreman**

**That COUNCIL:**

- 1. Adopts the Draft Bremer Bay Trails Master Plan 2023, dated January 2023, subject to the Plan being advertised for a 14-day public consultation period;**
- 2. Delegates authority to the Chief Executive Officer to finalise the Draft Bremer Bay Trails Master Plan following the conclusion of the public consultation period, on the basis that:**
  - i) There are no fatal flaws arising to the Plan from the public submissions; or**
  - ii) Modifications required do not represent a material change to the various recommendations and strategies as detailed within the Draft Plan.**

**CARRIED: 5/0**

**9.3.2 ADOPTION OF UPDATED BUSHFIRE ATTACK LEVEL CONTOUR MAPPING**

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Noel Myers, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	13 March 2023
<b>Attachments:</b>	a) Jerramungup and Bremer Bay Townsite Bushfire Prone Vegetation Mapping and BAL Contour Plan Review
<b>Authority/Discretion:</b>	Administrative

**SUMMARY:**

Purpose of report is for Council to adopt the updated Bushfire Attack Level (BAL) Contour Plans for Jerramungup and Bremer Bay, which are utilised to assign a BAL rating to residential development within these townsites. The document is also used to inform the planning for Shire's annual bushfire mitigation works.

**BACKGROUND:**

- Local Planning Policy No.22 BAL Contour Plan for Jerramungup and Bremer Bay was adopted to aid applicants in preparing information for lodging development applications by providing a BAL Contour Plan over the Shire's two townsites.
- Clause 5.2 d) of Policy No.22 identifies that the BAL Contour Plans are to be reviewed annually, in order to respond to any townsite bushfire mitigation actions completed in the previous year.

**CONSULTATION:**

Internal consultation has been undertaken with Shire's Bushfire Risk Mitigation Coordinator.

No external consultation was undertaken.

The update is a technical assessment by an accredited Level 3 Bushfire Consultant and the new plans are published on the Shire's website.

**COMMENT:**

Local Planning Policy No.22 has been prepared having regard to the overarching Bushfire Policy Framework that was released in 2015 to guide development in bushfire prone areas.

This BAL Mapping review is essentially a technical assessment undertaken by an accredited Level 3 Bushfire Consultant. The annual review of that mapping is undertaken to reflect changes to the bushfire risk following completion of mitigation works and/or changes to the overarching bushfire framework that does occur intermittently. The report is also used to inform planning for annual mitigation works in and around the two townsites.

**STATUTORY ENVIRONMENT:**

- Deemed Provisions within the Planning and Development (Local Planning Schemes) Amendment regulations 2015;
- Shire of Jerramungup Bushfire Risk Management Plan 2017 – 2022;
- Shire of Jerramungup Local Planning Scheme No.2;
- State Planning Policy 3.7 and supporting Guidelines; and Australian Standard 3959: Construction of buildings within bushfire prone areas.



**STRATEGIC IMPLICATIONS:**

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

**Environment Built:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Provision is made through the Shire's fire mitigation budget to annually review the BAL Mapping.

**WORKFORCE IMPLICATIONS:**

None directly associated with the adoption of this item.

**POLICY IMPLICATIONS:**

Policy is updated in accordance with matters set out within section 5.2 – General Requirements of the Policy.

**VOTING REQUIREMENT:**

Simple majority

**OFFICER RECOMMENDATION:**

That **COUNCIL**;

1. **Adopts the updated Jerramungup and Bremer Bay Townsite Bushfire Prone Vegetation Mapping and BAL Contour Plan Review prepared by Bio Diverse Solutions; and**
2. **Updates Local Planning Policy No.22 – BAL Contour Plan for Jerramungup and Bremer Bay Planning Policy by adopting the updated mapping referred to in Item 1 above.**

**MOTION: OCM230309****MOVED: Cr Lester****SECONDED: Cr Foreman****That COUNCIL:**

1. **Adopts the updated Jerramungup and Bremer Bay Townsite Bushfire Prone Vegetation Mapping and BAL Contour Plan Review prepared by Bio Diverse Solutions; and**
2. **Updates Local Planning Policy No.22 – BAL Contour Plan for Jerramungup and Bremer Bay Planning Policy by adopting the updated mapping referred to in Item 1 above.**

**CARRIED: 5/0**

## 9.4 EXECUTIVE SERVICES

### 9.4.1 INFORMATION BULLETIN FEBRUARY/MARCH 2023

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Glenda Gray, Executive Assistant
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	13 March 2023
<b>Attachments:</b>	a) February/March 2023 Information Bulletin
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

To advise Council on the information items for February/March 2023 including actions that have been undertaken in relation to decisions of Council and actions performed under delegated authority.

#### BACKGROUND:

There is no specific requirement to report on actions performed under delegated authority to Council. However, to increase transparency this report has been prepared for Council and includes actions performed under delegated authority for the month of February/March 2023.

#### CONSULTATION:

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

#### COMMENT:

The Council Resolution Register is an important administrative tool used by the Shire to monitor the implementation of Council decisions. Any Council resolution 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 months of February/March 2023.**

**MOTION: OCM230310****MOVED: Cr Leenhouders****SECONDED: Cr Dawson**

**That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the months of February/March 2023.**

**CARRIED: 5/0**

**9.4.2 DELEGATIONS OF AUTHORITY – REVIEW**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	GV.AU.1
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	10 March 2023
<b>Attachments:</b>	a) Draft Register of Delegated Authority 2022-2023
<b>Authority/Discretion:</b>	Executive

**SUMMARY:**

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

**BACKGROUND:**

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

Sections 5.18 and 5.46 of the *Local Government Act 1995* require that at least once every financial year, delegations are to be reviewed by the delegator. The Council reviewed its delegations in the 2021/2022 financial year (Minute No. OCM211108 refers). It is important for the Register of Delegated Authority to be reviewed each year to ensure Council is meeting its statutory compliance obligations.

An extensive review of the Register of Delegated Authority was carried out in 2018 and since that time minor amendments have been endorsed by the Council each year.

**CONSULTATION:**

Executive Management Team

Internal Shire staff

**COMMENT:**

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

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

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

The Shire of Jerramungup's register of delegations of authority was last reviewed by Council in November 2021 and is now due for review.

Council may choose at their discretion to remove any delegations.

**STATUTORY ENVIRONMENT:****Local Government Act 1995****5.16. Delegation of some powers and duties to certain committees**

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

\* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984—
- (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
- (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

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

- (1) A local government can delegate—
- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except—
- (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
- (ii) any other power or duty that is prescribed;

And

- (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
- (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of—
- (i) the local government's property; or
- (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

**5.18. Register of delegations to committees**

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

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

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

\* Absolute majority required.

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

#### **5.43. Limits on delegations to CEO**

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

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

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

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty—*
  - (a) The CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,*

*are subject to any conditions imposed by the local government on its delegation to the CEO.*

- (4) Subsection (3) (b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) In subsections (3) and (4)—*  
*conditions includes qualifications, limitations or exceptions.*

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

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984—*
  - (a) A delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
  - (b) Any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*

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

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

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

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

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

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

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

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

**Building Act 2011 section 127**

**Bush Fires Act 1954 section 48**

**Cat Act 2011 section 44**

**Dog Act 1976 section 10AA**

**Food Act 2008 section 118**

**Public Health Act 2016 section 21**

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

**STRATEGIC IMPLICATIONS:**

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

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/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:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council, BY AN ABSOLUTE MAJORITY, pursuant to the *Local Government Act 1995* and the various provisions of other State Legislation as listed:

1. NOTES completion by Council as the Delegator, the 2022/2023 annual statutory review of the Register of Delegations of Authority, in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*, section 47(2) of the *Cat Act 2011* and section 10AB of the *Dog Act 1976*.
2. ADOPT the delegations and limitations thereto with respect to the Chief Executive Officer, Chief Bushfire Control Officer and Shire President as designated in the attached Delegation Register; and
3. NOTES the delegations that the CEO has determined with respect to other officers, pursuant to section 5.44 of the *Local Government Act 1995*.

**MOTION: OCM230311****MOVED: Cr Dawson****SECONDED: Cr Foreman**

That Council, BY AN ABSOLUTE MAJORITY, pursuant to the *Local Government Act 1995* and the various provisions of other State Legislation as listed:

1. NOTES completion by Council as the Delegator, the 2022/2023 annual statutory review of the Register of Delegations of Authority, in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*, section 47(2) of the *Cat Act 2011* and section 10AB of the *Dog Act 1976*.
2. ADOPT the delegations and limitations thereto with respect to the Chief Executive Officer, Chief Bushfire Control Officer and Shire President as designated in the attached Delegation Register; and
3. NOTES the delegations that the CEO has determined with respect to other offices, pursuant to section 5.44 of the *Local Government Act 1995*.

**CARRIED BY ABSOLUTE MAJORITY 5/0**



**10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil.

**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**12.0 COUNCILLOR REPORTS****Cr Lester**

Attended Great Southern Development Commission meeting – will be meeting again in May re REDS grants. There appeared to be projects approved in round one which did not commence, which is disappointing.

Attended Shire Audit Committee meeting.

**Cr Dawson**

Attended Shire Audit Committee meeting.

**Cr Leenhouders**

Attended South Coast Alliance (SCA) meeting via Teams to discuss the group's future direction. All members agreed the SCA is still important and opted to roll over existing funds. If a major project arises requiring additional funds, this will be considered by Council at the time.

Attended Shire Audit Committee meeting.

**Cr Foreman**

Attended Fitzgerald Biosphere Group (FBG) meeting as the new Shire representative. Nothing Council needs to do. Bush Heritage was seeking support from the Shire and FBG in relation to about 600ha on Norman Road, but it was not supported. The University of WA is in the area conducting a WaterSmart program for cropping and trials, part of which involves matching catchments to dam sizes. It was reported that 256 foxes were eliminated in the recent fox shoot. There is a new and vibrant FBCC staff member (Annie) organising events and training, amongst other things. She is keen to liaise with residents and businesses.

Attended Shire Audit Committee meeting.

Noted that Cr Parsons was unable to attend the Council Meeting, but through Cr Foreman requested that correspondence be forwarded to the Department of Parks and Wildlife requesting maintenance of the roads in the Fitzgerald National Park.

**Cr Iffla**

Attended Shire Audit Committee meeting.

Attended South Coast Alliance meeting – The group is keen on advocacy and the South Coast Highway advocacy document is progressing well.

Attended a meeting with the Deputy Shire President and the Chief Executive Officer. The group usually meets once per fortnight, sometimes the Manager of Development also attends. These meetings are valuable for gaining an awareness of activities across the Shire and information sharing.

**Cr Leenhouders**

Cr Leenhouders was requested by the Pottery Group in Bremer Bay to thank the Shire for their 2022/23 community grant. They had asked her to pass on that they have finished their shed and are very grateful for the funding from the Shire. They are very happy with what they have achieved.

**Noel Myers, Manager of Development**

There is State funding of \$40M (country) available for headworks and a business case could be made for helping fund and push out infrastructure to the west of Bremer Bay in the Templetonia Street area, where sewerage was never installed. The owners of the westerly end of the block would be interested as this would assist with future subdivision and have a massive benefit for the town. The Great Southern Development Commission may assist with writing the business case. This will be investigated further.

**13.0 NEW BUSINESS OF AN URGENT NATURE**

Nil.

**14.0 CLOSURE****14.1 DATE OF NEXT MEETING**

The next ordinary meeting of Council will be held Wednesday, 26 April 2023, commencing at 10.00am, in Bremer Bay.

**14.2 CLOSURE OF MEETING**

The Presiding Member closed the meeting at 11.00am

These minutes were confirmed at a meeting held

.....

Signed: .....

Presiding Person at the meeting at which these minutes were confirmed

Date: .....

