



# 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 November 2023

At the Council Chamber,

Jerramungup

Commencing at 8:30am

### **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 November 2023

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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.

### COPYRIGHT

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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.”*

## 2023 MEETING DATES

At its Ordinary Meeting of Council on 26 October 2022, Council adopted the following meeting dates for 2023:

January	-	-	Council in Recess
Wednesday	22 February 2023	10.00am	Council Chambers, Jerramungup
Wednesday	22 March 2023	10.00am	Council Chambers, Jerramungup
Wednesday	26 April 2023	10.00am	Emergency Services Shed, Bremer Bay
Wednesday	24 May 2023	10.00am	Council Chambers, Jerramungup
Wednesday	28 June 2023	10.00am	Council Chambers, Jerramungup
Wednesday	26 July 2023	10.00am	Council Chambers, Jerramungup
Wednesday	23 August 2023	10.00am	Emergency Services Shed, Bremer Bay
Wednesday	27 September 2023	10.00am	Council Chambers, Jerramungup
Wednesday	25 October 2023	10.00am	Council Chambers, Jerramungup
Wednesday	22 November 2023	8.30am	Council Chambers, Jerramungup
Wednesday	20 December 2023	8.30am	Emergency Services Shed, Bremer Bay

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

## APPLICATION FOR LEAVE OF ABSENCE

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

**Shire of Jerramungup  
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Wednesday 22 November 2023**

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## **ORDINARY COUNCIL MEETING AGENDA**

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

The meeting was opened at .....am 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:**

**STAFF:**

**VISITORS:**

**GALLERY:**

#### **2.2 APOLOGIES**

Gordon Capelli, Works Supervisor

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

Cr Gavin Mair

#### **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.

**OFFICER RECOMMENDATION**

That Cr \_\_\_\_\_ be granted permission to be present at the Ordinary Council Meeting to be held on 22 November 2023 by audio contact.

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

Nil.

**6.0 PUBLIC TIME****6.1 PUBLIC QUESTION TIME****6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS****7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****7.1 ORDINARY COUNCIL MEETING HELD 25 OCTOBER 2023**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 25 October 2023 be CONFIRMED.

**7.2 BREMER BAY COMMUNITY DEVELOPMENT COMMITTEE MEETING HELD 11 OCTOBER 2023**

Attachment 7.2 a)

That Council RECEIVE the Minutes of the Bremer Bay Community Development Committee Meeting held on 11 October 2023.

**8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES**

## 9.0 REPORTS

### 9.1 TECHNICAL SERVICES

#### 9.1.1 WORKS REPORT FOR OCTOBER/NOVEMBER 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>	9 October 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 now completed the EV Charging Station on Moorshead Road.

The Crew has also finished the shoulder grading on Point Henry Road and ground works for the footpath going from Seadragon Road to a point east of the Wellstead Road intersection in Bremer Bay. This footpath will be asphalted in February.

The Crew will be moving to Monjebup Road to start a full construction of a 3km section from SLK 0.00 to 3.00.

##### Road Maintenance

The road maintenance grader has been grading Cowallelup Road and Cardininnup Road.

A contractor has assisted with grading of Meechi Road and Swamp Road, and the shoulder grading on Point Henry.

##### Town Services

Jerramungup

Town Services staff have been busy with the following:

- Preparing the War Memorial grounds, Rootpickers Hall grounds, and Roe Park for Remembrance Day.
- Carrying out weed control on all entry statements, Roe Park and streets and footpaths.
- Conducting general maintenance activities at Jerramungup Cemetery, Jerramungup CRC grounds, and the Jerramungup Occasional Childcare Centre grounds.
- Watering of all recently established gardens.
- Rubbish removal from streets, parks, gardens and reserves.

Bremer Bay

Town Services activities in Bremer Bay have included:

- Working with the Road Maintenance Crew preparing the ground works at the parking area opposite the Bremer Bay store. Future works will include re-sheeting the parking area with fresh gravel and revitalizing the associated embankment with garden beds supporting local native shrubs.
- General maintenance activities including the mowing/slashing of parks and gardens including Pelican Park, Paperbarks, and streets.
- Carrying out weed control activities along Bremer-Borden Road, and along townsite footpaths and streets.
- Rubbish removal from along Wellstead Road, Point Henry Road and within reserves.
- Conducting inspections of structures within Point Henry reserves parking areas and replacing several damaged bollards.
- Replacing damaged street signs where required. Awaiting new signs to replace signs that were vandalised or removed.

## Environment

- Town Services staff have been busy working on Vic Tea Tree control along Swamp Road, including the slashing of the road reserve supporting Vic Tea Tree seedlings. The key control method was the use of a skid steer to uproot mature Tea Tree populations within the road reserve to reduce the spread of seeds into un-infested areas.
- A community engagement program was initiated with the Bremer Bay Primary School, with a *Shorebirds of the Wellstead Estuary* presentation held at the Wellstead Estuary with parents, teachers and students.
- Over the last couple of week Town Services staff have been working on restoring Critical Riparian Vegetation Zones along the Wellstead Estuary with the removal of 12 truckloads of Polygala, Kikuyu, Boxthorn, African Love Grass, Vic Tea Tree and Dolichos Pea.

## 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;

### *Economy*

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

### *Environment Built*

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

### *Environment Natural*

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

## FINANCIAL/BUDGET IMPLICATIONS:

The works completed are included in the 2023/2024 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 October/November 2023.**

**9.2 CORPORATE SERVICES****9.2.1 ACCOUNTS FOR PAYMENT – OCTOBER 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>	1 November 2023
<b>Attachments:</b>	a) List of Accounts Paid to 31 October 2023 b) Credit Card Statement 27 September 2023 – 26 October 2023 c) Fuel Card Statement September 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 October 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.

Commencing 1 September 2023, Local Governments are required to report on payments by employees via purchasing cards, under new Regulation 13(A).

**CONSULTATION:**

Internal consultation within the Finance Department.

**COMMENT:**

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2023/24 Annual Budget as adopted by Council at its meeting held 26 July 2023 (Minute No. OCM230706 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 October 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	28181	
EFT Payments	21304 – 21415	\$420,124.36
Direct Deposits		\$80,665.77
<b>Municipal Account Total</b>		<b>\$500,790.13</b>
<b>Trust Account</b>		
<b>Trust Account Total</b>		<b>\$0.00</b>
<b>Grand Total</b>		<b>\$500,790.13</b>

Included within the EFT payments from the Shire’s Municipal Account are Fuel Card Statement required to be reported under Regulation 13(A), totalling \$3,452.87.

## **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.

It is requested that any questions on specific payments are submitted to the Deputy Chief Executive Officer by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the meeting. This allows a detailed response to be given in a timely manner.

## **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.*

As part of the *Local Government Regulations Amendment Regulations 2023*, additional reporting is now required by Local Governments. Regulation 13(A), a new regulation, is required, as follows:

*Local Government (Financial Management) Regulations 1996 – Reg 13A*

**13A. Payments by employees via purchasing cards**

- (1) *If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —*
- (a) the payee's name;*
  - (b) the amount of the payment;*
  - (c) the date of the payment;*
  - (d) sufficient information to identify the payment.*
- (2) *A list prepared under subregulation (1) must 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.*

Regulation 13(A) comes into operation from 1 September 2023.

**STRATEGIC IMPLICATIONS:**

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

*Governance and Leadership*

*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:**

**The List of Accounts Paid to 31 October 2023 totalling \$500,790.13**

**The Credit Card Statement 27 September 2023 – 26 October 2023 as detailed in attachment 9.2.1(b).**

**The Fuel Card Statement September 2023 as detailed in Attachment 9.2.1(c).**

**9.2.2 MONTHLY FINANCIAL REPORT – OCTOBER 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 November 2023
<b>Attachments:</b>	a) Monthly Financial Report for the period ending 30 October 2023
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the statement of financial activity for the period ended 31 October 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 31 October 2023.

**BACKGROUND:**

At its meeting held 26 July 2023 (Minute No. OCM230706 refers), Council adopted the annual budget for the 2023/24 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 October 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 26 July 2023, Council adopted (Minute No. OCM230709 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2023/24 financial year:

*Officer Recommendation 4: That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2023/2024 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;

*Governance and Leadership*

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

**FINANCIAL IMPLICATIONS:**

Expenditure for the period ending 31 October 2023 has been incurred in accordance with the 2023/24 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 RECEIVE the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 October 2023 in accordance with section 6.4 of the *Local Government Act 1995*.**

**9.2.3 BUSHFIRE RISK MITIGATION COORDINATOR GRANT AGREEMENT AND BUSINESS PLAN**

<b>Location/Address:</b>	Shire of Jerramungup / Shire of Gnowangerup
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	14 November 2023
<b>Attachments:</b>	a) CONFIDENTIAL – Bushfire Risk Mitigation Coordinator (BRMC) Grant Agreement b) Bushfire Risk Mitigation Coordinator Business Plan
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

Council is requested to consider accepting and endorsing the BRMC Grant agreement between Department of Fire and Emergency Services (DFES) and the Shire of Jerramungup and Shire of Gnowangerup, which has been provided for in the 2023/2024 budget.

**BACKGROUND:**

Under the State Hazard Plan for Fire, local governments that have been identified as having high or extreme bushfire risk are required to develop an integrated Bushfire Risk Mitigation Plan (BRMP) outlining a strategy to treat or reduce bushfire related risk across all land tenures. A BRMP was prepared for the Shire of Gnowangerup in accordance with the requirements of the Guidelines for Preparing a Bushfire Risk Management Plan (Guidelines) from the Office of the Bushfire Risk Management (OBRM) within the Department of Fire and Emergency Services (DFES).

The Bushfire Risk Management (BRM) Program is the identification and classification of bushfire risk within the participating local government(s) respective areas. The program involves the development of a treatment plan in respect of the identified risk(s), through the utilisation of shared resources and the cooperation between Local Governments, State Agencies and private landowners and/or occupiers of land.

BRM Plans document the bushfire related risk to community assets and outline treatments to mitigate these risks. The Bushfire Risk Mitigation Coordinator (BRMC), through the coordination of local government mitigation activities, performs a vital role in managing bushfire risk within local communities. The BRMC is responsible for ensuring local government mitigation programs are effectively developed, implemented and evaluated.

In June 2017, Council endorsed the Shire of Jerramungup Bushfire Risk Management Plan. The Shire of Jerramungup identified the need to employ a BRMC to ensure mitigation strategies are delivered and reviewed across the Shire. At the time the Shire of Ravensthorpe (SoR) was also seeking support to fund this position. As resource sharing had proven to be successful between the two local governments with shared roles DFES supported the request for financial assistance towards the employment of a BRMC. A BRMC agreement was entered into between both Shires to fund the position in 2019, however this agreement has now come to an end.

Earlier this year the Shire of Gnowangerup approached the Shire of Jerramungup to enter into a resource sharing arrangement to fund the BRMC role as they had not been able to secure funding for this position to date. In March 2022 the Shire of Gnowangerup endorsed their Bushfire Risk Management Plan.

The Shire of Jerramungup and DFES supported Shire of Gnowangerup's request to enter into a resource sharing arrangement for a BRMC. The new agreement with Shire of Gnowangerup provides assurance to the Shire of Jerramungup that the position will continue to be funded until 2026 as well as providing a new opportunity to share resources with a neighbouring Shire.

**CONSULTATION:**

- DFES
- Shire of Gnowangerup

**COMMENT:**

In July 2023, Shire of Jerramungup representatives provided staff from OBRM and Bushfire Risk Management Branch (BRMB) an overview of the Shire’s approach to managing bushfire risk and accompanied them in the review of mitigation treatments funded by the MAFGPO. Seventeen treatments were assessed across the localities of Bremer Bay and Boxwood Hill consisting largely of planned burning and parkland clearing. The review team observed that treatments were clearly informed by a strategy of reducing fuels proximal to townsites to reduce the impacts of bushfire, and were well-integrated with other MAFGP treatments. The team was impressed by the professional approach taken by the Shire of Jerramungup to plan and conduct mitigation activities, including engagement with a diverse range of stakeholders and they advised it was clear that the Shire of Jerramungup is taking a proactive approach to managing the risk bushfire poses to its communities.

The officer recommendation is seeking support to continue to fund this position.

The BRMC will work within the following organisations to assist with the development, implementation and monitoring of each local government’s bushfire mitigation programs. Below is the split agreed to in-principle for the BRMC working arrangements:

Year of Support	Grantee (Host LG)	Organisation (Local Government)	Support Days per Fortnight
2023-24	Shire of Jerramungup	Shire of Jerramungup Shire of Gnowangerup	5 days 5 days
2024-25	Shire of Jerramungup	Shire of Jerramungup Shire of Gnowangerup	5 days 5 days
2025-26	Shire of Jerramungup	Shire of Jerramungup Shire of Gnowangerup	5 days 5 days

The following table outlines the proposed financial split between the Shire of Jerramungup and Shire of Gnowangerup and DFES contribution:

	Grant Period		
	2023-24	2024-25	2025-26
DFES Funding	\$79,165.00	\$48,116.00	\$49,769.00
Shire of Jerramungup (50%)	\$39,582.41	\$56,134.38	\$58,063.22
Shire of Gnowangerup (50%)	\$39,582.41	\$56,134.38	\$58,063.22
<b>GRAND TOTAL (EX GST)</b>	<b>\$158,329.82</b>	<b>\$160,384.75</b>	<b>\$165,895.44</b>

**STATUTORY ENVIRONMENT:**

The *Emergency Management Act 2005* provides the head of power to direct local governments to comply with the requirements of State emergency management policies where they are given a role within those policies as follows:

“Section 20 (4)

*A public authority that is given a role and responsibilities under a State emergency management policy is to comply with the State emergency management policy.”*

Under the State Hazard Plan for Fire (Westplan Fire) an integrated BRMP is to be developed for local government areas with significant bushfire risk. The endorsement of the BRMP by Shire of Jerramungup Council satisfies their endorsement obligations under section 2.3.1 of the State Hazard Plan for Fire (Westplan Fire).

**STRATEGIC IMPLICATIONS:**

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031:  
*Deliver sustainable long-term planning for the built environment that meets the needs of the community.*

**FINANCIAL/BUDGET IMPLICATIONS:**

The endorsed BRM Plan allows the Shire to access the State Government’s Mitigation Activity Funding (MAF) grants available to local governments. This funding is made available to implement treatment strategies on land managed by the local government.

The 2023/2024 budget adopted by Council at the Ordinary Council Meeting held on 26 July 2023 included the costs for the BRMC position. Below sets out the contributions that will need to be allocated for future budgets for the duration of the grant.

	2023-24	2024-25	2025-26
Shire of Jerramungup (50%)	\$39,582.41	\$56,134.38	\$58,063.22

The Shire of Jerramungup and Shire of Gnowangerup discussed staff housing availability, both Shires were unable to offer staff housing which raised concerns that we would not be able to attract a suitable applicant. The Shire of Jerramungup managed to secure a 12month private lease on a rental property in Bremer Bay for the position.

DFES were requested to increase their contribution under the BRMC agreement for the additional cost associated with housing however DFES advised they were unable to increase the grant amount as the BRM program is now open to all local governments across the State. The BRMC budget is consistent across all local governments and takes into account more local governments coming onboard over the next few years. The cost for staff housing will be shared between both Shires with the successful applicant being offered subsidised rental accommodation.

**WORKFORCE IMPLICATIONS:**

This is an additional shared resource and therefore an increase in expenses in the 2023/2024 financial year that was included in the 2023/2024 Shire of Jerramungup adopted budget.

Council may reject the option to participate in the Bushfire Risk Mitigation Coordinator Grant Program and Shire employee/s will be required to implement the Bushfire Risk Mitigation Plan. This would have significant impacts on resourcing and require extensive training for an existing employee or alternatively employ a dedicated BRMC. The grant funding would not be available and would require the Shire to cover the entirety of the costs associated with implementing the BRMP.

The BRMC will be an employee of the Shire of Jerramungup not DFES so the Shire’s Human Resources processes and policies will apply.

**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 ENDORSE the Bushfire Risk Mitigation Coordinator Grant Agreement.**

**9.2.4 OUT OF BUDGET EXPENSE – BREMER BAY PROGRESS ASSOCIATION**

<b>Location/Address:</b>	Bremer Bay Sports Club
<b>Name of Applicant:</b>	Bremer Bay Progress Association
<b>File Reference:</b>	CR.SP.1
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	14 November 2023
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>a) Funding Application for Bremer Bay Progress Association Event</li> <li>b) Sponsorship Request for Bremer Bay Progress Association Event</li> <li>c) Letter of Support for Event from Bremer Bay Sports Club</li> <li>d) Letter of Support for Event from Bremer Bay CRC</li> <li>e) Summary of Event</li> <li>f) Layout of Event</li> <li>g) Quote for Event Toilets</li> <li>h) Certificate of Incorporation of Bremer Bay Progress Association</li> <li>i) Public Liability Insurance Certificate of Currency</li> <li>j) Public Liability Insurance Policy Schedule</li> <li>k) CONFIDENTIAL - Event Budget – Bremer Bay Progress Association</li> </ul>
<b>Authority/Discretion:</b>	Executive

**SUMMARY:**

The purpose of this report is to place before Council a request from the Bremer Bay Progress Association for financial assistance towards their proposed event *Bombs, Beasts & Beauties Bremer Bay Car Show* to be held in January 2024.

As the Shire is not authorised to incur this expenditure as it has not been included in 2023/24 adopted annual budget a formal Council resolution for the out of budget expense is required.

**BACKGROUND:**

On 21 September 2023, the Bremer Bay Progress Association advised the Shire that they were looking at hosting a fundraising event (*Bremer Bay Bombs, Beasts & Beauties*) at the Bremer Bay Sports Club oval on January 20, 2024.

The Association were advised that the Shire had committed a cash contribution of \$9,000 in the 2023/24 budget towards the FBG event 'Dancing in the Dirt Gala Ball 2024' as the Council's community event contribution. If the Progress Association were seeking a financial contribution from the Shire in the 2023/24 financial year the application for financial support will need to be considered by Council as it is an out of budget expense request.

The Shire received a formal request from the Bremer Bay Progress Association for financial assistance towards the event on 31 October 2023. The Association advised that they were aware this was a request outside of Council's annual community budget requests, so they have also provided a sponsorship option for Council's consideration.

Council is now required to consider the request.

**CONSULTATION:**

Bremer Bay Progress Association

**COMMENT:**

The Shire is required by legislation to ensure community events comply with basic requirements to ensure public safety. Given this event is still in the planning process with the budget not yet finalised the Shire needs to ensure that the Event Management Plan is completed by the Bremer Bay Progress Association and provided to the Shire by 1 December 2023 at the latest, to ensure the Group is able to deliver a safe and successful event.

It is acknowledged that the Bremer Bay Progress Association is a newly created community group and has not yet had the opportunity to develop strategic plans, projects and priorities that help better inform Council when setting their annual budget, and are standard requirements for other community groups seeking funding from Council. In this light, it needs to be emphasised that any agreement of the Council to a budget amendment must be viewed as a 'once only matter' and future budget requests will only be considered through Council's annual budget setting processes and procedures.

Notwithstanding, in this instance it is considered that there are sufficient community and economic benefits that will accrue from the event that warrants consideration of the request.

**STATUTORY ENVIRONMENT:**

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

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

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
- (b) is authorised in advance by resolution\*; or
- (c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

(1a) In subsection (1) —

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

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

**STRATEGIC IMPLICATIONS:**

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

**Governance and Leadership –**

- Implement systems and processes that meet our legal and audit obligations.
- Work cohesively with groups from across the community to improve engagement and to promote community participation.

**FINANCIAL/BUDGET IMPLICATIONS:**

If Council resolves to support the event, the provision of funds will create a shortfall in the annual budget which will need to be considered through the budget review process.

**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, AUTHORISE the out of budget expense of \$5,000 ex GST to the Bremer Bay Progress Association to fund the proposed event being *Bombs, Beasts & Beauties Bremer Bay Car Show* on 20 January 2024 subject to the following condition:**

- 1. Event Management Plan to be provided to the Shire by 1 December 2023.**

**9.2.5 PROPOSED BUDGET AMENDMENT 2023/2024 – RR38 DOUBTFUL ISLAND ROAD**

<b>Location/Address:</b>	Doubtful Island Road
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer & 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>	14 November 2023
<b>Attachments:</b>	a) 2023/24 Road Construction Program
<b>Authority/Discretion:</b>	Executive

**SUMMARY:**

This report seeks approval from Council for the proposed budget amendment as detailed in this report.

**BACKGROUND:**

Council adopted its 2023/2024 Annual Budget and Road Construction Program on 26 July 2023 which included the full reconstruction of the Doubtful Island Road Flood Crossing to be funded under the Roads to Recovery Program. Council is being requested to consider an increase in allocation towards materials and contractors to allow the works to be contracted out rather than completed in-house.

**CONSULTATION:**

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

**COMMENT:**

Through the budget process the reconstruction of the Doubtful Island Road Flood Crossing was costed out based on the Shire's Works Department undertaking the works on the flood crossing. \$69,480 for materials and contractors was allocated towards the project.

The Works Supervisor has requested that the project now be undertaken by a Contractor due to current commitments of the Works Department. Three quotes have been sought to undertake the works ranging from \$95K – \$114K. To allow the Works Supervisor to engage a Contractor a budget amendment is proposed.

The Works Supervisor has advised that the Jacup North Road construction project has been completed and has come under budget due to gravel being sourced close to the job. The officer recommendation is to reallocate \$41,960 from RR37 Jacup North Road to RR38 Doubtful Island Road Flood Crossing to ensure works can be undertaken in February 2024.

**STATUTORY ENVIRONMENT:**

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

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

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

*\* Absolute majority required.*

*(1a) In subsection (1) —*

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

*(2) Where expenditure has been incurred by a local government —*

*(a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*

*(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

**STRATEGIC IMPLICATIONS:**

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

*Economy*

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

*Environment Built*

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

*Environment Natural*

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

**FINANCIAL IMPLICATIONS:**

Item proposes to transfer funds from one construction project to another with no additional cost to Council.

**WORKFORCE IMPLICATIONS:**

By engaging Contractors to complete the reconstruction works on the Doubtful Island Flood Crossing it is expected that the Works Department will be able to deliver the remaining Road Construction Program identified for 2023/2024 by 30 June 2024.

**POLICY IMPLICATIONS:**

AP4 – Regional Price Preference

FP1 – Capitalisation and Depreciation of Non-Current Assets

FP6 – Procurement of Goods and Services

Significant Accounting Policies as detailed within the Monthly Financial Report

**VOTING REQUIREMENT:**

Absolute Majority

**OFFICER RECOMMENDATION:**

**That Council, BY AN ABSOLUTE MAJORITY, AUTHORISE a budget amendment to the 2023/2024 Road Construction Program;**

**0. APPROVE a budget amendment to reduce materials and contractors budget for RR37 Jacup North Road by \$41,960 and reallocate to RR38 Doubtful Island Road Flood Crossing.**

## 9.3 DEVELOPMENT SERVICES

### 9.3.1 TEMPORARY ACCOMMODATION – LOT 9000 BARNES DRIVE, BREMER BAY

<b>Location/Address:</b>	Portion Lot 9000 Barnes Drive, Bremer Bay
<b>Name of Applicant:</b>	Bremer Bay Investments Pty Ltd
<b>File Reference:</b>	A1603508
<b>Author:</b>	Noel Myers, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	None
<b>Date of Report:</b>	13 November 2023
<b>Attachments:</b>	a) Location Plan, Site Plan and Elevations b) Neighbour Consultation
<b>Authority/Discretion:</b>	Administrative

#### SUMMARY:

The purpose of this report is for Council to consider an application seeking approval to establish temporary accommodation on a portion of the property that will provide accommodation for persons engaged in the future subdivision and construction of dwellings on the newly created lots.

The application is recommended for approval subject to conditions.

#### BACKGROUND:

- The subject lot is located on the northern side of Barnes Drive and is immediately adjacent to the Bremer Bay Primary School. The site is accessed by both Barnes Drive and Prideaux Link.
- The subject site is 6322m<sup>2</sup> and is generally levelled and cleared.
- The land backs onto single residential lots that face McGlade Close that were part of the initial land release that was undertaken in accordance with the Subdivision Guide Plan (SGP) that was prepared to guide future development of the area generally.
- The adjacent land on the southern side of Barnes Drive is also captured by the same SGP and it is proposed those lots also be developed with lots of similar size and configuration.
- Council considered the future subdivision of the land into nine residential lots at the Ordinary Meeting of Council held 18 March 2020. Council's resolution at that meeting was:

#### **MOTION: OCM200307**

MOVED: Cr Leenhouders      SECONDED: Cr Iffla

*That COUNCIL:*

1. *Recommend that the Western Australian Planning Commission approve the application for 9 lots on Lot 9000 Barnes Drive, Bremer Bay subject to conditions;*
2. *BY AN ABSOLUTE MAJORITY, delegates authority to the Chief Executive Officer to submit the list of Conditions of approval to the Western Australian Planning Commission.*

**CARRIED BY AN ABSOLUTE MAJORITY: 7/0**

- The Western Australian Planning Commission subsequently issued conditional subdivision approval No.158987 for the subdivision of the land into nine (9) lots on 19 May 2020.

**CONSULTATION:**

The proposal to place the temporary accommodation building and ablution blocks was advertised to nine adjoining and neighbouring lots on the 6 November 2023 with last day for submissions being 20 November 2023.

No submissions had been received at date of compiling this report. Should any submissions be received post completion of the report and the date of the Council meeting, details will be circulated to Councillors under separate cover with applicable officer comments.

**COMMENT:**

As part of the planned subdivision and subsequent construction activities, a transportable building with two ablution blocks will be deployed to provide accommodation for individuals engaged in the initial subdivision works and those later involved in the construction of dwellings on the newly created lots.

- The proposed buildings are of a modest container form that will provide accommodation for four persons;
- It is proposed that the buildings would be located towards the western, Prideaux Link, end of the property which will better facilitate access to water, power and sewer services;
- Preliminary discussions with the applicant has proposed that a standard residential standard fence would need to be erected to screen the buildings and contain the area and use of the land in order to preserve the residential amenity of the area during the period the buildings remain on-site.
- The need for the on-site accommodation for workers employed in delivering the subdivision and housing construction works acknowledges the efficiencies of having on-site accommodation to house the workforce employed in the various stages of development and also the difficulty of finding ready and available long term accommodation options in the town, particularly during peak tourist periods.

**Zoning and Landuse Permissibility:**

- The property is Zoned Residential R2/15 under the Shire of Jerramungup Local Planning Scheme No.2 (LPS No.2);
- The proposed use of the buildings is for a single dwelling to be used for residential purposes which Table 1 of LPS No.2 identifies as being a “P” use. The designation of a “P” use means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- The general assembly of the buildings on the property accords with the relevant requirements of the scheme in terms of setbacks and open space, however, the proposed use of a temporary style building as is being proposed is at variance with the elements of the Shire’s Local Planning Policy No.15 – Transported Buildings.
- The purpose of the Policy is to provide guidance for landowners, developers etc and the Council when dealing with applications for planning approval for transported buildings. The Policy does not bind the local government in respect of any application for development approval but the local government is to have due regard to the provisions of the Policy before making its determination;

It is acknowledged that the Policy is primarily concerned with transportable dwellings that will be used for accommodation on a permanent basis as opposed to time limited uses as is being proposed in this situation. Notwithstanding, an assessment of the proposal against Scheme and Policy provisions is set out below:

**Residential Design Codes**

<b>Setback</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Front setback</b>	6 metres (average)	6 metres	Complies
<b>Secondary Street Side Setback (west)</b>	1.5 metres	1.5 metres	Complies
<b>Side Setback (east)</b>	1.5 metres	Greater than 1.5 metres	Complies
<b>Rear</b>	6 metres	Greater than 6 metres	Complies

**Local Planning Policy – Transported Buildings**

The proposed residence has been assessed in accordance with the Policy requirements for residential lots as follows:

<b>Policy Requirement</b>	<b>Officer Comment</b>	<b>Compliance</b>
7.1 The onus is on the applicant to demonstrate that any second-hand transported building is structurally sound.	The dwelling in question is a purpose-built transportable dwelling.	Complies.
7.2 Council needs to be satisfied that the external appearance of a transported building is equivalent to that of a new dwelling or that its appearance is not discernible from existing development in the street.	The building is utilitarian in form reflecting its use and function for the temporary provision of accommodation for on-site workforces.  Buildings of this form have standard 2.5m height which will be set behind screening 1.8m high boundary fence thus largely screening the structure from adjoining properties and road network.  Building will be only remain on-site for duration of building activity and therefore no upgrades to the external appearance are proposed beyond current form.	Does not comply with Policy but temporary use and screening fence provides mitigating effect to building appearance and presence post finalisation of the construction phase.
7.3 Any transported building needs to complement and fit in with the existing streetscape in terms of the quality of elevations, roof pitch, building height, scale and bulk.	Surrounding development is an established residential form.  The use of temporary buildings for office and storage purposes are common features on properties where larger scale development is being undertaken. As such, the presence of this form of building is not unprecedented in residential locations.	Does not comply, however recommended boundary screening and a time limited approval for the building to be used and remain on-site mitigates the long term impact on the residential amenity of the area.
7.3 The use of new transported dwellings is preferred over use of second hand transported dwellings.	The proposed transported dwelling is second hand.	Does not comply.

**STATUTORY ENVIRONMENT:**

1. *Local Planning Scheme No.2 (LPS No.2):* Table 1 in respect to land use permissibility and development standards;
2. *Clause 10.6 - LPS No.2 and Clause 77 of the Planning and Development Regulations (Local Planning Schemes) Regulations 2015 – Temporary Planning Approval:* Where the local government grants planning approval, it may impose conditions limiting the period of time for which the approval is granted;
3. *Local Planning Policy No.15 – Transported Buildings:* The Policy is predominantly aimed at controlling the use of transportable buildings as a dwelling for occupation.

**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:**

There are no financial implications for Council.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**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.

**SUMMARY:**

Having regard to the matters set out above, it is the recommendation of the administration that the application for temporary accommodation at Lot 9000 Barnes Drive, Bremer Bay, may be approved subject to the following conditions:

1. The temporary accommodation buildings, as described in the application, shall be located towards the western end of the property in accordance with the submitted plans;
2. A standard residential fence shall be erected to screen the temporary accommodation buildings from surrounding road networks and contain the designated area during the period of use;
3. The accommodation shall strictly serve the purpose of housing individuals engaged in the initial subdivision works of Lot 9000 Barnes Drive and subsequent construction of dwellings on the newly created lots created in accordance with WAPC Subdivision Approval No. 158987;
4. The period to which the temporary accommodation is permitted to be retained and used shall be limited to an initial 12 month period and any subsequent period as may be approved by the Council. Notwithstanding any future extensions of term provided by the Council, all structures associated with the temporary use shall be promptly removed from the site following the completion of construction of dwellings on the newly created lots or at a time stipulated by the Council;
5. The buildings are required to be setback and adhere to all relevant setback requirements specified in the Local Planning Scheme No.2 for properties Coded R15;

6. Council reserves the right to conduct inspections to ensure compliance with the approved conditions and may rescind its approval if, in the opinion of Council, the use and occupation of the premises is the cause of valid complaints to Council in respect to noise and nuisance;
7. No open fires are permitted outside at any time. Barbeque facilities may be provided and used in a safe manner.

These conditions aim to ensure that the temporary accommodation aligns with the intended purpose, minimises visual impact through appropriate screening, conforms to zoning regulations and considers local planning policies.

**OFFICER RECOMMENDATION:**

**That Council grants Temporary Planning Approval for a Transportable Dwelling and Two Ablution Blocks to be placed on a portion of Lot 9000 Barnes Drive, Bremer Bay as per the plans and planning application submitted by Bremer Bay Investments Pty Ltd dated 26 October 2023, subject to the following conditions:**

1. **The temporary accommodation buildings, as described in the application, shall be located towards the western end of the property in accordance with the submitted plans and connected to water, power and sewer services;**
2. **A standard residential fence shall be erected to screen the temporary accommodation buildings from surrounding road networks and contain the designated area during the period of use;**
3. **The accommodation shall strictly serve the purpose of housing individuals engaged in the initial subdivision works of Lot 9000 Barnes Drive and subsequent construction of dwellings on the newly created lots created in accordance with WAPC Subdivision Approval No. 158987;**
4. **The period to which the temporary accommodation is permitted to be retained and used shall be limited to an initial 12 month period and any subsequent period as may be approved by the Council. Notwithstanding any future extensions of term provided by the Council, all structures associated with the temporary use shall be promptly removed from the site following the completion of construction of dwellings on the newly created lots or at a time stipulated by the Council;**
5. **The buildings are required to be setback and adhere to all relevant setback requirements specified in the Local Planning Scheme No.2 for properties Coded R15;**
6. **Council reserves the right to conduct inspections to ensure compliance with the approved conditions and may rescind its approval if in the opinion of Council the use and occupation of the premises is the cause of valid complaints to Council in respect to noise and nuisance; and**
7. **No open fires are permitted outside at any time. Barbeque facilities may be provided and used in a safe manner.**

## 9.4 EXECUTIVE SERVICES

### 9.4.1 INFORMATION BULLETIN OCTOBER/NOVEMBER 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>	10 November 2023
<b>Attachments:</b>	a) Information Bulletin October/November 2023
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

To advise Council on the information items for October/November 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 October/November 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;

*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 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 October/November 2023.**

**9.4.2 DELEGATION OF AUTHORITY REVIEW 2023/2024**

<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>	13 November 2023
<b>Attachments:</b>	a) Draft Register of Delegations of Authority 2023/2024
<b>Authority/Discretion:</b>	Administrative

**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 2022/2023 financial year (Minute No. OCM230311 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 March 2023 for the 2022/2023 year and is now due for review.

Delegations are the standing power of the persons occupying the specified positions to exercise powers on behalf of Council, and are required to have a legislative basis and be consistent with legislation. The legislative power to make the delegation and sub delegations is recorded in the Register. Similar provisions to the *Local Government Act 1995* are contained in other legislation.

Only one direct delegation is made to persons other than the CEO, being variation of prohibited burning periods, which the *Bush Fires Act 1954* requires be made to the Shire President and Chief Bush Fire Control Officer jointly.

Accordingly, the section titled Delegations from Council to CEO or Delegations from Council to President and Chief Bushfire Control Officer containing the functions, condition and sub-delegations permitted, is the specific matters being resolved by Council. The balance of the document is administrative in nature providing the legislative heads of power, and any sub-delegations made at the discretion of the CEO, subject at all times, to the primary delegation made.

Changes to Delegations by the CEO to employees is only included for the information of elected members. They are included in the Register for administrative efficiency, and is within the sole discretion of the CEO, subject to any limits or conditions that may be resolved by the Council.

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 2023/2024 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 Register of Delegations of Authority; 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*.**

**9.4.3 INFORMATION STATEMENT REVIEW 2023/2024**

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	N/A
<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>	13 November 2023
<b>Attachments:</b>	a) 2023/2024 Information Statement
<b>Authority/Discretion:</b>	Administrative

**SUMMARY:**

The purpose of this report is for Council to review, prior to the publishing of, the Shire of Jerramungup Information Statement as required under the *Freedom of Information Act 1992*.

**BACKGROUND:**

Section 96(1) of the *Freedom of Information Act 1992* requires each government agency, including local governments, to prepare and publish annually an Information Statement.

The Information Statement must set out:

- The Agency's Mission Statement;
- Details of legislation administered;
- Details of the agency structure;
- Details of decision-making functions;
- Opportunities for public participation in the formulation of policy and performance of agency functions;
- Documents held by the agency; and
- The operation of Freedom of Information (FOI) in the agency.

**CONSULTATION:**

Internal – Relevant Shire staff have been consulted.

**COMMENT:**

The Shire of Jerramungup's Information Statement is attached to this agenda. The document complies with the requirements of the *Freedom of Information Act 1992*, as outlined above. The Council last reviewed its Information Statement in the 2022/2023 financial year (Minute No. OCM220712 refers).

A copy of the Information Statement will be forwarded to the Commissioner. The Shire is required to submit a statistical return annually, reporting any access applications and allowing the Office of the Information Commissioner to be appraised of where the Shire stands in relation to its obligations under sections 94 through to 97 of the *Freedom of Information Act 1992*.

**STATUTORY ENVIRONMENT:**

***Freedom of Information Act 1992***

*Section 96. Information statement, each agency to publish annually*

*(1) An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act –*

*(a) within 12 months after the commencement of this Act; and*

*(b) at subsequent intervals of not more than 12 months.*

**STRATEGIC IMPLICATIONS:**

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

Governance and Leadership

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:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council ADOPT the Shire of Jerramungup 2023/2024 Information Statement as presented and attached to this agenda and publish in accordance with the *Freedom of Information Act 1992*.**

#### 9.4.4 POLICY REVIEW – POLICY CP3 ELECTED MEMBER CONTINUING PROFESSIONAL DEVELOPMENT

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<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>	13 November 2023
<b>Attachments:</b>	a) Policy CP3 – Elected Member Continuing Professional Development Policy
<b>Authority/Discretion:</b>	Legislative

#### SUMMARY:

As part of the State Government’s review of the *Local Government Act 1995*, Council was required to adopt an Elected Member Continuing Professional Development Policy. This item seeks to review and retain the existing policy.

#### BACKGROUND:

As part of the Local Government Act Review, Parliament on 27 June 2019 passed the *Local Government Legislation Amendment Act 2019*. The Amendment Act addressed the complex and significant role that the Shire President and Elected Members take on when elected to Council.

One of the substantial changes to the Act included an introduction of mandatory training for candidates and Elected Members. The changes to the Act also require Councils to adopt a policy in relation to the continuing professional development of Elected Members with a requirement for that Policy to be published on the local government website.

The Department of Local Government, Sport and Cultural Industries (DLGSC) have subsequently advised that all Council Members will need to complete the Council Member Essentials training course, within 12 months of being elected. The course has been developed to provide Council Members with the skills and knowledge to perform their roles as leaders in their district.

#### CONSULTATION:

Public consultation is not applicable to this report.

#### COMMENT:

The policy requires the Shire of Jerramungup to ensure continuing professional development opportunities be provided to the Shire President and Elected Members independently from the mandatory training requirements.

It is also a requirement of the legislation that the policy is reviewed after each ordinary election, which occurred on Saturday, 21 October 2023. It is not proposed to make any changes to the policy.

All Council Members will have to complete the Council Member Essentials course unless, in the previous five years, they have passed the Diploma of Local Government 52756WA (Elected Member) or the course titled LGASS00002 Elected Member Skill Set. The Council Member Essentials course comprises of the following five units:

- Understanding Local Government (1/2 day) eLearning;
- Serving on Council (1/2 day) eLearning;
- Meeting Procedures (2 days) eLearning;
- Conflicts of Interest (1 day) eLearning; and
- Understanding Financial Reports and Budgets (1 day) eLearning.

The Shire of Jerramungup's Annual Budget includes allowance for the costs associated with Elected Member training, which could be face-to-face or completed online. Council Officers will liaise with Elected Members to arrange mutually convenient training opportunities. The training is valid for five years.

The Officer has recommended that the policy refer to eLearning being the Council's preference, given that this represents a cost saving to the Shire. However, the policy also acknowledges that there may be Elected Members who prefer to receive training face-to-face and/or opportunities to attend training which is being delivered in the region. Individual training requirements can be discussed with the Shire President or Chief Executive Officer.

Should an Elected Member have completed any of the units of training previously, the Elected Member will be required to undertake the on-line assessment component only of the training which will then be auto marked and a Certificate of Achievement automatically issued.

The Administration has recommended WALGA as the Shire's preferred facilitator for the Council Member Essentials training.

#### **STATUTORY ENVIRONMENT:**

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

##### ***Division 10 – Training and development***

##### ***5.128. Policy for continuing professional development***

*(1) A local government must prepare and adopt\* a policy in relation to the continuing professional development of council members.*

*\* Absolute majority required.*

*(2) A local government may amend\* the policy.*

*\* Absolute majority required.*

*(3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

*(4) The CEO must publish an up-to-date version of the policy on the local government's official website.*

*(5) A local government –*

*(a) must review the policy after each ordinary election; and*

*(b) may review the policy at any other time.*

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

An allocation for Elected Member training and professional development will be included each year as part of the annual budget process.

**WORKFORCE IMPLICATIONS:**

The Policy provides direction for Elected Members to undertake required training and ongoing professional development.

**POLICY IMPLICATIONS:**

The proposal is to review the policy, consistent with the requirements of legalisation.

**VOTING REQUIREMENT:**

Simple Majority

(Absolute Majority if adopting or amending)

**OFFICER RECOMMENDATION:**

**That Council acknowledge a review has been undertaken of Policy CP3 – Elected Member Continuing Professional Development Policy, pursuant to section 5.128 of the *Local Government Act 1995 (5)* and that no changes are recommended.**

**9.4.5 REPRESENTATION ON COMMITTEES AND WORKING PARTIES/GROUPS**

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	N/A
<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>	13 November 2023
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Administrative

**SUMMARY:**

Following the outcome of the Ordinary Local Government Election on 21 October 2023, membership to various Council appointed committees were declared vacant. Council is required to consider its representation on various Council Committees and Working Groups. Appointments to external committees have also been reviewed.

**BACKGROUND:**

As per section 5.11 of the *Local Government Act 1995*, Council representatives on its Committees and Working Groups established under the Act are discontinued following a local government election and as such, nominations for Council representatives are required.

Council may also wish to consider the current appointments to other statutory Committees and its representatives on outside bodies.

There are three current committees established in this manner and their status is outlined in the Comment section of this report:

- CEO Review Committee
- Audit Committee
- Bremer Bay Community Development Committee

Council has already defined the purpose and operations of each committee. Any delegation available to a committee is prescribed in respective Instrument of Appointment and Delegation. For all Committees, the Chief Executive Officer and other staff members will provide advice and administrative support to the Committee.

It would also be prudent at this time to review membership of external committees requiring Elected Member representation, as well as membership to the working groups/parties Council has previously formed to assist on various issues.

The last full review of committee representation was at the Ordinary Meeting of Council held 27 October 2021.

**CONSULTATION:**

Nil.

**COMMENT:**

Establishment of committees requires an absolute majority decision of Council. When Council establishes a committee it is required to detail what authority (if any) is delegated to that committee. A formal committee established in this manner is required to observe a Council's Standing Orders (if applicable) and the *Local Government Act 1995* in its meetings. For example, all meetings are required to be advertised, produce a formal agenda and minutes, and include a public question time.

An acceptable alternative to the establishment of committees per the *Local Government Act 1995* is the formation of working parties, working groups, or teams. Such bodies are not delegated specific authority from Council and therefore act as an advisory body only. Recommendations from such bodies are presented to Council through officer reports.

The following information details the various committees that Council has established or is represented upon. Council is requested to review its representation on such bodies, whether to disband some internal working parties and to nominate elected members to those bodies to which Council wishes to continue providing representation.

**PART 1 – COUNCIL COMMITTEES**

Council Committees (formed per s5.8 of the *Local Government Act 1995*)

- **CEO Performance Review Committee**

This Committee undertakes the performance review of the CEO and negotiates changes to the CEO's contract of employment for subsequent Council approval.

- **Audit Committee**

This Committee is established to comply with legislation and oversee financial issues.

Changes to the *Local Government (Audit) Regulations 1996* required Audit Committees to expand their focus to provide effective corporate governance through the review of systems and procedures relating to risk management, internal control and legislative compliance.

- **Bremer Bay Community Development Committee**

To provide opportunity for various community groups in Bremer Bay to make recommendations to Council on matters which aim to improve the community of Bremer Bay.

Council appointments to the above Committees prior to 21 October 2023 were:

<b>Committee</b>	<b>Membership</b>	<b>Term</b>	<b>Purpose</b>	<b>Nominated Councillors</b>	<b>Powers/Delegations</b>
CEO Review Committee	All members of Council	2 years with terms of office being aligned with Local Government Councillor Elections	To undertake periodic review meetings with the incumbent CEO and prepare reports and recommendations for Council on the CEO's performance and contract terms	<b>All Councillors</b>	Nil, the committee makes recommendations to Council. The Shire President may, at his/her option, engage a consultant to assist in any relevant processes to the extent provided for in the annual budget
Audit Committee	All members of Council	2 years with terms of office being aligned with Local Government Councillor Elections	To receive audit reports and meet annually with Council's auditors	<b>All Councillors</b>	Nil, the committee makes recommendations to Council on the appointment of auditors and matters raised during audits
Bremer Bay Community Development Committee	Shire President, one Councillor and one Proxy Two member representatives from each community organisation	2 years with terms of office being aligned with Local Government Councillor Elections All non Councillor members of the committee membership is ongoing once Council has accepted their nomination until the organisation they represent advises otherwise or until Council disbands this Committee, whichever is the sooner	To advise Council on issues of development within Bremer Bay	<b>Delegate 1:</b> <b>Cr Lester,</b> <b>Delegate 2:</b> <b>Cr Dawson,</b> <b>Proxy: any other Councillor</b>	Nil, the committee will make recommendations to Council

## PART 2 – EXTERNAL COMMITTEES

Listed below are the external committees/organisations to which Council currently provides representation. Council appointments to the Committees prior to 21 October 2023 are also included (as per Resolution OCM211009 from the Ordinary Council Meeting dated 27 October 2021):

- **Great Southern Regional Road Group (RRG)**

The function of this group is to allocate State government funding for regional road maintenance and construction and oversee the implementation of State government ‘Black Spot’ funding. The RRG meets quarterly.

- **WALGA Great Southern Zone**

WALGA advocates on behalf of the State’s 139 Local Governments and negotiates service agreements for the sector. The Great Southern WALGA Zone meets quarterly.

- **Bush Fire Advisory Committee (BFAC)**

Responsible for reviewing administrative and resourcing recommendations from the Bush Fire Advisory Group related to Volunteer Bush Fire Brigades within the Shire of Jerramungup. This Committee is also responsible for providing advice to Council on matters pertaining to the *Bush Fires Act 1954*, Bush Fire Risk Management and Mitigation.

- **Fitzgerald Biosphere Group (FBG)**

The Fitzgerald Biosphere Group (FBG) is a non-profit community organisation that works with farmers, researchers, industry groups and federal and state agencies to address local production and natural resource management issues to ensure the long-term sustainability of the agricultural industry and the communities within the region.

- **Great Southern Recreation Advisory Group (GSRAG)**

The Great Southern Recreation Advisory Group meets quarterly to discuss and develop community sport and recreation opportunities for residents and visitors of the Great Southern.

- **Jerramungup VES Unit Management Committee**

Fire and Emergency Services volunteers respond to a range of local emergencies including bushfires, floods, vehicle crashes and land searches for missing persons.

- **Bremer Bay VES Unit Management Committee**

Fire and Emergency Services volunteers respond to a range of local emergencies including bushfires, floods, vehicle crashes and land searches for missing persons.

- **Great Southern Joint Development Assessment Panel (JDAP)**

The JDAP is an independent decision-making body comprised of three technical experts and two elected local government representatives. The JDAP determines development applications made under local and regional planning schemes, in the place of the Shire of Jerramungup Council.

- **Fitzgerald River National Park Advisory Group**

The Fitzgerald River National Park Advisory Group is established to assist with the development and an ongoing delivery of the Fitzgerald River National Park Management Plan. The Group consists of selected members representing DEC, the two Shires and the traditional owners, members are elected and chosen for their knowledge of, interest in and links to the park. The Group meets four times per year.

- **Local Emergency Management Committee (LEMC)**

The *Emergency Management Act 2005* requires that local governments are to ensure that local emergency management arrangements are prepared and maintained for the local government district.

The LEMC is responsible for:

- Advising and assisting the Shire of Jerramungup to ensure that local emergency management arrangements are established for its district.
  - Liaising with public authorities and other persons or entities in the development, review and testing of local emergency management operations; and
  - Carrying out other emergency management activities as required by the Shire of Jerramungup Emergency Management Plan or as prescribed by legislation and regulations.
- **South Coast Alliance Incorporated (SCA)**

The Alliance is comprised of representatives from the City of Albany, Shire of Denmark, Shire of Plantagenet and Shire of Jerramungup. The Alliance was formed to promote collaborative economic development in the region through advocacy, economic development and tourism efficiency.

Organisation/Committee	Delegate Positions	Nominated Councillors
Regional Road Group	Two Councillors and one Proxy	<b>Delegate 1: Cr Parsons</b> <b>Delegate 2: Cr Leenhouders</b> <b>Proxy: any other Councillor</b>
Great Southern Zone of WALGA	Two Councillors and one Proxy	<b>Delegate 1: Cr Price</b> <b>Delegate 2: Cr Leenhouders</b> <b>Proxy: any other Councillor</b>
Bush Fire Advisory Committee	One Councillor and one Proxy	<b>Delegate: Cr Foreman</b> <b>Proxy: Cr Parsons or any other Councillor</b>
Fitzgerald Biosphere Group	One Councillor and one Proxy	<b>Delegate: Cr Parsons</b> <b>Proxy: Cr Price or any other Councillor</b>
Regional Recreation Advisory Committee	One Councillor and one Proxy	<b>Delegate: Cr Dawson</b> <b>Proxy: Cr Leenhouders or any other Councillor</b>
Jerramungup VES Unit Management Committee	One Councillor and one Proxy	<b>Delegate: Cr Price</b> <b>Proxy: Any other Councillor</b>
Bremer Bay VES Unit Management Committee	One Councillor and one Proxy	<b>Delegate: Cr Leenhouders</b> <b>Proxy: Any other Councillor</b>
Development Assessment Panel	Two Councillor and one Proxy	<b>Delegate 1: Cr Iffla</b> <b>Delegate 2: Cr Lester</b> <b>Proxy: Cr Price</b> <b>Proxy: Cr Leenhouders</b>
Fitzgerald River National Park Advisory Group	One Councillor and one Proxy	<b>Delegate: CEO</b> <b>Proxy: Any other Staff</b>
Local Emergency Management Committee	One Councillor and one Proxy	<b>Delegate: Cr Iffla</b> <b>Proxy: Cr Leenhouders or any other Councillor</b>
South Coast Alliance	Three Councillors	<b>Delegate: Cr Iffla</b> <b>Delegate: Cr Leenhouders</b> <b>Delegate: Cr Lester</b>

**STATUTORY ENVIRONMENT:*****Local Government Act 1995******Subdivision 2 – Committees and their meetings******5.8. Establishment of committees***

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

***5.9. Committees, types of***

*(1) In this section –*

*other person means a person who is not a council member or an employee.*

*(2) A committee is to comprise –*

- (a) council members only; or*
- (b) council members and employees; or*
- (c) council members, employees and other persons; or*
- (d) council members and other persons; or*
- (e) employees and other persons; or*
- (f) other persons only.*

***5.10. Committee members, appointment of***

*(1) A committee is to have as its members –*

- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).*

*\* Absolute majority required.*

*(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*

*(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.*

*(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

*(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish –*

- (a) to be a member of the committee; or*
- (b) that a representative of the CEO be a member of the committee,*

*the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

#### **5.11A. Deputy committee members**

*(1) The local government may appoint\* a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.*

*\* Absolute majority required.*

*(2) A person who is appointed as a deputy of a member of a committee is to be —*

*(a) if the member of the committee is a council member — a council member; or*

*(b) if the member of the committee is an employee — an employee; or*

*(c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or*

*(d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.*

*(3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*

*(4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

#### **5.11. Committee membership, tenure of**

*(1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*

*(a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*

*(b) the person resigns from membership of the committee; or*

*(c) the committee is disbanded; or*

*(d) the next ordinary elections day,*

*whichever happens first.*

*(2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*

*(a) the term of the person's appointment as a committee member expires; or*

*(b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*

*(c) the committee is disbanded; or*

*(d) the next ordinary elections day,*

*whichever happens first.*

### **Division 1A — Audit committee**

#### **7.1A. Audit committee**

*(1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*

*(2) The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

*\* Absolute majority required.*

- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

### **Section 38 of the Emergency Management Act 2005**

#### **38. Local emergency management committees**

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of –*
- (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
  - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

#### **STRATEGIC IMPLICATIONS:**

This item relates to the following components from the Shire of Jerramungup Community Plan 2021 – 2031;  
*Work cohesively with groups from across the community to improve engagement and to promote community participation.*

*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:**

Policies provide direction for all Shire of Jerramungup employees.

#### **POLICY IMPLICATIONS:**

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

#### **VOTING REQUIREMENT:**

Absolute Majority

#### **OFFICER RECOMMENDATION:**

- 1. That all Elected Member representation prior to 21 October 2023 on Council Committees, External Committees/Organisations, Internal Working Parties/Groups be dissolved.**

**COUNCIL COMMITTEES**

***CEO Performance Review Committee (no delegated power)***

2. That BY AN ABSOLUTE MAJORITY, Council APPOINTS all Elected Members to the CEO Performance Review Committee.

***Audit Committee (no delegated power)***

3. That BY AN ABSOLUTE MAJORITY, Council APPOINTS all Elected Members to the Audit Committee.

***Bremer Bay Community Development Committee (no delegated power)***

4. That BY AN ABSOLUTE MAJORITY, Council APPROVES the Shire President, one Elected Member and one Proxy to the Bremer Bay Community Development Committee.
5. That BY AN ABSOLUTE MAJORITY, Council APPOINTS the following Elected Members to the Bremer Bay Community Development Committee.

Member 1: Cr \_\_\_\_\_ (Shire President)

Member 2: Cr \_\_\_\_\_

Proxy: Cr \_\_\_\_\_

**EXTERNAL REPRESENTATION – COMMITTEES/ORGANISATIONS**

6. That Council, BY AN ABSOLUTE MAJORITY, APPROVES the nomination of the following Elected Members to the external Committees/Organisations as detailed below:

***Regional Road Group***

Delegate 1: Cr \_\_\_\_\_

Delegate 2: Cr \_\_\_\_\_

Proxy: Cr \_\_\_\_\_

or any other Councillor

***Great Southern Zone of WALGA***

Delegate 1: Cr \_\_\_\_\_

Delegate 2: Cr \_\_\_\_\_

Proxy: Cr \_\_\_\_\_

or any other Councillor

***Bush Fire Advisory Committee***

Delegate: Cr \_\_\_\_\_

Proxy: Cr \_\_\_\_\_

or any other Councillor

***Fitzgerald Biosphere Group***

Delegate: Cr \_\_\_\_\_

Proxy: Cr \_\_\_\_\_

or any other Councillor

***Regional Recreation Advisory Committee***

**Delegate:** Cr \_\_\_\_\_

**Proxy:** Cr \_\_\_\_\_

**or any other Councillor**

***Jerramungup VES Unit Management Committee***

**Delegate:** Cr \_\_\_\_\_

**Proxy:** Cr \_\_\_\_\_

**or any other Councillor**

***Bremer Bay VES Unit Management Committee***

**Delegate:** Cr \_\_\_\_\_

**Proxy:** Cr \_\_\_\_\_

**or any other Councillor**

***Development Assessment Panel***

**Delegate 1:** Cr \_\_\_\_\_

**Delegate 2:** Cr \_\_\_\_\_

**Proxy:** Cr \_\_\_\_\_

**Proxy:** Cr \_\_\_\_\_

***Fitzgerald River National Park Advisory Group***

**Delegate:** Chief Executive Officer

**Proxy:** Any other Staff

***Local Emergency Management Committee***

**Delegate:** Cr \_\_\_\_\_

**Proxy:** Cr \_\_\_\_\_

**or any other Councillor**

***South Coast Alliance***

**Delegate:** Cr \_\_\_\_\_

**Delegate:** Cr \_\_\_\_\_

**Delegate:** Cr \_\_\_\_\_

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

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

**12.0 COUNCILLOR REPORTS**

**13.0 NEW BUSINESS OF AN URGENT NATURE**

**14.0 CLOSURE**

**14.1 DATE OF NEXT MEETING**

The next ordinary meeting of Council will be held Wednesday, 20 December 2023, commencing at 8.30am, in Bremer Bay.

**14.2 CLOSURE OF MEETING**

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

These minutes were confirmed at a meeting held

.....

Signed: .....

Presiding Person at the meeting at which these minutes were confirmed

Date: .....

