



# 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, 23 June 2021  
At the Council Chambers,  
Jerramungup  
Commencing at 2:00pm

### **Council Meeting Procedures**

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

Martin Cuthbert  
**CHIEF EXECUTIVE OFFICER**  
17 June 2021

## AGENDA

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## **OUR GUIDING VALUES**

Progressive, Prosperous and a Premium Place to Live and Visit

### **DISCLAIMER**

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

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

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

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

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

### **PUBLIC QUESTION TIME**

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

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

### **MEETING FORMALITIES**

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

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## NOTES FOR ELECTED MEMBERS

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

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

### ALTERNATIVE MOTIONS

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

### DECLARATIONS OF INTERESTS

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

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

Section 5.60B states;

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

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

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

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

Regulation 34C (Impartiality) states;

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

**2021 MEETING DATES**

At its Ordinary Meeting of Council on 18 November 2020, Council adopted the following meeting dates for 2021:

January	-	-	Council in Recess
Wednesday	24 February 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	24 March 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	28 April 2021	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	26 May 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	23 June 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	28 July 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	25 August 2021	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	22 September 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	27 October 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	24 November 2021	8.30am	Council Chambers, Jerramungup
Wednesday	15 December 2021	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 23 June 2021**

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## **ORDINARY COUNCIL MEETING AGENDA**

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

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

### **2.0 RECORD OF ATTENDANCE**

#### **2.1 ATTENDANCE**

**ELECTED MEMBERS:**

**STAFF:**

**VISITORS:**

**GALLERY:**

#### **2.2 APOLOGIES**

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

#### **2.4 ABSENT**

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

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

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

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

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

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



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

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

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

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

Nil

#### **6.0 PUBLIC TIME**

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

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

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

Ordinary Council Meeting held 26 May 2021.

**That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 26 May 2021 be CONFIRMED**

Audit Committee Meeting held 26 May 2021

**That the Minutes of the Audit Committee Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 26 May 2021 be CONFIRMED**

Bremer Bay Community Development Committee Meeting held 2 June 2021

**That the Minutes of the Bremer Bay Community Development Committee Meeting held in the Bremer Bay Town Hall on 2 June 2021 be CONFIRMED**

Local Emergency Management Committee Meeting held 14 June 2021

**That the Minutes of the Local Emergency Management Committee Meeting held in the Council Chambers, Jerramungup on 14 June 2021 be CONFIRMED**

#### **8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES**

**9.0 REPORTS****9.1 TECHNICAL SERVICES****9.1.1 WORKS REPORT FOR MAY/JUNE 2021**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Greg Stephens, Manager of Works
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	15 June 2021
<b>Attachments:</b>	a) Road Construction Schedule May/June 2021 b) Boxwood Hill Project information
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

To advise Council on information, including works undertaken for May/June 2021.

Questions from Elected Members to the Manager of Works regarding Shire works should be requested prior to the meeting to enable a complete answer. Questions not provided to the Manager of Works prior to the meeting, may be taken on notice and replied to at a later date.

**BACKGROUND:**

Works and Services budget adopted for the 2020/21 financial year and routine works and services.

**REPORT:****Administration, Meetings and Inspections during this reporting period:**

- Budget operation.
- Customer enquiries.
- Staff works program.
- Staff and Plant records.
- Capital Works Program.
- Site Inspections – Road, Town Inspections.
- Administration General Duties – phone, emails.
- Capital Works – Rural Road Re-Sheeting program,
- Meetings – Depot Staff, Admin, Contractors, Council, Community members.

**Roads Report, Grading Program and Town Services during this reporting period:**Maintenance and Grading

The Grading Program has been included to enable Council to follow the progress of the grading crew working throughout the Shire area.

Maintenance Grade and Tree Trimming.

- The crew are currently working in the Eastern region being Lake North Road, Fitzgerald Road and Mallee Road completing maintenance grading and vegetation trimming. They are also attending to other repairs and maintenance patching/importing gravel to areas with limited and/or no gravel within the road network.

Construction Crew

The crew have been going around repairing damage caused by the recent rain events.

## Town Works

- Town beatification works.
- General routine maintenance
- Street pick up - debris and leaf litter ongoing.
- Mowing, weeding and brush cutting – ongoing.
- Works requests – Ongoing
- Pot hole patching
- Weed spraying and suppression
- Airport routine inspections, reporting and mowing

## **Reports and Information during this reporting period:**

### Plant

Due to the delays in receiving stock the new Zero Turn mower is unable to be purchased until August 2021, the budget funds for the machine will be carried over to the 2021.2022 financial year.

## **Capital Works during this reporting period:**

### Jerramungup North Road

Gravel has been sourced for the roadworks and has been pushed up. Initial works including tree pruning, removing excess sand and material from the road verge prior to forming up the sub-base and laying in the base road gravel has been completed. Due to the rain the works are being delayed.

Refer to the attached 2020 – 2021 construction plan (Attached) for the completed and current works

### Boxwood Hill DWER Project.

The original project involved constructing a dam, installing a tank and solar pump. Due to issues with the clays at the 'dam site' being unsuitable, the project has now been re scoped:

Install 2 x 250,000 litre tanks at the Boxwood Hill sports club. When available pipe the water from the newly constructed dam (Dam 1), approximately 1,500 meters away into the new tanks, any excess water will be directed to the dam (Dam 2) near Circuit Road. When supplies are not available from Dam 1, water will be sourced to fill the tanks from Dam 2.

Install pipes from tank 3 to a manifold on Heath Street. We will use 100mm PVC pipe (less friction loss) from the tank to the manifold, the manifold will have 3 cam lock fittings (50mm 75mm and 100mm) mounted on a frame for easy fitment to tanks, fast attack and tanker units (stock water and fire units).

There is already a water tank (tank 1) at the sports ground and this is plumbed into the buildings roof storm water with the overflow at this stage free running into the bush. We plan to plumb this into the new tanks (tank 2 and 3) when constructed, thus any excess rain water will assist to fill the tanks (all 3) and excess water from the tanks will be gravity fed (by 50mm polly pipe) to dam 2 (Boxwood storage).

The pipe (usage for transferring water from Dam 1, 50mm agriculture use polly), we will navigate the shortest course for the pipe to be laid (using previously cleared tracks and existing road reserves), this has been planned to be laid in mid-July - when the tanks are being constructed.

Plumb the 50mm pipe (from Dam 1) into the Emergency water tank (Tank 3) at the Sports Ground. This will ensure that the tank is always full of water for use in emergency situations. A 50mm pipe will be laid in from the tank to the Boxwood storage dam, also a 50mm pipe will also be laid in from the Boxwood storage dam back to the tanks at the sports ground tanks. There is 3 phase power at the Boxwood storage dam so pumping back to the Sports ground tanks is not an issue.

The works on Circuit Road will involve reshaping the existing road from a two way cross fall to a one way cross fall therefore directing all the road water (1,000 meters of catchment) to a low point of the road and then directing the water along an existing track to Dam 2 (Boxwood Storage).

The existing gravel pit (off Circuit Road) will be cleared from overburden and swale drains for water catchment created to run into the existing dam. The works are not complex, simply getting the road levels correct and the surface area within the gravel pit to line and level to get the water flowing in the direction to Dam 2 (the Boxwood storage area).

Refer to attachments Boxwood 1, 2, 3, 4 for layout.

**CONSULTATION:**

Internal

**COMMENT:**

This report is for information only to advise Council on the previous months works activities.

**STATUTORY ENVIRONMENT:**

There are no statutory implications for this report.

**STRATEGIC IMPLICATIONS:**

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

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

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The works completed are included in the 2020/2021 Shire of Jerramungup budget.

**WORKFORCE IMPLICATIONS:**

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

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council RECEIVE the works report for May/June 2021.**

**9.2 CORPORATE SERVICES****9.2.1 ACCOUNTS FOR PAYMENT – MAY 2021**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Sarah Van Elden, Accounts Officer
<b>Responsible Officer:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	9 June 2021
<b>Attachments:</b>	a) List of Accounts Paid to 31 May 2021 b) Credit Card Statement 28 April 2021 – 27 May 2021
<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 May 2021.

**BACKGROUND:**

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire's municipal and trust funds. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Office is to be provided to Council.

**CONSULTATION:**

Internal consultation within the Finance Department.

**COMMENT:**

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2020-21 Annual Budget as adopted by Council at its meeting held 19 August 2020 (Minute No. OCM200805 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

The table below summarises the payments drawn on the funds during the month of May 2021. 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	28175	
EFT Payments	18370 – 18477	\$382,491.59
Direct Deposits		\$58,724.32
<b>Municipal Account Total</b>		<b>\$441,215.91</b>
<b>Trust Account</b>		
<b>Trust Account Total</b>		<b>\$0.00</b>
<b>Grand Total</b>		<b>\$441,215.91</b>

**CERTIFICATE**

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

**STATUTORY ENVIRONMENT:**

*Local Government (Financial Management) Regulations 1996*

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

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

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

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

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

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

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

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

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

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

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

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

All expenditure from the municipal fund was included in the annual budget as adopted or revised by Council.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

Finance Policy FP5 – Transaction Card

Finance Policy FP6 – Procurement of Goods and Services

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

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

- a) The List of Accounts Paid to 31 May 2021 as detailed in Attachment 9.2.1(a).**
- b) The Credit Card Statement 28 April 2021 – 27 May 2021 as detailed in attachment 9.2.1(b).**

**9.2.2 MONTHLY FINANCIAL REPORT – MAY 2021**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<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>	15 June 2021
<b>Attachments:</b>	a) Monthly Financial Report for the period ending 31 May 2021
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the statement of financial activity for the period ended 31 May 2021 as required by the *Local Government Act 1995* ('the Act').

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31 May 2021.

**BACKGROUND:**

At its meeting held 19 August 2020 (Minute No. OCM200805 refers), Council adopted the annual budget for the 2020-21 financial year. The figures in this report are compared to the adopted budget.

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 31 May 2021 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 19 August 2020, the Council adopted (Minute No. OCM200805 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2020-21 financial year:



*Officer Recommendation 4: Adoption of Material Variance for Monthly Reports – Financial Management regulation 34*

*That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2020/2021 financial year for monthly reporting purposes.*

**CONSULTATION:**

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

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Community Plan, prepared under section 5.56 of the *Local Government Act 1995*.

**COMMENT:**

The financial report contains annual budget estimates, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

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

**STATUTORY ENVIRONMENT:**

Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:

**34. Financial activity statement required each month (Act s. 6.4)**

(1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail—*

(a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*

(b) *budget estimates to the end of the month to which the statement relates;*

*and*

(c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*

(d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*

(e) *the net current assets at the end of the month to which the statement relates.*

(2) *Each statement of financial activity is to be accompanied by documents containing—*

(a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*

(b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*

(c) *such other supporting information as is considered relevant by the local government.*

(3) *The information in a statement of financial activity may be shown—*

(a) *according to nature and type classification; or*

(b) *by program; or*

(c) *by business unit.*

(4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be—*

- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
  - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

Expenditure for the period ending 31 May 2021 has been incurred in accordance with the 2020-21 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 – Rates and Accounts Collection

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 May 2021 in accordance with section 6.4 of the *Local Government Act 1995*.**

**9.2.3 2021/2022 PROPOSED FEES AND CHARGES**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	16 June 2021
<b>Attachments:</b>	2021/2022 Proposed Fees and Charges
<b>Authority/Discretion:</b>	Executive

**SUMMARY:**

This item addresses setting Council's fees and charges for the 2021/2022 financial year. The proposed fees and charges are provided as an attachment and the recommendation seeks to adopt the fees and charges for advertising.

**BACKGROUND:**

In preparation for the 2021/2022 budget period the attached proposed fees and charges are submitted for Council adoption. By adopting the fees and charges prior to the budget any applicable advertising can be undertaken and the new charges can be incorporated into the draft budget workings.

The attachment provides a listing of Council's fees and charges and comparatives to the current financial year.

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

**CONSULTATION:**

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

Fees and Charges as set by external statutory bodies.

**COMMENT:**

The 2021/2022 schedule of fees and charges has been formulated using the 2020/2021 year as a basis.

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

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

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

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

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

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

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

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

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

#### **6.17. Setting the level of fees and charges**

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors*
  - (a) the cost to the local government of providing the service or goods;*
  - (b) the importance of the service or goods to the community; and*
  - (c) the price at which the service or goods could be provided by an alternative provider.*

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

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

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

*(4) Regulations may —*

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

#### **6.18. Effect of other written laws**

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

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

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

#### **6.19. Local government to give notice of fees and charges**

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

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

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

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

Fees and charges make up approximately \$740,000 of annual income.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

Significant Accounting Policies as detailed within the Monthly Financial Report.

**VOTING REQUIREMENT:**

Absolute majority

**OFFICER RECOMMENDATION:**

**That Council, BY AN ABSOLUTE MAJORITY, adopt the attached schedule of fees and charges for the 2021/2022 financial year effective as of 1 July 2021.**

## 9.3 DEVELOPMENT SERVICES

### 9.3.1 PROPOSED OVERHEIGHT DWELLING – LOT 50 GNEISS HILL ROAD, BREMER BAY

<b>Location/Address:</b>	Lot 50 Gneiss Hill Road, Bremer Bay
<b>Name of Applicant:</b>	M Ford
<b>File Reference:</b>	A100316
<b>Author:</b>	Noel Myers, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	15 June 2021
<b>Attachments:</b>	a) Location Plan - Lot 50 Gneiss Hill Road b) Building Envelope - Lot 50 Gneiss Hill Road c) Building Plans
<b>Authority/Discretion:</b>	Legislative

#### SUMMARY:

The purpose of this report is for Council to consider a development application proposing the construction of new single dwelling.

The plans submitted show that it is proposed to construct a two storey dwelling that exceeds the permitted 'as by right' height limitation of five (5) metres and as such the matter is referred to Council for determination.

It is the opinion of the Administration that the proposed building will not be a visually obtrusive structure in the locality and as such is recommended for approval.

#### BACKGROUND:

Lot 50 Gneiss Hill Road is zoned Rural Residential under the Shire of Jerramungup Local Planning Scheme No.2.

The Objectives of the Rural Residential Zone are:

- *To select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, and rural-residential retreats;*
- *To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas;*
- *To locate Rural Residential zones generally within 5 km of the towns of Jerramungup and Bremer Bay so that residents have convenient access to services and facilities without a drain on resources of the wider community; and*
- *To encourage the use of cluster development in areas of natural beauty to minimize the overall impact of development on the land.*

#### Location and Site Description:

- The subject lot is located at the southern terminus of Gneiss Hill Road;
- The property is vacant and vegetated with a mix of peppermint, mallee and eucalypt scrub. The property has a cross fall from east to west with a flatter developable area located toward the eastern boundary where the building envelope is located and the site then falls away more steeply towards the south east corner of the lot.

#### Proposal:

The application seeks development approval for a contemporary designed single house, outbuilding, water tanks and associated waste water infrastructure.

Elements of the development proposal include:

- A two story dwelling incorporating balcony on the upper level and a two car garage on the lower level;
- A free standing outbuilding; and
- Two water tanks for storage of potable water and water for fire-fighting requirements.

**Building envelope:**

The location of the building envelope being endorsed as part of this application is consistent with the location nominated within the original subdivision guide plan prepared for Point Henry.

The envelope is located toward the centre of the property generally and is located on a ridge that affords some view towards the south west. The siting of the envelope and the resultant building are unlikely to impinge upon views enjoyed from surrounding lots not be visually obtrusive in the landscape.

**COMMENT:**

The proposal before Council is for the approval of a building that exceeds a height limit of 5 meters within the Rural Residential Zone as provided for within Town Planning Scheme No.2.

Other aspects of the development fall within scheme and policy requirements that would usually be dealt with under delegation. As such the only aspect of the development that requires Council to exercise its discretion upon is in relation to those elements of the building that exceed 5 meters in height above the natural ground level.

Notwithstanding the individual aspects of the application that are compliant, the whole of the development is considered in the context of Clause 5.24.3 b) of TPS No.2 that sets out the matters Council is to have regard to when making a determination on an application. Council is to have regard to:

- i) The colour and texture of external building materials;
- ii) Building size, height, bulk and roof pitch;
- iii) Setbacks and location of the building on its lot;
- iv) Architectural style and design details of the building;
- v) Relationship to surrounding development; and
- vi) Provision to be made for Bush Fire Control in accordance with a Policy of the Commission.

The table below discusses the various components of the development against both the scheme and policy requirements.

**STATUTORY ASSESSMENT:**

The application is assessed against clause 5.24.3 j) of TPS No.2:

Requirement	Proposed	Comment
Not more than 1 dwelling per lot is to be erected but the local government may at its discretion approve ancillary accommodation	Only one house is proposed.	Complies
All buildings on a lot are to be contained within the building envelope, delineated on-site by the owner and approved by the local government.  The envelope is not to exceed 10% of the lot area or 3,000m2 whichever is the lesser.	A building envelope of 3,000m2 is proposed with all development including the rainwater tank and septic system located within.  Lot has an overall area of 3.285ha.	Complies
Located to reduce visual prominence of buildings	Development is screened from Gneiss Hill Road by roadside vegetation, vegetation between the boundary and the building envelope and by virtue of setback that also	Complies

	serves to adequately screen the building from other properties in the general vicinity	
Water supply tanks and effluent disposal systems are to be located within building envelopes	All buildings and infrastructure will be located within the building envelope	Complies
Materials and colours of external walls and the roofs of all buildings are to be non-reflective and blend with the landscape.	Non reflective colour bond colours are proposed. Plans have not nominated the preferred colour however this may be managed by way of condition	Complies
Buildings are not exceed 5 meters in height from NGL to the apex of the roof unless the local government is satisfied that a higher building will not be visually obtrusive	The proposed house high point is 6.6m from NGL.	Does not comply. See comments below
At least 92kl of water is required	Proposed	Complies
Minimum setbacks for building envelopes are to be 20m from all road frontages and 15m from all other boundaries	All proposed buildings are centrally located on the property and conform to required setbacks	Complies
<b>Bushfire Framework</b>		
New development comply to SPP 3.7 Planning in Bushfire Prone areas	Single house with compliant access, turn around, water and APZ proposed in a position that can achieve a BAL-29 or safer.	Complies
New development to avoid areas of Kwongkan Shrubland	No Kwongkan present	Complies
Bushfire Management plan required	Provided	Complies
Asset Protection Zone to be generally within Building envelope	Does extend marginally beyond building envelope but does not encroach into a visually sensitive area.	Complies
All development to be greater than 20m from the boundary to allow for APZ within own property	All development is greater than 20m from boundaries and the APZ is wholly contained within the lot boundaries.	Complies
Dedicated water tank size of least 20kl with a 50mm male camlock coupling with full flow valves	Provided	Complies

### Building Height

The following comments are provided in justification of the proposed variation to the building height:

- The variation to the 5m height is by virtue of the setback, vegetation and topography unlikely to be visually obtrusive from either the roadway of Gneiss Hill Road or from surrounding properties;
- The building is not considered to be excessive in scale as evidenced by it having 2.4 m high ceilings on each level with external walls having an overall height of 5.13m high at the pitching point. As



such the bulk of the building sits within the 5m height limit with the roof which is pitched at 23 degrees exceeding the height limit by approximately 1.5m to the ridge point.

- The application has been referred to the five adjoining land owners and there have been no submissions received objecting to the development

**CONSULTATION:**

The application has been referred to the six adjoining property owners who may be affected by the proposed development.

No submissions objecting to the development have been received.

**STATUTORY ENVIRONMENT:**

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

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

None arising from the consideration of a planning application.

**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.

**SUMMARY:**

Having regard to the matters set out above, it is the recommendation of the Administration that the proposed development is of a form and scale that will not unreasonably impact on the amenity of the adjoining landowners and may be approved subject to conditions as set out within the officer recommendation.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That COUNCIL:

1. **Approve the application for a single dwelling, on Lot 50 Gneiss Hill Road, Bremer Bay subject to the following conditions:**
  - (a) **Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application;**
  - (b) **The dwelling being connected to an on-site effluent disposal system to the satisfaction of the Shire's appointed Environmental Health Officer;**
  - (c) **Water tanks with a minimum capacity of 92kl is to be provided for potable water and are to be installed prior to the occupation of the dwelling;**
  - (d) **At least 20kl of water is to be provided exclusively for fire fighting purposes. The tank is to be fitted with a 50mm male camlock to allow for access to tanks in case of fire and able to be accessed from a compliant turnaround area**

- (e) The driveway and turnaround are to be designed and maintained in a trafficable standard at all times and in accordance with the Shire’s Firebreak Notice;**
- (f) All measures as detailed within the BAL Assessment Report prepared by Bushfire Planning and Design dated 13 August 2020 are to be implemented so as to achieve the minimum BAL-29 rating prior to the issue of a Building Permit and are to be continued to be maintained thereafter in perpetuity;**
- (g) New crossovers are to be constructed in accordance with and to the specifications of the Shire;**
- (h) The walls and roof are to be clad with non-reflective materials and be to the satisfaction of the Manager of Development. Details are to be confirmed prior to the issue of a Building Permit.**

**9.3.2 CONSIDERATION OF ROAD NAME CHANGE – MONKEY ROCK ROAD**

<b>Location/Address:</b>	Monkey Rock Road, Jerramungup
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	RD.NA.2
<b>Author:</b>	Noel Myers, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	15 June 2021
<b>Attachments:</b>	a) Monkey Rock Road Alignment b) CONFIDENTIAL – email submissions requesting change of road name
<b>Authority/Discretion:</b>	Legislative

**SUMMARY:**

The Shire has received a request to consider changing the name of Monkey Rock Road due to historical adverse connotations associated with the naming.

This report seeks Council endorsement for the administration to instigate investigations and actions to identify an alternative name for the road.

**BACKGROUND:**

Council has received correspondence from three individuals raising concerns about pain and suffering experienced by some members of the local indigenous community that arises from the current naming of the road.

The nature of the events that has led to this situation are not recited in this report as a matter of respect, however, copies of those submissions received are circulated under separate confidential cover to Councillors. For the purpose of this report concerns of pain and suffering experienced by people arising from the nomenclature are accepted 'as put'.

**Geographic Names Committee (GNC)**

The Minister for lands is responsible for deciding on naming of roads and features as advised by the GNC and in consultation with the local government and affected community.

All road naming proposals must conform to Landgate's Policies and Standards for Geographical Naming in Western Australia (Policies and Standards).

In this particular situation it is suggested that any proposal to rename the road is undertaken with regard to Landgate's Aboriginal and Dual Naming Guidelines which provides a framework for the naming of Western Australian geographical features and places with Aboriginal names.

**CONSULTATION:**

Consultation with the relevant Traditional Owner group(s) is paramount in the process of an Aboriginal naming proposal as is consultation with the extended community.

**COMMENT:**

The matter before Council is to authorise the Administration to commence investigations and actions to identify a suitable alternative name for the subject road.

This will require broad consultation with extended community including residents, rate payers and businesses surrounding the area who may be directly affected by the proposal.

The process will require further reporting back to Council as the matter is progressed.

**STATUTORY REQUIREMENTS:**

Council is required to adopt road names and changes to road names before recommending them to the Geographic Naming Committee for approval.

**STRATEGIC IMPLICATIONS:**

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031; Deliver programs and services that bring people together and support community health and wellbeing.

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs will arise with consultation, administration time and changes to signage should the renaming be approved.

**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

**OFFICER RECOMMENDATION:**

**That Council SUPPORTS the request to initiate investigations into the renaming of Monkey Rock Road, Jerramungup and authorises the Administration to commence investigations and actions to identify a suitable alternative name.**

## 9.4 EXECUTIVE SERVICES

### 9.4.1 INFORMATION BULLETIN MAY 2021

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	17 June 2021
<b>Attachments:</b>	May 2021 Information Bulletin
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

To advise Council on the information items for May 2021 including actions that have been undertaken in relation to decisions of Council and actions performed under delegated authority.

#### BACKGROUND:

There is no specific requirement to report on actions performed under delegated authority to Council. However, to increase transparency this report has been prepared for Council and includes actions performed under delegated authority for the month of May 2021.

#### CONSULTATION:

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

#### COMMENT:

The Status of Council Decisions report is an important administrative tool used by the Shire to monitor the implementation of Council decisions. Any Council decision that has not yet been fully implemented will remain on the list until it has been completed.

Once the minutes of each Council meeting have been completed, the Executive Assistant uploads each decision of Council into the spreadsheet and allocates it to the relevant Shire office for actioning and comment. The spreadsheet is accessible by all relevant Shire officers.

The Shire enters into various agreements by affixing its Common Seal. The *Local Government Act 1995* states that the Shire is a body corporate with perpetual succession and a Common Seal. Those documents that are to be executed by affixing the Common Seal or signed by the Shire President and the Chief Executive Officer are reported to Council for information on a regular basis.

#### STATUTORY ENVIRONMENT:

##### ***Local Government (Administration) Regulations 1996***

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

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

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

**STRATEGIC IMPLICATIONS:**

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

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

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

**FINANCIAL IMPLICATIONS:**

There are no financial implications for this report.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for this report.

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of May 2021.**

#### 9.4.2 PUBLIC INTEREST DISCLOSURE PROCEDURE

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	1 June 2021
<b>Attachments:</b>	a) Draft Public Interest Disclosure Procedure
<b>Authority/Discretion:</b>	Legislative

#### SUMMARY:

In December 2014 the *Corruption and Crime Commission Amendment (Misconduct) Act 2014* (CCM) was given royal ascent making consequential changes to the *Corruption Crime and Misconduct Act 2003* and other related legislation. The changes gave distinction between the terms “serious” and “minor” misconduct (nature and type), and defined the appropriate reporting authorities and subsequent responsibilities of agencies.

#### BACKGROUND:

The *Public Interest Disclosure Act 2003* (PID Act) facilitates the disclosure of public interest information, and provides protection for those making such disclosures as well as those who are the subject of disclosures. The PID Act provides a system for the matters disclosed to be investigated and for appropriate action to be taken.

In accordance with the CCM Act 2014, if it is suspected that a public officer has done something wrong (either in performing the duties of their job, or it affects their fitness to do their job), it should be reported. Reporting builds the integrity of government and is an important part of the accountability framework.

Under section 45H of the CCM Act 2014, principal officers (normally a CEO or Director General) are required to notify the Public Sector Commission (PSC) of all reasonable suspicions of minor misconduct in writing. Under section 28 of the CCM Act 2014 principal officers are required to notify all reasonable suspicions of serious misconduct to the Corruption and Crime Commission (CCC).

The PID Act requires the Principal Executive Officer of each public authority to prepare and publish internal procedures relating to their authority’s obligations under the PID Act. These internal procedures must be consistent with these guidelines.

#### CONSULTATION:

Public Sector Commission

#### COMMENT:

A public interest disclosure is made when a person discloses to a proper authority information that tends to show past, present or proposed future improper conduct by a public body in the exercise of public functions.

The PID Act does not confer additional powers on public authorities to investigate or take action in relation to public interest disclosures. Rather, it provides for protection to persons who make disclosures that may result in a proper authority exercising its existing powers to investigate and take action in relation to the subject matter of the disclosure. In some circumstances the PID Act requires a public authority to investigate a matter and to notify the person making the disclosure of the action taken.

Principal Officers must now make an informed decision about whether a matter constitutes minor or serious misconduct as defined in the CCM Act, and notify either the PSC or the CCC accordingly.

Public authorities are required to amend their notification practices to accommodate the changes.

This is a matter of legal compliance and the Shire of Jerramungup did not previously have a procedure regarding this. The attached procedure will not only ensure Shire of Jerramungup remains compliant, but will also provide clear procedural guidelines for officers, should the need to enforce them, arise.

#### **STATUTORY ENVIRONMENT:**

##### ***Corruption Crime and Misconduct Act 2003***

*public authority means —*

*(a) a notifying authority; or*

*(b) a body mentioned in Schedule V Part 3 to the Constitution Acts Amendment Act 1899; or*

*(c) an authority, board, corporation, commission, council, committee, local government, regional local government, regional subsidiary or similar body established under a written law; or*

*(d) a body that is the governing authority of a body referred to in paragraph (b) or (c); or*

*(e) a contractor or subcontractor;*

##### ***Public Interest Disclosures Act 2003***

*public authority means —*

*(a) a department of the Public Service established under section 35 of the Public Sector Management Act 1994;*

*(b) an organisation specified in column 2 of Schedule 2 to the Public Sector Management Act 1994;*

*(c) a non-SES organisation within the meaning of that term in section 3(1) of the Public Sector Management Act 1994;*

*(d) a local government, a regional local government or a regional subsidiary;*

*(e) a body that is established or continued for a public purpose under a written law;*

*(f) a body that is established by the Governor or a Minister;*

*(g) any other body or the holder of an office referred to in subsection (2) that is declared by the regulations to be a public authority;*

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

*Division 6 – Disclosure of Financial Interest*

*Division 7 – Section 5.93. Improper Use of Information*

*Division 8 - Local Government Payments and Gifts to its Members*

*Division 9 - Conduct of Certain Officials*

*Local Government (Rules of Conduct) Regulations 2007,*

*Part 2 – Rules of Conduct*

##### ***Public Sector Management Act 1994***

*The mechanism for reporting to the PSC is achieved via Part 4A — Misconduct: Role of Public Sector Commissioner, [Subdivision 3: Duty to Notify] section 45 H of the CCM Act.*

#### **STRATEGIC IMPLICATIONS:**

This item relates to the following components 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:**

There are no financial implications for this report.

**WORKFORCE IMPLICATIONS:**

Policies provide direction for all Shire of Jerramungup employees.

**POLICY IMPLICATIONS:**

As detailed in the report.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council endorse the Public Interest Disclosures Procedure as the Shire of Jerramungup is committed to:

1. Comply with the aims and objectives of the *Public Interest Disclosures Act 2003*;
2. Communicate information on the public interest disclosures procedures to the public and employees;
3. Provide employees with training in the processes and responsibilities to manage disclosures;
4. Support and encourage disclosures of public interest;
5. Provide protection to disclosers from detrimental action in reprisal for the making of a public interest disclosure; and
6. Maintain confidentiality for disclosers and any person who may be the subject of a public disclosure.

### 9.4.3 2021 WA LOCAL GOVERNMENT CONVENTION AND APPOINTMENT OF VOTING DELEGATES

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	GR.ME.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>	9 June 2021
<b>Attachments:</b>	a) Conference registration papers and brochure
<b>Authority/Discretion:</b>	Executive

#### SUMMARY:

For Council to nominate which two members will be the voting delegates for this year's Annual General Meeting (AGM) of the WA Local Government Association (WALGA) to be held during the 2021 WA Local Government Convention.

#### BACKGROUND:

WALGA has advised that the 2021 WA Local Government Convention will be held at the Perth Convention and Exhibition Centre (PCEC) from Sunday, 19 September to Tuesday, 21 September 2021.

WALGA's 2021 AGM will be held during the WA Local Government Convention in Perth. All member Councils are entitled to be represented by two voting delegates, being elected members or serving employees. Two proxy voting delegates are also required to be nominated.

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

#### CONSULTATION:

Nil

#### COMMENT:

The format of the 2021 Convention is as follows:

#### Sunday, 19 September (Pre-Conference)

3.00pm – 5.00pm	Mayors and Presidents' Forum
5.00pm – 6.30pm	Opening Welcome Reception

#### Monday, 20 September

7.00am – 8.30am	ALGWA (WA) AGM and Breakfast
7.30am – 8.45am	Breakfast with Heads of Agencies
9.00am – 12.45pm	WALGA Annual General Meeting
12.45pm – 1.45pm	2021 Honours Awards Lunch
1.50pm – 3.00pm	Opening Keynote Speaker: The Honourable Julie Bishop
3.40pm – 5.00pm	Local Government, A Federal Perspective: Hon Mark Coulton MP and Hon Jason Clare MP
6.30pm – 11.00pm	Gala Dinner

**Tuesday, 21 September**

- 7.00am – 8.45am PHAIWA Local Government Policy Awards and Breakfast
- 7.30am – 8.45am Convention Breakfast with Jelena Dokic
- 8.50am Minding Your Mental Health
- 10.00am State and Federal Insights
- 11.15am Concurrent Sessions:  
Recovery from Emergencies in WA  
Governance: Roles and Responsibilities  
Elected Members: Champions of Economic Resilience and Community Prosperity
- 1.40pm Concurrent Sessions:  
Bushfire Volunteers  
Local Government Audits  
Waste Avoidance and the Impact of the Waste Export Bans
- 3.46pm Closing Speaker: Grace Tame

**Wednesday, 22 September (Post-Conference)**

- 9.00am – 11.30am Field Trip: Bushmead Estate, Shaped by Nature
- 9.00am – 12.00pm Field Trip: Construction Futures Centre
- 9.30am – 3.00pm WALGA Forum on Aboriginal Engagement and Reconciliation

#showcAse in PIXELS (formerly known as the “Banners in the Terrace” competition) is an annual exhibition of artwork from Local Governments, displayed digitally on the iconic 45-metre high tower at the heart of Yagan Square from Monday, 6 September to Sunday, 26 September 2021.

The theme for the 2021 Local Government Convention is: Leading the WAY: Looking Forward, Looking Back, the program will take place against the backdrop of generational change for the sector with reform of the Local Government Act on the horizon.

Additionally, 2020 and 2021 has seen an unprecedented level of uncertainty experienced in areas such as local and international politics; the economy; the environment, together with the ongoing impact and evolving nature of the COVID-19 pandemic. The Convention program has been developed to specifically support and encourage Local Government representatives.

The event will commence with the AGM, followed by a day and a half of plenary and concurrent sessions. These sessions will discuss both contemporary and controversial topics, while the overarching conference format provides opportunity to converse, debate, discuss and share ideas in a welcoming and professional forum.

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

**STATUTORY ENVIRONMENT:**

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

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

There will be an allocation in the 2021/2022 budget for elected members to attend conferences.

**WORKFORCE IMPLICATIONS:**

Government Policies provide direction for all Shire of Jerramungup employees.

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That with respect to the 2021 WA Local Government Convention, Council:**

- 1. APPOINT President Rob Lester and Deputy Shire President Jo Iffla to represent the Shire of Jerramungup as voting delegates at the Western Australian Local Government Association's Annual General Meeting, to be held on Monday 20 September 2021; and**
- 2. APPOINT Councillor \_\_\_\_\_ and Councillor \_\_\_\_\_ as proxy voting delegates for the Western Australian Local Government Association's Annual General Meeting, to be held on Monday 20 September 2021.**

**9.4.4 REVIEW OF CORPORATE BUSINESS PLAN 2021-2025**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	IM.PU.11
<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>	9 June 2021
<b>Attachments:</b>	a) Draft Corporate Business Plan 2021-2025
<b>Authority/Discretion:</b>	Executive

**SUMMARY:**

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

**BACKGROUND:**

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

The Strategic Community Plan provides the long term view (10 plus year timeframe) for the Shire and sets out the vision, aspirations and objectives of the community. Council adopted the initial Strategic Community Plan at the Ordinary Meeting of Council held 21 November 2012, (Minute No. OC121107 refers). The new Strategic Community Plan was adopted by Council at the Ordinary Meeting of Council held 26 May 2021, (Minute No. OCM210511 refers).

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

**CONSULTATION:**

Senior Staff

**COMMENT:**

The content of the Corporate Business Plan has been reviewed with a new document being prepared following the adoption of a new Strategic Community Plan.

As per the legislative requirements, the Corporate Business Plan has been prepared to be a rolling four year document, with 2021-2022 being the first year of the adopted Plan. A local government is to review its current Corporate Business Plan every year, of which reference is made to the Corporate Business Plan annually when developing the annual budget.

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

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

**Local Government (Administration) Regulations 1996****19BA. Terms used**

*In this Part —*

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

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

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

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

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

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

*\*Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

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

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

*\*Absolute majority required.*

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

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Officers are currently preparing the Draft 2020-2021 Annual Budget with consideration given to the Draft Corporate Business Plan.

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

**WORKFORCE IMPLICATIONS:**

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

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Absolute Majority

**OFFICER RECOMMENDATION:**

**That Council, by an Absolute Majority, ADOPTS the Shire of Jerramungup Corporate Business Plan 2021-2025 as contained within Attachment 1.**



**9.4.5 RENEWAL OF SUBLEASE – BREMER BAY PHARMACY**

<b>Location/Address:</b>	Portion of Reserve 26384, 7 Mary Street, Bremer Bay
<b>Name of Applicant:</b>	Thuchan Pty Ltd
<b>File Reference:</b>	CP.US.34
<b>Author:</b>	Rachel Smith, Executive Assistant
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	16 June 2021
<b>Attachments:</b>	a) Draft Sublease – Bremer Bay Pharmacy b) CONFIDENTIAL - Valuation Report
<b>Authority/Discretion:</b>	Legislative

**SUMMARY:**

This item addresses the draft sublease agreement prepared between the Shire of Jerramungup, Bremer Bay Community Resource and Visitors Centre Inc, Thuc Huynh and Thuchan Pty Ltd (Bremer Bay Pharmacy) with a recommendation that it be accepted and that the President and CEO be authorised to execute the sublease.

**BACKGROUND:**

The sublease between the Shire of Jerramungup, Bremer Bay Community Resource and Visitors Centre, Thuchan Pty Ltd and Thuc Huynh expired on the 31 March 2021. Council staff have been negotiating the renewal of the sublease with Thuc Huynh and awaiting an updated valuation report to be completed.

**CONSULTATION:**

McLeod's Solicitors

Thuc Huyhn, Director Thuchan Pty Ltd

Manager, Bremer Bay Community Resource and Visitor's Centre

**COMMENT:**

The Manager of the Bremer Bay CRC has been consulted and has advised they are happy to continue on with the sublease arrangement with the Pharmacy. It is recommended that Council approve the sublease to ensure the community continue to have access to pharmaceutical services in Bremer Bay.

The sublease is now submitted to Council for approval.

**STATUTORY ENVIRONMENT:****3.58. Disposing of property**

(1) In this section —

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**property** includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

*[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]*

#### Land Administration Act 1997

#### 18. Various transactions relating to Crown land to be approved by Minister

- (1) A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.
- (2) A person must not without authorisation under subsection (7) —
  - (a) grant a lease or licence under this Act, or a licence under the *Local Government Act 1995*, in respect of Crown land in a managed reserve; or
  - (b) being the holder of such a lease or licence, grant a sublease or sublicense in respect of the whole or any part of that Crown land.
- (3) A person must not without authorisation under subsection (7) mortgage a lease of Crown land.
- (4) A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.

- (5) The Minister may, before giving approval under this section, in writing require —
- (a) an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and
  - (b) information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.
- (6) An act done in contravention of subsection (1), (2), (3) or (4) is void.
- (7) A person or lessee may make a transaction under subsection (1), (2), (3) or (4) —
- (a) with the prior approval in writing of the Minister; or
  - (b) if the transaction is made in circumstances, and in accordance with any condition, prescribed for the purposes of this paragraph.
- (8) This section does not apply to a transaction relating to an interest in Crown land if —
- (a) that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act;
  - (b) that interest may be created, granted, transferred or otherwise dealt with under an Act other than —
    - (i) this Act; or
    - (ii) a prescribed Act;
  - (c) an agreement, ratified or approved by another Act, has the effect that consent to the transaction was not required under section 143 of the repealed Act; or
  - (d) the transaction is a lease, sublease or licence and the approval of the Minister is not required under section 46(3b).

*[Section 18 amended by No. 59 of 2000 s. 8(1)-(5) <sup>5</sup>.]*

### **Local Government (Functions and General) Regulations 1996**

#### **30. Dispositions of property to which section 3.58 of the Act does not apply**

- (2) A disposition of land is an exempt disposition if —
- (a) the land is disposed of to an owner of adjoining land (in this paragraph called ***the transferee***) and —
    - (i) its market value is less than \$5 000; and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
  - (b) the land is disposed of to a body, whether incorporated or not —
    - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
    - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

**STRATEGIC IMPLICATIONS:**

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031;  
Deliver programs and services that bring people together and support community health and wellbeing.  
Maintain facilities that connect people and promote an active and healthy lifestyle.  
Work with the business community to attract investment, create jobs and support small business growth.

**FINANCIAL/BUDGET IMPLICATIONS:**

Lease preparation fees approximately \$1,000 and market valuation fees \$1,700.  
All costs in preparing the lease should be borne by the applicant.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for this report.

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority.

**OFFICER RECOMMENDATION:**

**That Council;**

- 1. Acknowledge that the disposition is an exempt disposition in accordance with *Local Government (Functions and General) Regulations 1996* Section 30 (2)(a)(ii).**
- 2. Authorise the Shire President and Chief Executive Officer to execute the sublease agreement for the Bremer Bay Community Resource and Visitor's Centre Inc, Thuc Huyhn and Thuchan Pty Ltd (Bremer Bay Pharmacy) for Portion of Reserve 26384 being Lot 649 on Deposited Plan 189638 and being the whole of the land comprised in Certificate of Title Volume LR3010 Folio 86 for;**
  - a lease term of 5 years commencing 1 April 2021 and expiring on 31 March 2026**

#### 9.4.6 ADVERSE EVENT PLAN

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	IM.PU.12
<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 June 2021
<b>Attachments:</b>	a) Draft Adverse Event Plan
<b>Authority/Discretion:</b>	Executive

#### SUMMARY:

Council is requested to approve the draft Shire of Jerramungup Adverse Event Plan which has been prepared to meet the requirement of the Drought Communities Programme Funding.

#### BACKGROUND:

In 2020, the Shire of Jerramungup secured funding from the Federal Government through the Drought Communities Programme. In order to acquit the funding, it is a requirement for the Shire to develop an Adverse Event Plan to mitigate risks associated with adverse events by also taking into account existing community plans, corporate plans and any economic development and tourism strategies.

The development of the Plan was prepared by Lucid Economics in consultation with Executive Staff.

#### CONSULTATION:

Executive Staff

DWER

#### COMMENT:

The Adverse Event Plan covers emergency events that can occur quickly, without warning but have a defined 'start' and 'end' (fire, flood, frost, hail, severe storm) and other adverse events such as drought and significant sudden trade restrictions resulting from an adverse event which are less obvious and defined. The principles for dealing with these events are similar; however the insidious nature of drought and sudden significant trade restrictions require a slightly different approach.

The Shire has experienced numerous previous adverse events including drought, bushfires and other adverse events. The development of this plan has been informed through the National Strategy for Disaster Resilience as well as other similar plans and strategies. It seeks to leverage this previous work in order to better plan for future adverse events in the Shire of Jerramungup.

The Adverse Event Plan will guide the Shire's approach to preparing for and implementing recovery activities in response to the current drought and future adverse events affecting the Shire's economy. The Plan establishes a context for defining severity of adverse events from a meteorological (rainfall) perspective, a production perspective and the socio-economic impacts.

Our changing climate will also continue to present challenges to our communities in the future. The Shire's coastline is likely to be impacted by rising sea levels over time and coastal erosion which has the potential to impact existing and planned development.

The threat of bushfire is also ever prevalent and its devastating impacts on environment and communities has been considered in the Shire's forward planning.

The Shire is susceptible to increased risks of natural disasters and coastal inundation. A warming climate will also impact lifestyle amenity and potentially change the way we interact with our local environment including driving up costs to maintain existing levels of public open space infrastructure.

Planning and preparedness for adverse events is an ongoing endeavour for the Shire to support our businesses and community and encourage growth and innovation.

Given the increasing regularity and severity of natural disasters, the Australian Government has recognised that a national, coordinated and cooperative effort is required to enhance Australia's capacity to withstand and recover from emergencies and disasters. A disaster resilient community is one that works together to understand and manage the risks that it confronts. Disaster resilience is the collective responsibility of all sectors of society, including all levels of government, business, the non-government sector and individuals. If all these sectors work together with a united focus and a shared sense of responsibility to improve disaster resilience, they will be far more effective than the individual efforts of any one sector.

Governments, at all levels, have a significant role in strengthening the nation's resilience to disasters by:

- Developing and implementing effective, risk-based land management and planning arrangements and other mitigation activities;
- Having effective arrangements in place to inform people about how to assess risks and reduce their exposure and vulnerability to hazards;
- Having clear and effective education systems so people understand what options are available and what the best course of action is in responding to a hazard as it approaches;
- Supporting individuals and communities to prepare for extreme events;
- Ensuring the most effective, well-coordinated response from our emergency services and volunteers when disaster hits; and
- Working in a swift, compassionate and pragmatic way to help communities recover from devastation and to learn, innovate and adapt in the aftermath of disastrous events

The Shire must implement change in a coordinated manner, as leadership is needed to drive improvements in disaster resilience. It is important to understand the risks and communicate them to all levels of the community; we must work with the people and organisations that can affect the necessary changes and empower individuals in our community to exercise choice and take responsibility. Our planning approaches must include risk reduction strategies and our capacity to deal with disasters must be enhanced by greater flexibility and adaptability of our emergency services agencies and communities.

According to the Council of Australian Governments National Strategy for Disaster Resilience (February 2011), best practice will be achieved through the following steps:

- **Leading change and coordinating effort:** The Shire needs to drive improvements in disaster resilience. The responsibility for leadership should be taken by the Shire and its executive in a coordinated manner, so as to maximise the benefits from limited resources.
- **Understanding risks:** Underpinning a disaster resilient community is knowledge and understanding of local disaster risks. We all share responsibility to understand these risks, and how they might affect us. By understanding the nature and extent of risks, we can seek to control their impacts, and inform the way we prepare for and recover from them.
- **Communicating with and educating people about risks:** Risks should be openly discussed in order to anticipate and manage them. The Shire needs to seek a clearer understanding of our risks and what to do about them is needed, particularly at the community level. Information on disaster risk should be communicated in a manner appropriate to its audiences. Good communication has never been so important than during an adverse event.
- **Partnering with those who effect change:** Working together and drawing on the expertise and capacity of various partners produces far greater results than do individual efforts alone. Partnerships across and within governments, businesses, the not-for-profit sector and the community, will create a well-informed, integrated and coordinated approach to increasing disaster resilience. The result will be a stronger and more resilient nation.

- **Empowering individuals and communities to exercise choice and take responsibility:** Individuals and communities should be more self-reliant and prepared to take responsibility for the risks they live with. For a resilient nation, all members of the community need to understand their role in minimising the impacts of disasters, and have the relevant knowledge, skills and abilities to take appropriate action. A resilient community will understand and have the ability to use local networks and resources to support actions required during an emergency and to support recovery efforts. How well this works will again be dependent on good communications.
- **Reducing risks in the built environment:** Having knowledge and understanding of hazards and risks is of little use unless the information can be translated into relevant controls and mechanisms for dealing with them. Planning approaches that anticipate likely risk factors and the vulnerability of the population can reduce future possible impact of disasters. Responsible land use planning can prevent or reduce the likelihood of hazards impacting communities. Building standards can mitigate the likelihood of loss of life, as well as damage to and/or destruction of property and infrastructure.
- **Supporting capabilities for disaster resilience:** Disasters can stretch the capacity of our emergency services agencies and overwhelm communities. Development of remote community and industrial centres, extent of isolation, and reliance on emergency service volunteers, all present challenges. We should, therefore, pursue greater flexibility and adaptability within our emergency services agencies and communities to increase our capacity to deal with disasters.

These elements have been embedded in our plan.

**STATUTORY ENVIRONMENT:**

Nil

**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 cost to develop the plan was factored into the 2020/2021 budget.

**WORKFORCE IMPLICATIONS:**

The Adverse Event Plan will guide the Shire of Jerramungup's approach to preparing for and implementing recovery activities in response to the current drought and future adverse events affecting the Shire's economy.

**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 Shire of Jerramungup Adverse Event Plan.**

## 10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

### (CONFIDENTIAL MATTERS)

#### 10.1 – SUNDRY DEBTOR WRITE OFF – JUNE 2021

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>Author:</b>	Sophie Browning, Debtors Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	21 May 2021
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Legislative

#### OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY pursuant to Section 6.12(1)(c) of the *Local Government Act 1995*, approve the following write-off of bad debts to the value of \$726.50;

- D346 \$430.00
- D426 \$296.50



**11.0 COUNCILLOR REPORTS**

**12.0 NEW BUSINESS OF AN URGENT NATURE**

**13.0 CLOSURE**

**13.1 DATE OF NEXT MEETING**

The next ordinary meeting of Council will be held Wednesday, 28 July 2021, commencing at 2.00pm, in the Council Chambers, Jerramungup.

**13.2 CLOSURE OF MEETING**

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

These minutes were confirmed at a meeting held

.....

Signed: .....

Presiding Person at the meeting at which these minutes were confirmed

Date: .....