



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 March 2022
At the Council Chambers,
Jerramungup
Commencing at 2:00pm

Council Meeting Procedures

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

Martin Cuthbert
CHIEF EXECUTIVE OFFICER
18 March 2022

AGENDA

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OUR GUIDING VALUES

Progressive, Prosperous and a Premium Place to Live and Visit

DISCLAIMER

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

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

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

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

NOTES FOR MEMBERS OF THE PUBLIC

PUBLIC QUESTION TIME

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

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

MEETING FORMALITIES

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

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NOTES FOR ELECTED MEMBERS

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

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

ALTERNATIVE MOTIONS

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

DECLARATIONS OF INTERESTS

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

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

Section 5.60B states;

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

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

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

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

Regulation 34C (Impartiality) states;

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

2022 MEETING DATES

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

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

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

APPLICATION FOR LEAVE OF ABSENCE

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

Shire of Jerramungup
Table of Contents
Ordinary Meeting of Council
Wednesday 23 March 2022

1.0	DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS	8
2.0	RECORD OF ATTENDANCE	8
2.1	ATTENDANCE	8
2.2	APOLOGIES.....	8
2.3	APPROVED LEAVE OF ABSENCE.....	8
2.4	ABSENT	8
2.5	DISCLOSURE OF INTERESTS.....	8
2.5.1	<i>DECLARATIONS OF FINANCIAL INTERESTS.....</i>	<i>8</i>
2.5.2	<i>DECLARATIONS OF PROXIMITY INTERESTS.....</i>	<i>8</i>
2.5.3	<i>DECLARATIONS OF IMPARTIALITY INTERESTS</i>	<i>8</i>
3.0	APPLICATIONS FOR LEAVE OF ABSENCE.....	9
4.0	ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS.....	9
5.0	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	9
6.0	PUBLIC TIME.....	9
6.1	PUBLIC QUESTION TIME.....	9
6.2	PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS	9
7.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	9
8.0	RECOMMENDATIONS AND REPORTS OF COMMITTEES	10
8.1	COMPLIANCE AUDIT RETURN 2021.....	10
8.2	FINANCIAL MANAGEMENT REVIEW – PROGRESS REPORT	13
9.0	REPORTS	23
9.1	TECHNICAL SERVICES	23
9.2	CORPORATE SERVICES	24
9.2.1	ACCOUNTS FOR PAYMENT – FEBRUARY 2022.....	24
9.2.2	MONTHLY FINANCIAL REPORT – FEBRUARY 2022	27
9.3	DEVELOPMENT SERVICES	30
9.3.1	PROPOSED ADDITIONAL STAFF ACCOMMODATION – GAIRDNER CBH FACILITY. LOT 55 SOUTH COAST HIGHWAY, GAIRDNER.....	30
9.4	EXECUTIVE SERVICES	35
9.4.1	INFORMATION BULLETIN FEBRUARY/MARCH 2022.....	35
9.4.2	COMMUNICATIONS AND SOCIAL MEDIA POLICY	37
9.4.3	CORPORATE SCORECARD – QUARTERLY REPORT	40
10.0	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	42
11.0	COUNCILLOR REPORTS.....	42
12.0	NEW BUSINESS OF AN URGENT NATURE	42
13.0	CLOSURE	42
13.1	DATE OF NEXT MEETING	42
13.2	CLOSURE OF MEETING	42

ORDINARY COUNCIL MEETING AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened atpm by the Shire President.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

2.4 ABSENT

2.5 DISCLOSURE OF INTERESTS

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

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

2.5.1 DECLARATIONS OF FINANCIAL INTERESTS

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

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

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

Nil

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting held 23 February 2022.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 23 February 2022 be CONFIRMED

Annual General Meeting of Electors held 2 February 2022.

That the Minutes of the Annual General Meeting of Electors of the Shire of Jerramungup held in the Town Hall, Bremer Bay on 2 February 2022 be CONFIRMED

BBCDC Meeting

Bremer Bay Community Development Committee (BBCDC) Meeting held 2 February 2022

Local Emergency Management Committee (LEMC) Meeting held 14 March 2022

That Council RECEIVE the Minutes of the BBCDC and LEMC meetings.

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

8.1 COMPLIANCE AUDIT RETURN 2021

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	GR.AU.1
Author:	Rachel Smith, Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	17 March 2022
Attachments:	a) Compliance Audit Return 2021
Authority/Discretion:	Legislative

SUMMARY:

For the Council to adopt and authorise the signing of the Compliance Audit Return (CAR) for 2021 prior to it being submitted to the Department of Local Government, Sport and Cultural Industries.

BACKGROUND:

The 2021 CAR was made available to local government authorities by the Department of Local Government, Sport and Cultural Industries via its centralised portal called SmartHub. The structure of the return is similar to previous years with a focus on areas of compliance considered high risk.

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

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

The CAR contains the following compliance categories:

- Commercial Enterprises by Local Governments (5)
- Delegation of Power/Duty (13)
- Disclosure of Interest (25)
- Disposal of Property (2)
- Elections (3)
- Finance (7)
- Integrated Planning and Reporting (3)
- Local Government Employees (6)
- Official Conduct (3)
- Optional Questions (9)
- Tenders for Providing Goods and Services (22)

CONSULTATION:

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

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

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

COMMENT:

The period examined by this audit is 1 January to 31 December 2021 and the completed return is required to be:

- Reviewed by the Audit Committee;
- Considered and adopted by Council;
- Certified by the President and CEO following Council adoption;
- Submitted together with a copy of the Council Minutes to the Department by 31 March 2022.

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

As required by regulation, the 2021 CAR is to be reviewed by the Audit Committee and then referred to the Ordinary Meeting of Council for adoption prior to submission to the Department of Local Government, Sport and Cultural Industries.

In carrying out the compliance return for 2021 there were no areas of non-compliance identified.

STATUTORY ENVIRONMENT:

Section 7.13(i) of the Local Government Act 1995

7.13. Regulations as to audits

(1) Regulations may make provision—

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

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

Regulation 14 – Compliance audits by local governments

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

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

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*

(b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no financial implications to be considered as part of this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

- 1. ADOPTS the completed 2020 Compliance Audit Return for the period 1 January 2021 to 31 December 2021 as attached;**
- 2. AUTHORISES the Shire President and Chief Executive Officer to sign the joint certification; and**
- 3. SUBMITS the completed Compliance Audit Return, and any additional information explaining or quantifying the compliance audit, to the Department of Local Government, Sport and Cultural Industries by 31 March 2022.**

8.2 FINANCIAL MANAGEMENT REVIEW – PROGRESS REPORT

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	17 March 2022
Attachments:	Nil
Authority/Discretion:	Executive

SUMMARY:

For Council to adopt the recommendation of the Audit Committee to receive the progress report on the recommendations of the Financial Management Review conducted during 2021 by Audit Partners Australia and the Administration.

BACKGROUND:

A review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire must be undertaken (“Financial Management Review”), not less than once every three years. Audit Partners Australia (external auditors) was engaged to conduct this review in accordance with section 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* (as amended).

In accordance with the requirements outlined within the Local Government (Financial Management) Regulation 5(2)(c), a review of the Financial Management Systems at the Shire of Jerramungup was undertaken and presented to the Audit Committee and Council at the meetings held 26 May 2021.

The primary objective of the review was to provide assurance to the Council that its Financial Management Systems are being effectively managed and have effective controls. This includes a review of:

- Proper segregation of functional responsibilities
- A system of authorisation and recording adequate to provide accounting control of assets, liabilities, revenues and expenses
- Sound practises in performance of duties and functions

The following financial systems and procedures of Council were the subject of this review:

- Bank Reconciliations and Petty Cash
- Trust Fund
- Receipts and Receivables
- Rates
- Budget
- Purchases, Payments and Payables
- Fees and Charges
- Wages and Salaries
- Fixed Assets
- Financial Reports
- Integrated Planning and Reporting Framework
- Minutes and Meetings
- Annual Electors Meeting
- Registers (i.e. tenders, financial interest, contracts and legal documents)
- Delegations
- Audit Committee
- Insurance
- Storage of Documents/Record Keeping

- Other Matters

To satisfy itself that the recommendations from the Financial Management Review were being investigated and implemented Council requested the Chief Executive Officer to provide a report to the Audit Committee to enable the Committee to monitor the Shire's progress in addressing the recommendations.

CONSULTATION:

Executive Management Team.

COMMENT:

The following items were highlighted by Audit Partners Australia in the Financial Management Review for consideration and action, with the Administration providing comment on proposed actions.

The table has been updated to include progress to date.

Area of Financial Management	Finding	Audit Partners Australia Comment	Shire Officer Comment
Bank Reconciliations	It was noted from mapping the process surrounding Bank Reconciliations that for the Reserve account, Pool grant funds & Waste grant funds the Shire does not use the "Bank Reconciliation module" within SynergySoft, rather it prepares "Manual Reconciliation" by way of spreadsheets.	Recommendation: Although we do not consider this to be a control weakness, we do recommend using the SynergySoft system as it allows for rolling forward balances and electronically reconciling bank accounts.	Staff have been investigating the implementation of the Synergy Soft module. A decision was made to implement when the Synergy Soft upgrade to Altus was undertaken.
Update 27 April 2022	Staff have determined the priority during the 2021/2022 year was the upgrade of the Shire's internet system to increase the capacity of remote work stations such as the Bremer Bay office. The upgrade from Synergy Soft to Altus will be submitted for funding in the 2022/2023 budget round, the Altus upgrade will include the Bank Reconciliation module.		
Receipts and Receivables	On review of sample rates receivables and sundry debtors month-end reports, we noted the reports are reconciled as at the end of month; however the reports did not agree to monthly Statement of Financial Activity for the months of July 2020, September 2020, November 2020 and January 2021.	Recommendation: To ensure the accuracy of the month-end reports, we recommend that at all times, a final copy of rates and sundry debtors reconciliation report be prepared which reconciles with the monthly financial report reported to council and is signed off or initialled by the designated authority.	The Rates receivable and Sundry debtor month-end reports are run after the end of the month and not necessarily on the same day as the Monthly Statement is produced. These reports are checked and signed to check the debtors and rates aged trial balance agrees to general ledger and that there are no discrepancies within debtor or rate system. Because the reports are not necessarily run on the same date as the Monthly statement it means that transactions can occur after the debtor report has been printed and before the monthly statement. As suggested staff will now produce a debtor aged trial balance on the same day as the monthly statement is produced.
Update	Completed, ongoing review. Finance Staff have reminders set to ensure reports are run on the same day as monthly statements are produced.		

27 April 2022			
Purchases, Payments and Payables	On review of sample creditors month-end reports, we noted the reports are reconciled as at the end of month; however the reports did not agree to monthly Statement of Financial Activity for the months of July 2020, September 2020, November 2020 and January 2021.	Recommendation: To ensure the accuracy of the month-end reports, we recommend that at all times, a final copy of creditors reconciliation report be prepared which reconciles with the monthly financial report reported to council and is signed off or initialled by the designated authority.	The Creditor reports are produced to check that there are no discrepancies within the creditor system. As the Shire is always receiving invoices and needing to back date to the correct month for GST purposes the outstanding creditor figure is always changing. As the monthly report was run the second week of the following month there are invoices received and processed after the monthly report was run as the invoices had not been received before the report was processed. Going forward staff will print a copy of the creditor aged trial balance on the day the monthly report is run. Since changing the Council meeting date to the last week of the month, this will allow more creditors to be paid before the monthly report is run.
Update 27 April 2022	Completed, ongoing review. Finance Staff have reminders set to ensure reports are run on the same day as monthly report is produced.		
Fixed Assets	Our review of the fixed assets management system we did not find any exceptions to our testing.	It was noted however from our review, the Shire's capitalisation and depreciation policy does not include the current amendments to Local Government (Financial Management) Regulations relating to fair value cycle, measurement basis for plant and equipment, vested land etc. We therefore recommend that the Shire review its current policy to ensure it incorporates the current regulation changes.	The Capitalisation and Depreciation of Non-Current Assets Policy was last updated at the Ordinary Council Meeting in June 2019 to comply with changes to the Regulations. An item is being presented to the Ordinary Council Meeting to be held 26 May 2021 to ensure the policy is compliant with latest changes to the <i>Local Government (Financial Management) Regulations 1996</i> .
Update	Completed. Policy FP1 – Accounting for Non-Current Assets was amended and endorsed by Council at the Ordinary Meeting held 26 May 2021.		

<p>27 April 2022</p>			
	<p>Integrated Planning Framework</p>	<p>Our review of the Strategic Community Plan and the Corporate Business Plan indicated the Shire has met the requirements of the integrated planning framework in establishing and adopting a Strategic Community Plan and Corporate Business Plan, except the following:</p> <ul style="list-style-type: none"> • Strategic Community Plan was adopted in September 2016 and was due for review in September 2020 as the regulations require the Shire to review the Strategic Community Plan at least once every 4 years. However subsequently the review has been completed and endorsed by the Council in the 24 March 2021 council meeting. There was delay due to COVID-19 and no community meetings could be held mid last year. • Corporate Business Plan was adopted in October 2017 and was reviewed in June 2020. However the regulations require the Shire to review the Corporate Business Plan every year. 	<p>Recommendation: To ensure proper compliance with the statutory provisions, we recommend the Strategic Community Plan be reviewed at least once every four years and Corporate Business Plan to be reviewed every year.</p>
<p>Update 27 April 2022</p>	<p>Completed.</p> <p>The Strategic Community Plan 2021 – 2031 was adopted at the Ordinary Meeting of Council held 26 May 2021.</p> <p>The Corporate Business Plan 2021 – 2025 was adopted at the Ordinary Meeting of Council held 23 June 2021.</p> <p>Council is part of the IPR Peer Support Program utilising the services of consultant Steve Grimmer.</p> <p>The CEO is State Board member of Local Government Professionals WA and is the current Board representative on the Statewide IPR Network Committee.</p> <p>Community Scorecard progress reporting has been introduced on a quarterly basis which will assist Council with the annual review of the Corporate Business Plan.</p>		

<p>Other Matters</p> <p><i>Shire's Policy Manual</i></p>	<p>A review of all shire's finance policies was performed and we noted that: The following policies had not been updated since the below adoption dates. However based on our discussion with management, the CEO is currently undertaking a major review of all the policies. There is risk that overlooking a review can suggest procedures documented are non-operational/non-compliant to the current regulations.</p> <p>Finance Policies Date adopted</p> <p>FP2- Rates and Accounts collection 21-August-2013</p> <p>FP3 – Investments 21-August-2013</p> <p>FP4 – Sport and Recreation Grants 21-August-2013</p> <p>FP5 – Corporate Credit Card 21-September-2016</p> <p>FP7 – Pensioner Rebates on Rural Properties 17-September-2014</p> <p>FP8 – Financial Hardship Policy 19-March-2014</p> <p>Record Keeping – Disaster Recovery Plan Pre 2008</p> <p>A Business Continuity Manual was originally developed and adopted in March 2018. It states Business Impact Analysis, should be conducted or formally reviewed every two years and the major components of the Plan should be tested annually. We noted that the policy review in 2019 has not been adopted. Also, Business Continuity and Record Keeping – Disaster Recovery</p>	<p>Recommendation: Policies should be reviewed and updated on a regular basis to ensure the policies are current, compliant with the regulations and staff are following appropriate procedures and policies in place. Business Continuity and Disaster Recovery Plan should be tested annually and revised upon the results of the test. Refer to section 2.9 of this report for further understanding of the asset policy.</p>	<p>A major review of all Council policies was being undertaken during 2018 and 2019. With the State Government undertaking a review of the <i>Local Government Act 1995</i>, the priority has been on preparing new policies or amending policies that have been required due to legislation changes. There have been 10 polices that required review or creation in the last 12 months plus new Codes of Conduct and Model Standards. A review of remaining Council Policies is intended to be completed during 2021.</p>
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	Plan requires the plan to be tested annually.		
Update 27 April 2022	<p>Completed.</p> <p>All finance policies were reviewed and presented to Council for endorsement at the Ordinary Meeting of Council held 22 September 2021.</p> <p>FP1 – Accounting for Non-Current Assets Policy</p> <p>FP2 – Debt Recovery Policy</p> <p>FP3 – Investments Policy</p> <p>FP4 – Capital Sport and Recreation Grants Policy</p> <p>FP5 – Transaction Cards Policy</p> <p>FP6 – Procurement of Goods and Services Policy</p> <p>FP7 – Concessions on Farming Properties Occupied by Pensioners and Seniors Policy</p> <p>FP8 – Financial Hardship Policy</p> <p>FP9 – Portable and Attractive Items Policy</p> <p>FP10 – Asset Management Policy</p> <p>FP11 – Financial Hardship During a Declared State of Emergency Policy</p>		
IT General Environment	Shire does not have any formal policies governing IT security nor procedures to maintain the integrity of the IT systems and corresponding user access. This also extends to security around removable/portable devices. Presently, an external provider is engaged to provide IT support services and advice regarding security and hardware.	Recommendation: Shire should also undertake a comprehensive IT security review to identify the key IT risks along with the IT controls to reduce the risk to an acceptable level. IT Policy and procedures should be documented and communicated to users of the IT systems.	Staff will work with the Shire’s external IT provider to undertake a comprehensive IT security review during the 2021/2022 financial year.
Update 27 April 2022	<p>Councils external IT provider has been unable to undertake project to date, staff are currently investigating other options and service providers.</p> <p>Integrated ICT have been engaged to undertake the IT Risk Assessment report, with staff awaiting the final report.</p>		

<p>Month End Procedures</p>	<p>An examination of the shires month end procedures was performed and the following issue was noted.</p> <ul style="list-style-type: none"> • The Monthly Statement of Financial Activity for the months of July 2020, September 2020, November 2020 and January 2021 did not balance to the Trial Balance within Synergy mainly due to the adjustments being made whereby invoices are received subsequent to the month-end finalisation. 	<p>We recommend a copy of Synergy trial balance is be printed and retained which agrees to Monthly Statement of Financial Activity and adjustments made after the approved monthly financial report are to be monitored and retained.</p>	<p>As previous monthly reports had to be completed by the second week of the month there were often invoices received or transactions entered after the monthly report was completed. Now that Council meetings have moved to last week of the month, this will allow more time to get all invoices received and processed before the monthly report is produced.</p> <p>As suggested, staff will print a Trial Balance on the day that the Monthly Statement is produced so that it reconciles with the monthly statement.</p>
<p>Update 27 April 2022</p>	<p>Completed, ongoing review. Finance Staff have reminders set to ensure Trial Balance Report is run on the same day as the Monthly Statement is produced.</p>		

STATUTORY ENVIRONMENT:***Local Government (Financial Management) Regulation 5(2)(c)*****5. CEO's duties as to financial management**

- (1) *Efficient systems and procedures are to be established by the CEO of a local government —*
- (a) *for the proper collection of all money owing to the local government; and*
 - (b) *for the safe custody and security of all money collected or held by the local government; and*
 - (c) *for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and*
 - (d) *to ensure proper accounting for municipal or trust —*
 - (i) *revenue received or receivable;*
 - (ii) *expenses paid or payable; and*
 - (iii) *assets and liabilities;**and*
 - (e) *to ensure proper authorisation for the incurring of liabilities and the making of payments; and*
 - (f) *for the maintenance of payroll, stock control and costing records; and*
 - (g) *to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or regulations.*
- (2) *The CEO is to —*
- (a) *ensure that the resources of the local government are effectively and efficiently managed; and*
 - (b) *assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and*
 - (c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.*

Local Government (Audit) Regulations 1996**16. Functions of audit committee**

An audit committee has the following functions —

- (a) *to guide and assist the local government in carrying out —*
 - i. *its functions under Part 6 of the Act; and*
 - ii. *its functions relating to other audits and other matters related to financial management;*
- (b) *to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- (c) *to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
 - i. *report to the council the results of that review; and*
 - ii. *give a copy of the CEO's report to the council;*

- (d) *to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
 - i. *regulation 17(1); and*
 - ii. *the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*

17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications to be considered as part of this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications to be considered as part of this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVES the Financial Management Review Progress Report on the CEO’s review of the appropriateness and effectiveness of the local government’s systems and procedures in regard to internal financial control.

9.0 REPORTS

9.1 TECHNICAL SERVICES

Nil

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

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	1 March 2022
Attachments:	b) List of Accounts Paid to 28 February 2022 c) Credit Card Statement 31 January 2022 – 28 February 2022
Authority/Discretion:	Information

SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer’s delegated authority during the month of February 2022.

BACKGROUND:

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

CONSULTATION:

Internal consultation within the Finance Department.

COMMENT:

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2021-22 Annual Budget as adopted by Council at its meeting held 28 July 2021 (Minute No. OCM210706 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

The table below summarises the payments drawn on the funds during the month of February 2022. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28176	
EFT Payments	19258 – 19333	\$660,914.91
Cheque Payments	28177	\$1,588.00
Direct Deposits		\$77,171.28
Municipal Account Total		\$739,674.19
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$739,674.19

CERTIFICATE

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

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

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

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

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

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

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

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

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

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

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

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

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Finance Policy FP5 – Transaction Cards

Finance Policy FP6 – Procurement of Goods and Services

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

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

- a) The List of Accounts Paid to 28 February 2022 as detailed in Attachment 9.2.1(a).**
- b) The Credit Card Statement 31 January 2022 – 28 February 2022 as detailed in attachment 9.2.1(b).**

9.2.2 MONTHLY FINANCIAL REPORT – FEBRUARY 2022

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Tamara Pike, Senior Finance Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 March 2022
Attachments:	a) Monthly Financial Report for the period ending 28 February 2022
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 28 February 2022 as required by the *Local Government Act 1995* ('the Act').

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 28 February 2022.

BACKGROUND:

At its meeting held 28 July 2021 (Minute No. OCM210706 refers), Council adopted the annual budget for the 2021-22 financial year. The figures in this report are compared to the adopted budget.

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 28 February 2022 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

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

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

Officer Recommendation 4: That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2021/2022 financial year for monthly reporting purposes.

CONSULTATION:

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

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

COMMENT:

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

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

STATUTORY ENVIRONMENT:

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

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

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

- (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- (b) *budget estimates to the end of the month to which the statement relates;*

and

- (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) *the net current assets at the end of the month to which the statement relates.*

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

- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
- (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
- (c) *such other supporting information as is considered relevant by the local government.*

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

- (a) *according to nature and type classification; or*
- (b) *by program; or*
- (c) *by business unit.*

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

- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) *recorded in the minutes of the meeting at which it is presented.*

- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 28 February 2022 has been incurred in accordance with the 2021-22 budget parameters, which have been structured on financial viability and sustainability principles.

Details of any budget variation in excess of \$10,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

AP3 – Regional Price Preference

FP1 – Accounting for Non-Current Assets

FP2 – 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 28 February 2022 in accordance with section 6.4 of the *Local Government Act 1995*.

9.3 DEVELOPMENT SERVICES

9.3.1 PROPOSED ADDITIONAL STAFF ACCOMMODATION – GAIRDNER CBH FACILITY. LOT 55 SOUTH COAST HIGHWAY, GAIRDNER.

Location/Address:	Lot 55 South Coast Highway, Gairdner
Name of Applicant:	CBH
File Reference:	A1604708
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 March 2022
Attachments:	a) Applicant’s Request b) CBH Site Plan c) Floor and Elevation Plans d) Photos of Prefabricated Buildings
Authority/Discretion:	Administrative

SUMMARY:

Council has received an application to upgrade and extend the existing accommodation and staff amenities available at the Gairdner CBH facility (Lot 55 South Coast Highway). The proposed upgrade and development at Gairdner CBH grain receival site includes:

- Construction of the carparks and hardstand areas;
- Construction and placement of 4 x 4 bedroom donga transportable accommodation buildings;
- Relocation and upgrade of the existing 6-bedroom accommodation building to a new location on the site;
- Construction and placement of 1 kitchen and laundry transportable building;
- Construction and placement of 1 common room transportable building; and
- Construction and implementation of associated septic tanks and leach drains for the facility.

The proposal is an extension of an existing non-conforming use and conditional approval is recommended.

BACKGROUND:

Site Description:

- Lot 55 South Coast Highway, Gairdner is 82.305ha in area, developed with the existing, substantial Gairdner grain storage facility nits and is located approximately 1.1km west of the Gairdner townsite;
- There is some existing accommodation located toward the eastern end of the CBH site constructed under previous approvals granted in 1998 and 2016. Those past approvals have provided approval for the accommodation of up to 15 people;
- Approval for temporary bulkheads was approved late 2021 to accommodate a higher than expected grain harvest.

Zoning and Scheme Requirements

Lot 55 is zoned ‘Rural’ by the Shire’s Local Planning Scheme No.2 (the Scheme). The proposed accommodation is workers’ accommodation and can be considered to be a “residential building” in respect to the form of development.

A residential building is defined as:

Residential building

A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- *temporarily by two or more persons; or*
- *permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.*

A Residential Building is not permitted in the 'Rural' zone. However, as the existing accommodation predates the current Local Planning Scheme and is a land use not unreasonably expected at a Grain Storage Facility of this size, the current application has been considered to be a change of 'non-conforming use'.

Clauses 4.8 and 4.9 of the Scheme deal with the matter of non-conforming uses. As Council has previously considered approvals of similar developments it is taken that the property enjoys non-conforming use rights as provided for under Clause 4.8.

The current application is therefore required to be progressed in accordance with the provisions as set out under Clause 4.9 of the Scheme. Clause 4.9 gives Council the capacity to consider alterations and extensions to non-conforming uses on the basis that the application is advertised to surrounding owners and on the basis (paraphrased) that they are satisfied that the approval would not be contrary to the orderly and planning of the area.

CONSULTATION:

Non-confirming uses are required to be advertised for public comment.

At the time of preparing this report, the requisite advertising had not been completed. As such it is proposed that Council delegate authority to the CEO to issue approval upon conclusion of the advertising period. Delegation would be on the basis that there were no sustainable or other objections to the proposal that could not be resolved to the satisfaction of all parties. Should an objection arise that could not be satisfactorily resolved, the application would be referred back to the next available Council meeting for determination.

Consultation is also being undertaken with the Shire's contracted Environmental Health Services Unit to determine if the accommodation facility is required to be licenced from a health perspective.

COMMENT:

The applicant has provided a written submission in support of their application which is provided as an attachment to this Report.

In brief, the applicant seeks the approval of Council to upgrade the quality and capacity of accommodation at the Gairdner site for their workforce. The proposal assists in creating a greater physical separation between the operational and residential uses of the site and better responds to the contemporary needs and demands of its workforce.

The new accommodation facility will comprise a number of relocated transportable accommodation units and involves relocating the existing accommodation building from its present position to form part of the new development which is set more towards the eastern end of Lot 55 and be set back some 100m from the South Coast Highway. All buildings are to be clad externally in the same type of materials and colours to provide a high level of presentation and finish. Access to the buildings will be via existing access points.

Planning Policy No.17: - Transportable Buildings

The above policy does not apply to development on Rural Zoned properties.

The Administration supports the matters put forward by the applicant in support of their application for the following reasons:

- The CBH site is very utilitarian in form and use. The introduction of modular transportable buildings is not inconsistent with the existing amenity of the site and the buildings being set back 'within' the site means the complex is not likely to be significant single element within the landscape of the area;
- The site has been the subject of past approvals for residential uses and the current application is consistent with the use and development of the site over an extended period of time;
- There are no other accommodation options within reasonable proximity to the CBH facility and having the opportunity to accommodate staff on site during peak periods addresses both labour supply and other CBH work place safety initiatives;
- The siting of the new accommodation village is subject of a BAL Assessment that identifies the buildings can achieve a BAL19 – 12.5 rating which enables planning approval to be granted. The BAL report contains various management measures to maintain that rating.

Having regard to the matter as outlined above, it is the view of the Administration that the application proposes a use and development that is consistent with the existing use of the site and is consistent with the proper and orderly planning of the area and therefore is an application that may be recommended for approval.

STATUTORY ENVIRONMENT:

Town Planning Scheme No.2 – in respect to land use permissibility

State Planning Policy 3.7 – Planning for Bushfire Prone Areas

STRATEGIC IMPLICATIONS:

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

Environment Built

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

FINANCIAL 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.

VOTING REQUIREMENT:

The administration has considered the potential for a number of Councillors to have a conflict of interest through their affiliations with the applicant. As such, investigations into whether it would be necessary to seek a specific dispensation from the Minister to allow Councillors to vote on the application was undertaken.

On review, it is the advice of the administration that the application may be considered under s.5.68 b (ii) of the *Local Government Act 1995* that deals with issues 'in common' which enables the Council to determine the application without having to seek special dispensations from the Minister.

In arriving at this advice, the following matters are considered to be relevant.

- The primary and major economic activity within the Shire is broad acre farming;
- The broader economy within the Shire provides goods and services to support the activities of the farming sector, thus there is a shared community interest in the industry;
- In this particular case the proposed development provides accommodation exclusively for the applicant's workforce which is seasonal in demand and transitional in nature. The availability of that workforce has been limited previously by the lack of available accommodation options. The isolated

nature of the CBH site means CBH are not directly competing against other accommodation providers and accommodating a larger workforce during peak seasonal periods improves overall efficiency in moving produce to markets – thus there is an interest in common that accrues in having facilities that improve the economic performance of the area.

It is open to individual Councillors to accept or reject this advice. The relevant section of the *Local Government Act 1995* is set out below:

5.68. Councils and committees may allow members disclosing interests to participate etc. in Meetings:

(1) *If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter –*

- (a) *may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and*
- (b) *may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –*
 - (i) *the disclosing member also discloses the extent of the interest; and*
 - (ii) *those members decide that the interest –*
 - (I) *is so trivial or insignificant as to be unlikely to influence the disclosing member’s conduct in relation to the matter; or*
 - (II) ***is common to a significant number of electors or ratepayers.***

(1A) *Subsection (1) does not apply if –*

- (a) *the interest disclosed is an interest relating to a gift; and*
- (b) *either –*
 - (i) *the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or*
 - (ii) *the gift is 1 of 2 or more gifts made by 1 person to the disclosing member at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection.*

(2) *A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with –*

- (a) *the extent of any participation allowed by the council or committee; and*
- (b) *if the decision concerns an interest relating to a gift, the information prescribed for the purposes of this paragraph.*

(3) *This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.*

On the basis that the advice is accepted that the matter may be reasonably dealt with under s.5.68 (ii) of the *Local Government Act 1995* then the decision would be by way of Simple Majority.

VOTING REQUIREMENT:

Simple majority – Absolute where noted

OFFICER RECOMMENDATION:**That COUNCIL:**

1. Approves the application lodged by Cooperative Bulk Handling for the proposed accommodation and associated amenities buildings at Lot 55 South Coast Highway, Gairdner, subject to the following conditions:
 - a) The development shall be carried out and fully implemented in accordance with the application and plans lodged with Council 28 February 2022 including the BAL Assessment and Bushfire Management Plan Report prepared by Bio Diverse Solutions and dated 16 February 2022;
 - b) That the occupation of the accommodation is strictly limited to persons in the employ or contracted to the owner/applicant and is to be used for short term occupation only and not be for any permanent occupation without first applying to and receiving the approval of the Shire;
 - c) The development is to be connected to an on-site effluent disposal system to the satisfaction of the Shire's appointed Environmental Health Officer;
 - d) That a scope of works detailing the external upgrades to be made to all buildings be provided to the Shire's Manager of Development prior to the submission of an application for a Building Permit and the scope of works is to be to the satisfaction of the Manager of Works;
 - e) All such works proposed under Condition e) above are to be completed prior to the occupation of the buildings and thereafter maintained in that condition;
 - f) The applicant/owner is to provide a report at the time of applying for a Building Permit attesting that all buildings are sufficient and structurally sound;
2. By ABSOLUTE MAJORITY delegates authority to the Chief Executive Officer to issue Development Approval once the consultation period has concluded. Such delegation is granted on the basis that that there are no sustainable objections received from that process that cannot reasonably be resolved between the parties. Should issues arise from the consultation that cannot be reasonably resolved between the parties the matter is to be referred back to the next available Council meeting for determination.

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN FEBRUARY/MARCH 2022

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Rachel Smith, Executive Assistant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	18 March 2022
Attachments:	a) February/March 2022 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for February/March 2022 including actions that have been undertaken in relation to decisions of Council and actions performed under delegated authority.

BACKGROUND:

There is no specific requirement to report on actions performed under delegated authority to Council. However, to increase transparency this report has been prepared for Council and includes actions performed under delegated authority for the months of February/March 2022.

CONSULTATION:

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

COMMENT:

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

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

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

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

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

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

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

STRATEGIC IMPLICATIONS:

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

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of February/March 2022.

9.4.2 COMMUNICATIONS AND SOCIAL MEDIA POLICY

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	11 January 2022
Attachments:	<ul style="list-style-type: none"> a) Draft Policy CP6 – Communications and Social Media Policy b) Social Media Guideline - EM Use of Social Media c) Council Member Mailbox Communications
Authority/Discretion:	Legislative

SUMMARY:

To consider a draft Council Policy to establish protocols for the Shire’s official communications with its community to ensure the Shire is professionally and accurately represented.

BACKGROUND:

It is fundamentally important that the Shire’s communications with its community are professional, courteous and accurate. The draft Communications and Social Media Policy sets out what is expected in communications between the Shire, the Shire President, Elected Members and the community.

Over the last decade the use of social media has evolved and grown. Social media has become a popular communication tool with the ability to disseminate information quickly, and some Elected Members have taken up social media as a means of communicating with the community.

Acknowledging the many challenges present in communicating with the community (including via social media) WALGA prepared a draft Communications and Social Media Policy for member local governments to consider. The policy objective is to assist the Shire and its Elected Members to understand their obligations when communicating with the community, with particular emphasis on the use of social media. The Shire has used the WALGA template to draft a policy for Council’s consideration. The draft Council Policy will provide clear direction and consistency when engaging with the community, including via social media.

CONSULTATION:

Public consultation is not applicable to this report.

COMMENT:

Section 2.10 of the *Local Government Act 1995* provides that one of the roles of Elected Members is to facilitate communication between the community and the Council. The Shire also has an ethical responsibility to the community and to Elected Members to ensure that information being distributed by any means (including social media) is accurate and relevant.

The *Local Government (Model Code of Conduct) Regulations 2021*, regulation 4(1) also provide guidance as to the behaviours expected of Elected Members including to “avoid damage to the reputation of the local government” and to ensure decisions are based on relevant and factually correct information. The draft Council Policy provides an overview of how the Shire deals with official communications and how it manages its social media presence. The policy also provides expectations on how the Elected Members should manage their social media interactions with the community. The draft Communications and Social Media Policy differs from the WALGA template to include a requirement that Elected Members must ‘moderate’ comments and feedback from the community on their social media accounts, in a manner consistent with the ‘moderation’ undertaken by the Shire.

The draft Council Policy addresses a range of matters that have been identified as critical in ensuring transparency and accountability when engaging with the community. While the WALGA template provides a solid foundation for a communications and social media policy, it will be enhanced by incorporating a responsibility for Elected Members to ensure that comments posted on an Elected Member's social media account are moderated to remove inappropriate content in a manner similar to that expected of the Shire.

Inappropriate Content is defined to mean conduct that –

- a) is offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- b) is promotional, soliciting or commercial in nature;
- c) is unlawful or incites others to break the law;
- d) is overtly sexual or explicit;
- e) is threatening or describing violent events or behaviours;
- f) refers to or encourages the use of illegal drugs;
- g) is harassing or hateful to an organisation or person, including the Shire of Jerramungup, our employees, stakeholders, associates and suppliers;
- h) contains information which may compromise individual or community safety or security;
- i) is repetitive material copied and pasted or duplicated;
- j) promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot;
- k) violates intellectual property rights or the legal ownership of interests or another party; and
- l) contains inappropriate content or comments at the discretion of the Shire.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2)(b)

2.7. Role of council

1. *The council –*
 - (a) governs the local government's affairs; and*
 - (b) is responsible for the performance of the local government's functions.*
2. *Without limiting subsection (1), the council is to –*
 - (a) oversee the allocation of the local government's finances and resources; and*
 - (b) determine the local government's policies.*

STRATEGIC IMPLICATIONS:

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

Work cohesively with groups from across the community to improve engagement and to promote community participation.

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

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

The Policy provides direction for Elected Members and staff in dealing with communications and social media platforms.

POLICY IMPLICATIONS:

The proposal is to adopt a new policy, consistent with the requirements of legalisation and advice of WALGA.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council ADOPT the draft policy “CP6 – Communications and Social Media Policy” as attached to this report.

9.4.3 CORPORATE SCORECARD – QUARTERLY REPORT

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	IM.PU.11
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 March 2022
Attachments:	a) Corporate Business Plan Quarterly Report – December 2021
Authority/Discretion:	Executive

SUMMARY:

For Council to receive the Corporate Business Plan Corporate Scorecard to the quarter ending December 2021.

BACKGROUND:

The Council adopted a new Strategic Community Plan 2021 – 2031 at the Ordinary Meeting of Council held 26 May 2021 and a new Corporate Business Plan 2021 – 2025 at the Ordinary Meeting of Council held 23 June 2021. The Corporate Business Plan outlines a suite of actions that effectively form Council's priority commitments to the community.

The Corporate Scorecard Quarterly Report provides Council with high level oversight of the status of these commitments.

CONSULTATION:

Executive Management Team.

COMMENT:

While the Strategic Community Plan establishes the results the community expects Council to achieve through the Shire, the Corporate Business Plan describes the specific actions necessary to achieve those results.

The Quarterly Report intends to provide an update of progress made in the applicable quarter towards the services and projects in the Corporate Business Plan and the achievement of the strategic goals set out in the Strategic Community Plan. Performance reporting assists with continuous improvement and the achievement of community outcomes and improvements to Shire services.

Quarterly progress reports are used to assist with the annual review of the Corporate Business Plan, to priorities projects and services capturing Council's decision making, planning and evaluation.

The attached progress report provides commentary on the Shire's services, actions and projects for the second quarter of this financial year. It is important to note that this is "as at 31 December 2021" i.e. a snapshot in time of the status at the end of the second quarter and that at the time of reporting the current status of a project may have since changed.

STATUTORY ENVIRONMENT:

There are no direct statutory implications, however the Corporate Scorecard supports the Shire's obligations under *Local Government (Administration) Regulations 1996*, regulation 19DA in relation specifically to the Corporate Business 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:

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

Governance and Leadership

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Details on the budget summary will continue to be reported through the monthly financial report presented to Council.

WORKFORCE IMPLICATIONS:

The Strategic Community Plan and Corporate Business Plan provide direction for staff on the priorities of 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 receives the Shire of Jerramungup Corporate Scorecard Quarterly Report for October to December 2021, as attached to this report.

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

11.0 COUNCILLOR REPORTS

12.0 NEW BUSINESS OF AN URGENT NATURE

13.0 CLOSURE

13.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 27 April 2022, commencing at 2.00pm, in the Emergency Services Shed, Bremer Bay.

13.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atpm

These minutes were confirmed at a meeting held

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Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: