



SHIRE OF JERRAMUNGUP

ORDINARY COUNCIL MEETING

**Held at the Council Chambers
Jerramungup
Wednesday, 24 November 2021**

MINUTES

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Shire of Jerramungup
Table of Contents
Ordinary Meeting of Council
Wednesday 24 November 2021

1.0	DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS	4
2.0	RECORD OF ATTENDANCE	4
2.1	ATTENDANCE	4
2.2	APOLOGIES.....	4
2.3	APPROVED LEAVE OF ABSENCE.....	4
2.4	ABSENT	4
2.5	DISCLOSURE OF INTERESTS.....	4
2.5.1	DECLARATIONS OF FINANCIAL INTERESTS.....	5
2.5.2	DECLARATIONS OF PROXIMITY INTERESTS.....	5
2.5.3	DECLARATIONS OF IMPARTIALITY INTERESTS	5
3.0	APPLICATIONS FOR LEAVE OF ABSENCE.....	5
4.0	ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS.....	5
5.0	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	5
6.0	PUBLIC TIME.....	5
6.1	PUBLIC QUESTION TIME.....	5
6.2	PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS	5
7.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	5
8.0	RECOMMENDATIONS AND REPORTS OF COMMITTEES	6
9.0	REPORTS	6
9.1	TECHNICAL SERVICES	6
9.2	CORPORATE SERVICES	7
9.2.1	ACCOUNTS FOR PAYMENT – OCTOBER 2021	7
9.2.2	MONTHLY FINANCIAL REPORT – OCTOBER 2021	10
9.3	DEVELOPMENT SERVICES	13
9.3.1	PARTIAL ROAD CLOSURES – BREMER BAY ROAD & CUNEO DRIVE, BREMER BAY	13
9.3.2	EXTRACTIVE INDUSTRY APPLICATION	17
9.4	EXECUTIVE SERVICES	22
9.4.1	INFORMATION BULLETIN OCTOBER/NOVEMBER 2021	22
9.4.2	INFORMATION STATEMENT REVIEW.....	24
9.4.3	DELEGATIONS OF AUTHORITY – REVIEW	26
9.4.4	CHRISTMAS/NEW YEAR OPENING HOURS	31
9.4.5	ELECTED MEMBER CONTINUING PROFESSIONAL DEVELOPMENT POLICY	33
10.0	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	35
10.1	CLOSURE OF MEETING TO THE PUBLIC	35
10.2	TENDER CONSIDERATION – CONSTRUCTION OF NEW BOAT RAMP AND JETTY.....	36
10.3	E-QUOTE CONSIDERATION – PURCHASE OF GRADER AND DISPOSAL OF JOHN DEERE GRADER 670G.....	37
10.4	REOPENING OF THE MEETING TO THE PUBLIC.....	38
11.0	COUNCILLOR REPORTS.....	38
12.0	NEW BUSINESS OF AN URGENT NATURE	38
13.0	CLOSURE	39
13.1	DATE OF NEXT MEETING	39
13.2	CLOSURE OF MEETING	39

ORDINARY COUNCIL MEETING MINUTES

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 8:34 am by the Shire President.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

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

STAFF:

Martin Cuthbert	Chief Executive Officer
Charmaine Solomon	Deputy Chief Executive Officer
Noel Myers	Manager of Development
Rachel Smith	Executive Officer

VISITORS:

Nil

GALLERY:

Nil

2.2 APOLOGIES

Cr Andrew Price, Councillor

2.3 APPROVED LEAVE OF ABSENCE

Nil

2.4 ABSENT

Nil

2.5 DISCLOSURE OF INTERESTS

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

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

2.5.1 DECLARATIONS OF FINANCIAL INTERESTS

Cr Rex Parsons declared a Financial Interest in item 9.3.1 Partial Road Closures – Bremer Bay Road & Cuneo Drive, Bremer Bay. The nature of the interest is that he is a Director of Megatime P/L the proposed lessor.

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

Cr Rex Parsons declared a Proximity Interest in item 9.3.1 Partial Road Closures – Bremer Bay Road & Cuneo Drive, Bremer Bay. The nature of the interest is that he is a Director of Megatime P/L the proposed lessor.

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

Nil

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

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

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC TIME**6.1 PUBLIC QUESTION TIME**

Nil

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Special Council Meeting held 27 October 2021.

That the Minutes of the Special Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 27 October 2021 be CONFIRMED

Ordinary Council Meeting held 27 October 2021.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 27 October 2021 be CONFIRMED

MOTION: OCM211101

MOVED: Cr Leenhouders

SECONDED: Cr Dawson

That the Minutes of the Special Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 27 October 2021 be CONFIRMED

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 27 October 2021 be CONFIRMED

CARRIED: 6/0

Charmaine Solomon entered the meeting at 8:36am

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

9.0 REPORTS

9.1 TECHNICAL SERVICES

Nil

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

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	29 October 2021
Attachments:	a) List of Accounts Paid to 31 October 2021 b) Credit Card Statement 27 September 2021 – 27 October 2021
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 October 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 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 October 2021. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28176	
EFT Payments	18862 – 18899	\$223,319.13
EFT Payments	18900	CANCELLED
EFT Payments	18901 – 18950	\$736,332.52
Direct Deposits		\$59,885.39
Municipal Account Total		\$1,019,537.04
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$1,019,537.04

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 October 2021 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 27 September 2021 – 27 October 2021 as detailed in attachment 9.2.1(b).

MOTION: OCM211102**MOVED: Cr Parsons****SECONDED: Cr Foreman**

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

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

CARRIED: 6/0

9.2.2 MONTHLY FINANCIAL REPORT – OCTOBER 2021

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 November 2021
Attachments:	a) Monthly Financial Report for the period ending 31 October 2021
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 October 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 October 2021.

BACKGROUND:

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

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 31 October 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 28 July 2021, Council adopted (Minute No. OCM210706 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2021-22 financial year:

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

CONSULTATION:

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

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

COMMENT:

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

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

STATUTORY ENVIRONMENT:

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

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

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

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

and

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

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

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

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

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

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

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

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 31 October 2021 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 31 October 2021 in accordance with section 6.4 of the *Local Government Act 1995*.

MOTION: OCM211103

MOVED: Cr Lester

SECONDED: Cr Dawson

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

CARRIED: 6/0

Cr Rex Parsons declared a Financial and Proximity interest in item 9.3.1. Due to the nature of this interest, Cr Rex Parsons left the meeting at 8:53am.

9.3 DEVELOPMENT SERVICES

9.3.1 PARTIAL ROAD CLOSURES – BREMER BAY ROAD & CUNEO DRIVE, BREMER BAY

Location/Address:	Portions Bremer Bay Road and Cuneo Drive, Bremer Bay
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 November 2021
Attachments:	a) Location Plans
Authority/Discretion:	Administrative

SUMMARY:

Council resolved to initiate the partial closure of portions of Bremer Bay Road and Cuneo Drive Road reserves to resolve the situation where areas of the Bremer Bay Caravan Park grounds and improvements have been identified as encroaching into the two adjoining road reserves.

The proposed road closure process as set out under the *Land Administration Act 1997* and the Land Administration Regulations 1998 has now been completed and it is the Administration's recommendation that Council resolves to request the Minister for Lands to approve the partial closures.

BACKGROUND:

- Shire holds a management order over Reserve No.21496 on which the Bremer Bay Caravan Park is located;
- Megatime Pty Ltd holds a current lease from the Shire to operate the caravan park and the lease encapsulates those portions of land and buildings and other improvements that encroach into the road reserve;
- The Shire had become aware of the encroachment issue in 2018 and whilst preliminary investigations have been made into the matter, no formal action had been initiated to resolve the matter;
- The encroachments are of a historical nature insofar that they have occurred when the caravan park was operated under the management of the Shire and prior to the execution of the current lease arrangements with Megatime Pty Ltd;
- The administration has previously had a 'pick-up' survey prepared by a licensed land surveyor in order to accurately identify the location and the nature of the encroachments and services and has made a budget provision to progress the resolution of the matter.
- Council resolved to initiate the partial closure of the roads described above at its Ordinary Meeting of Council held on the 24 February 2021. The decision of the Council at that meeting was:

MOTION: OCM210210

MOVED: Cr Price SECONDED: Cr Leenhouders

That Council:

1. *Pursuant to section 58 of the Land Administration Act 1997, resolves to initiate actions to effect the partial closure of the Bremer Bay Road and Cuneo Drive road reserves as shown on attached Drawing 2018-64-01A;*
2. *That the motion to partially close the portion of road described in 1) above, be advertised for a period of not less than 35 days in a newspaper circulating within the district;*
3. *That subject to the final approval from the Minister for the partial closure of the road, the land to be excised from the road reserves be amalgamated into the adjoining lots being Lots 130 – Portion Reserve No.21496 Bremer Bay Road and Cuneo drive, Bremer Bay and to be used for Caravan and Camping purposes, consistent with the existing management order and land use*

CARRIED BY AN ABSOLUTE MAJORITY: 5/0

COMMENT:

The Council initiated actions to resolve the situation whereby elements of the Bremer Bay Caravan Park encroach into the two adjoining road reserves.

Since the time of Council's resolution to initiate the closure process, the administration has progressed the matter in accordance with the requirements of the Land Administration Act and the Land Administration Regulations.

STATUTORY ENVIRONMENT:

Road closures are required to be progressed in accordance with the requirements set out under the Land Administration Act 1997 and the Land Administration Regulations as set out below:

Land Administration Act 1997 - Sect 58**58 . Closing roads**

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
 - (a) *by order grant the request; or*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4) —*
 - (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
 - (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road —*
 - (a) *becomes unallocated Crown land; or*
 - (b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

Land Administration Regulations 1998 - Reg 9**9 . Local government request to close road permanently (Act s. 58(2)), requirements for**

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

- (a) *written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and*
- (b) *sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and*

- (c) *copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and*
- (d) *a copy of the relevant notice of motion referred to in paragraph (c); and*
- (e) *any other information the local government considers relevant to the Minister's consideration of the request; and*
- (f) *written confirmation that the local government has complied with section 58(2) and (3) of the Act.*

CONSULTATION:

The proposed partial road closure has been advertised in accordance with the requirements as set out within the Land Administration Regulations.

No submissions were received in response to the advertising.

FINANCIAL IMPLICATIONS:

Costs will arise with the closure associated with the preparation of further survey documentation and lodgement fees.

Responsibility for the payment of such costs should reasonably fall to the care of the Shire as holder of the management order over the land and a budget provision has been made to accommodate these costs which are anticipated to be no more than \$5,000.

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:

The Shire has completed the requisite requirements necessary to request the Minister for Lands to formally approve the partial closure of both Bremer Bay and Cuneo Drive.

It is the recommendation of the administration that Council now formally resolves to request that the minister approves the closure in line with the Officer recommendation set out below.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That COUNCIL by Absolute Majority:

- 1. Pursuant to section 58 (1) of the *Land Administration Act 1997*, resolves to request that the Minister for Lands approves the partial closures Bremer Bay Road and Cuneo Drive, Bremer Bay road reserves as shown on attached Drawing 2018-64-01A;**
- 2. Confirms it has complied with the requirements of subsections (2) and (3) of section 58 of the *Land Administration Act 1997*;**
- 3. That subject to the final approval from the Minister for the partial closure of the road, the land to be excised from the road reserves be amalgamated into the adjoining lots being Lots 130 – Portion Reserve No.21496 Bremer Bay Road and Cuneo drive, Bremer Bay and to be used for Caravan and Camping purposes, consistent with the existing management order and land use;**
- 4. Provides its indemnification against all claims and costs to the Minister for Lands; and**
- 5. Indicates to the Department of Lands that the Shire of Jerramungup will bear all costs associated with the process including survey costs.**

MOTION: OCM211104**MOVED: Cr Lester****SECONDED: Cr Foreman****That COUNCIL, by Absolute Majority:**

- 1. Pursuant to section 58 (1) of the *Land Administration Act 1997*, resolves to request that the Minister for Lands approves the partial closures Bremer Bay Road and Cuneo Drive, Bremer Bay road reserves as shown on attached Drawing 2018-64-01A;**
- 2. Confirms it has complied with the requirements of subsections (2) and (3) of section 58 of the *Land Administration Act 1997*;**
- 3. That subject to the final approval from the Minister for the partial closure of the road, the land to be excised from the road reserves be amalgamated into the adjoining lots being Lots 130 – Portion Reserve No.21496 Bremer Bay Road and Cuneo drive, Bremer Bay and to be used for Caravan and Camping purposes, consistent with the existing management order and land use;**
- 4. Provides its indemnification against all claims and costs to the Minister for Lands; and**
- 5. Indicates to the Department of Lands that the Shire of Jerramungup will bear all costs associated with the process including survey costs.**

CARRIED BY ABSOLUTE MAJORITY: 5/0

Cr Rex Parsons returned to the meeting at 8:58am

9.3.2 EXTRACTIVE INDUSTRY APPLICATION

Location/Address:	Lot 1 Marnigarup East Road, Gairdner
Name of Applicant:	Australia Jowan Mining Industry Pty Ltd
File Reference:	LU.MI.1
Author:	Noel Myers – Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 November 2021
Attachments:	<ul style="list-style-type: none"> a) Site Plans b) Extractive Industries Development Approval Application (provided under separate cover electronically)
Authority/Discretion:	Administrative

SUMMARY:

The owners of Lot 1 Marnigarup East Road, Gairdner have applied for approval to reinstate the former Laguna Green granite dimension stone quarry on the subject lot.

This report recommends that the application is approved subject to conditions.

BACKGROUND:

- The subject property is the site of the former Laguna Green granite quarry that had been operated previously under an extractive industry licence until 2004;
- The subject property is Zoned Rural under the Shire of Jerramungup Local Planning Scheme No.2;
- Extractive Industries are identified as 'P' Uses within the Rural Zone. A 'P' Use means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- The subject lot has direct frontage to Marnigarup East Road
- Surrounding land uses are farmland on Rural zoned private properties;
- Lot 1 Marnigarup East Road is approximately 32 ha in area of which approximately 13.62ha has been previously cleared;
- The historical disturbances consist of four small quarries, reject block stockpiles, workshop area, access roads and previously cleared ground;

CONSULTATION:

Internal referral - Manager of Works

Local Planning Policy No.13 provides discretion as to whether or not an application for an Extractive Industry is advertised for comment. In this instance the application has not been referred externally in recognition that the quarry is a previous approved use, is located well away from any surrounding sensitive land uses, the operation is likely to be intermittent and the action to cut and remove the material involves relatively benign equipment and methodologies that are not inconsistent with other activities that could be reasonably expected within a Rural Zone.

COMMENT:**Description of proposal**

The new owners/applicant seek approval for an extractive Industry Licence to recommence the quarrying of granite dimension stone from the site. The subject material has qualities that make it suitable for use in the building industry, monuments and had previously been quarried and exported for use in various construction projects internationally.

The methodology employed to quarry the stone involves the use of diamond impregnated saws to cut large blocks of granite material directly from rock outcrops and are in the range of 20 to 24 tonnes each. Blocks are then stockpiled on-site and sold individually to buyers and shipped off-site via truck.

The Project objective is to supply large sized single blocks to cutting factories to be further processed into slabs for building and construction purposes. No secondary processing is proposed to be undertaken on-site at this stage but may be reconsidered in the future. No blasting or crushing is used in the operation.

The application proposes to 'work' four discrete quarries within the property. The total cumulative area of the four proposed quarrying sites is less than 3.67ha of which the majority (3.03ha) has been previously disturbed. **Figure 3** which is attached as Attachment to this report demonstrates the spatial arrangement of quarry locations.

The proposal is assessed against the requirements of Local Planning Policy No.13 in the table below:

Clause	Compliance
<u>Setbacks</u> 40m from any road 20m from any other boundary 50m to any water course	All pits comply
<u>Buffers</u> 1,000 to closest residence 50m from any water course or body	Complies Closest residence 1km away from Quarry 3 Quarry site 1 is located approx.250m away from Bremer River
<u>Pit area/rehabilitation</u> Pit size generally restricted to 2ha Larger pits may be considered provided there are no environmental or amenity impacts. Rehabilitation should generally be undertaken in stages and be ongoing for worked areas	A total area of proposed quarrying is less than 3.67ha dispersed over 4 discrete locations on the 32ha site which exceeds 2ha maximum recommended. However, the pits are set back well away from the adjacent road way and screened from view by virtue of vegetation and topography of the locations. The site has been the subject of a flora and vegetation survey and it has been identified that a Native Vegetation Clearing Permit will need to be secured prior to any clearing being undertaken. Applicant has provided a Post-Mining Rehabilitation and Decommissioning Plan that will be implemented in line with standards required under the Guidelines for Mine Closure published by Dept. of Mines Industry Resources. It is proposed that the rehabilitation of the site would be undertaken on ongoing basis and it will be recommended that a condition be applied to any approval that the applicant provides an activity report annually over the term of the approval so as that the matter of mining activity and rehabilitation can be monitored on an on-going basis to ensure that the plan is being implemented.
<u>Road Usage</u> Council needs to determine if the surrounding road network is adequate. Upgrading or maintenance of roads may be considered on a case by case basis.	The subject site is linked to the South West Highway by Marnigarup East Road which is a constructed gravel road that is managed by the Shire. The applicants submission has provided an assessment of movements to and from the site based on optimal and average scenarios. Optimal production could involve 10 truck movements (to and from) per week over a 40 week production period.

	<p>This averages 8 truck movements per week on an annual basis, however it considered less likely that movements would reach those levels for various production and marketing reasons. The Shire's Manager for Works had reviewed those assessment against the road condition and had not recommended any specific upgrades would need to be made as a condition of any approval.</p> <p>However, it is recommended that a condition be applied to any approval requiring the operator to notify the Shire in advance of any larger campaign that involved truck movements of 8 or movements per week.</p> <p>The purpose of the condition to undertake a pre inspection of the road would be to enable the Shire's Manager of Works to monitor any damage to the roadway that was arising from the activity and negotiate with the applicant as to what if any upgrade or repairs were required.</p>
<p><u>Term of Planning Approval</u></p> <p>Generally limited to 5 years unless otherwise approved by the Shire.</p>	<p>The applicant has identified that the quarry has a potential project lifespan of 50 years dependent upon production rates and sales. Notwithstanding it is recommended that any approval granted by Council is issued for a five year period and require reapplication after 5 years.</p> <p>A requirement for re-approval provides the Shire the opportunity to visit the site and ensure compliance with the planning approval and goes some way to ensure that the operator complies with the conditions of approval.</p>

STATUTORY ENVIRONMENT:

- Shire of Jerramungup Local Planning Scheme No.2 in respect to land use permissibility;
- Local Planning Policy no.13 – Extractive Industries

STRATEGIC IMPLICATIONS:

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

Economy

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

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:**

Approves the extractive industry at Lot 1 Marnigarup East Road, Gairdner subject to the following conditions:

- 1) The approval is valid for a period of 5 years from the date of issue and is liable to cancellation without compensation at any time for infringement of any regulation governing the same or breach of any conditions under which it is issued;**
- 2) The applicant shall install and maintain road signs along Marnigarup East Road, Gairdner warning other road users of trucks entering and using the public road system. Signs are to be to specification of the Shire in locations approved in writing by the Shire and in consultation with Main Roads WA.;**
- 3) The Rehabilitation and Decommissioning Plan as submitted with the Planning Application is to be implemented to the satisfaction of the Shire of Jerramungup;**
- 4) The applicant is to provide an activity report to the Manager of Development on an annual basis that identifies what works have been performed during the past twelve month period and what works identified with the Rehabilitation and Decommissioning Plan referred to in Condition 3) above;**
- 5) The applicant is to notify the Shire’s Manager of Works of any quarrying campaign that will generate more than Eight (8) truck movements to and from the site per week to enable the Shire to perform a pre-inspection of the road condition. The purpose of the inspection is to enable the Shire of Jerramungup to monitor and assess if the activity generated from the site is causing damage to the road that requires either upgrade or repair, the cost and responsibility for payment of which is to be negotiated with the Shire and be to the satisfaction of the Chief Executive Officer.**

MOTION: OCM211105**MOVED: Cr Dawson****SECONDED: Cr Leenhouders****That COUNCIL:**

Approves the extractive industry at Lot 1 Marnigarup East Road, Gairdner subject to the following conditions:

- 1) The approval is valid for a period of 5 years from the date of issue and is liable to cancellation without compensation at any time for infringement of any regulation governing the same or breach of any conditions under which it is issued;**
- 2) The applicant shall install and maintain road signs along Marnigarup East Road, Gairdner warning other road users of trucks entering and using the public road system. Signs are to be to specification of the Shire in locations approved in writing by the Shire and in consultation with Main Roads WA;**
- 3) The Rehabilitation and Decommissioning Plan as submitted with the Planning Application is to be implemented to the satisfaction of the Shire of Jerramungup;**
- 4) The applicant is to provide an activity report to the Manager of Development on an annual basis that identifies what works have been performed during the past twelve month period and what works identified with the Rehabilitation and Decommissioning Plan referred to in Condition 3) above;**
- 5) The applicant is to notify the Shire’s Manager of Works of any quarrying campaign that will generate more than Eight (8) truck movements to and from the site per week to enable the Shire to perform a pre-inspection of the road**

condition. The purpose of the inspection is to enable the Shire of Jerramungup to monitor and assess if the activity generated from the site is causing damage to the road that requires either upgrade or repair, the cost and responsibility for payment of which is to be negotiated with the Shire and be to the satisfaction of the Chief Executive Officer.

CARRIED: 6/0

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN OCTOBER/NOVEMBER 2021

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:	28 November 2021
Attachments:	a) October/November 2021 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for October/November 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 months of October/November 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 October/November 2021.

MOTION: OCM211106**MOVED: Cr Leenhouders****SECONDED: Cr Lester**

That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of October/November 2021.

CARRIED: 6/0

9.4.2 INFORMATION STATEMENT REVIEW

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
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:	29 October 2021
Attachments:	a) Information Statement 2021/2022
Authority/Discretion:	Legislative

SUMMARY:

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

BACKGROUND:

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

The Information Statement must set out:

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

CONSULTATION:

Internal – Relevant Shire staff have been consulted.

COMMENT:

The Shire of Jerramungup's Information Statement is attached to this agenda. The document complies with the requirements of the *Freedom of Information Act 1992*, as outlined above.

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

STATUTORY ENVIRONMENT:***Freedom of Information Act 1992***

Section 96. Information statement, each agency to publish annually

- (1) *An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act —*
 - (a) *within 12 months after the commencement of this Act; and*
 - (b) *at subsequent intervals of not more than 12 months.*

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council **ADOPT** the Shire of Jerramungup 2021/2022 Information Statement as presented and attached to this agenda and publish in accordance with the *Freedom of Information Act 1992*.

MOTION: OCM211107**MOVED: Cr Lester****SECONDED: Cr Dawson**

That Council **ADOPT** the Shire of Jerramungup 2021/2022 Information Statement as presented and attached to this agenda and publish in accordance with the *Freedom of Information Act 1992*.

CARRIED: 6/0

9.4.3 DELEGATIONS OF AUTHORITY – REVIEW

Location/Address:	N/A
Name of Applicant:	Shire of Jerramungup
File Reference:	GV.AU.1
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	29 October 2021
Attachments:	a) Draft Register of Delegated Authority 2021-2022
Authority/Discretion:	Executive

SUMMARY:

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

BACKGROUND:

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

Sections 5.18 and 5.46 of the *Local Government Act 1995* require that at least once every financial year, delegations are to be reviewed by the delegator. The Council reviewed its delegations in the 2020/2021 financial year (Minute No. OCM210314 refers). It is important for the Register of Delegated Authority to be reviewed each year to ensure Council is meeting its statutory compliance obligations.

CONSULTATION:

Executive Management Team

Internal Shire staff

COMMENT:

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

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

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

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

There is one main change to the delegations proposed.

1. In November 2020 legislation was enacted which removed the legal authority for Council to delegate to the CEO regarding the appointment of authorised persons under the *Local Government Act 1995*, the *Cat Act 2011*, *Cemeteries Act 1986*, *Caravan Parks and Camping Grounds Act 1995*, *Control of Vehicles (Off-Road Areas) Act 1978* and the *Dog Act 1976*. This is now a function of the CEO, and therefore, this delegation has been removed from the Register.

Council may choose at their discretion to remove any delegations.

STATUTORY ENVIRONMENT:

Local Government Act 1995

5.16. Delegation of some powers and duties to certain committees

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

** Absolute majority required.*

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

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

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

And

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

5.18. Register of delegations to committees

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

5.42. Delegation of some powers and duties to CEO

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

** Absolute majority required.*

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

5.43. Limits on delegations to CEO

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

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

5.44. CEO may delegate powers and duties to other employees

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

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

(4) *Subsection (3) (b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*

(5) *In subsections (3) and (4)—*

conditions includes qualifications, limitations or exceptions.

5.45. Other matters relevant to delegations under this Division

(1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984—*

(a) *A delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*

(b) *Any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*

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

(a) *A local government from performing any of its functions by acting through a person other than the CEO; or*

(b) *A CEO from performing any of his or her functions by acting through another person.*

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

(1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*

(2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

(3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

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

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

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

(a) *how the person exercised the power or discharged the duty; and*

(b) *when the person exercised the power or discharged the duty; and*

(c) *the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.*

Building Act 2011 section 127

Bush Fires Act 1954 section 48

Cat Act 2011 section 44

Dog Act 1976 section 10AA

Food Act 2008 section 118

Public Health Act 2016 section 21

Road Traffic (Events on Roads) Regulations 1991

STRATEGIC IMPLICATIONS:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

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

1. NOTES completion by Council as the Delegator, the 2021/2022 annual statutory review of the Register of Delegations of Authority, in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*, section 47(2) of the *Cat Act 2011* and section 10AB of the *Dog Act 1976*.
2. ADOPT the delegations and limitations thereto with respect to the Chief Executive Officer, Chief Bushfire Control Officer and Shire President as designated in the attached Delegation Register; and
3. NOTES the delegations that the CEO has determined with respect to other officers, pursuant to section 5.44 of the *Local Government Act 1995*.

MOTION: OCM211108**MOVED: Cr Foreman****SECONDED: Cr Parsons**

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

1. NOTES completion by Council as the Delegator, the 2021/2022 annual statutory review of the Register of Delegations of Authority, in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*, section 47(2) of the *Cat Act 2011* and section 10AB of the *Dog Act 1976*.
2. ADOPT the delegations and limitations thereto with respect to the Chief Executive Officer, Chief Bushfire Control Officer and Shire President as designated in the attached Delegation Register; and
3. NOTES the delegations that the CEO has determined with respect to other officers, pursuant to section 5.44 of the *Local Government Act 1995*.

CARRIED BY AN ABSOLUTE MAJORITY: 6/0

9.4.4 CHRISTMAS/NEW YEAR OPENING HOURS

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
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:	29 October 2021
Attachments:	Nil
Authority/Discretion:	Review

SUMMARY:

The purpose of this report is for Council to consider the closure of Council facilities over the Christmas/New Year period.

BACKGROUND:

In previous years there has been a variation of the Shire's normal operating hours during the Christmas/New Year period to close between Christmas and New Year's Day. The following public holidays fall during this period:

Christmas Day	Saturday	25 December 2021
Christmas Day Holiday	Monday	27 December 2021
Boxing Day	Sunday	26 December 2021
Boxing Day Holiday	Tuesday	28 December 2021
New Year's Day	Saturday	1 January 2022
New Year's Day Holiday	Monday	3 January 2022

The Christmas and New Year closure allows staff to book holidays, travel and spend time with family and friends. Traditionally this time of year sees most staff wanting to take leave and staff numbers are at a very low level.

CONSULTATION:

All Shire of Jerramungup staff.

COMMENT:

It is proposed that the Shire of Jerramungup Administration offices (including the Bremer Bay office) will close at 12.00pm on Friday, 24 December 2021 and re-open at 8.30am on Tuesday, 4 January 2022. This will be a total of six and a half days, made up of three public holidays (Christmas Day, Boxing Day and New Year's Day) and three and a half annual leave or RDO days.

The Works Crew are proposing to finish work for 2021 on Wednesday, 22 December 2021, and a staggered re-commencement on either Tuesday, 4 January 2022 or Monday, 10 January 2022.

The closure will be advertised on the Shire website, Facebook, Council Buzz, Administration Notice Boards, local newspapers and a sign will be placed on the front door of the Administration Centres.

The Chief Executive Officer will compile a register of Works Crew and other staff who will be available for on-call duties throughout the closure. This information will be provided to Elected Members in case of emergency or urgent works are required.

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;
Governance and Leadership

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

The Chief Executive Officer is the position tasked with the responsibility of overall workforce management and leadership for the Shire of Jerramungup.

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 **NOTES** the closure of Council facilities as follows:

1. Shire's Administration Centre's at Jerramungup and Bremer Bay from 12.00pm Friday, 24 December 2021 to 8.30am on Tuesday, 4 January 2022; and
2. Shire's Depot from Wednesday, 22 December 2021, to Tuesday, 4 January 2022.

MOTION: OCM211109**MOVED: Cr Leenhouders****SECONDED: Cr Dawson****That Council **NOTES** the closure of Council facilities as follows:**

1. Shire's Administration Centre's at Jerramungup and Bremer Bay from 12.00pm Friday, 24 December 2021 to 8.30am on Tuesday, 4 January 2022; and
2. Shire's Depot from Wednesday, 22 December 2021, to Tuesday, 4 January 2022.

CARRIED: 6/0

9.4.5 ELECTED MEMBER CONTINUING PROFESSIONAL DEVELOPMENT 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:	15 November 2021
Attachments:	a) Policy CP3 – Elected Member Continuing Professional Development Policy
Authority/Discretion:	Legislative

SUMMARY:

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

BACKGROUND:

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

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

CONSULTATION:

Public consultation is not applicable to this report.

COMMENT:

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

It is also a requirement of the legislation that the policy is reviewed after each ordinary election, which occurred on Saturday, 16 October 2021. It is not proposed to make any changes to the policy.

STATUTORY ENVIRONMENT:***Local Government Act 1995******Division 10 – Training and development******5.128. Policy for continuing professional development***

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

* Absolute majority required.

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

* Absolute majority required.

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

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

(5) A local government —

- (a) must review the policy after each ordinary election; and*
- (b) may review the policy at any other time.*

STRATEGIC IMPLICATIONS:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

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

WORKFORCE IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

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

MOTION: OCM211110

MOVED: Cr Foreman

SECONDED: Cr Parsons

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

CARRIED: 6/0

10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**(CONFIDENTIAL MATTERS)****10.1 CLOSURE OF MEETING TO THE PUBLIC**

Author: Martin Cuthbert, Chief Executive Officer
Responsible Officer: Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest: Nil

OFFICER RECOMMENDATION:

That Council closes the meeting to the public under section 5.23 (2) (c) and (e) of the *Local Government Act 1995* so that it can consider the following items:

10.2: TENDER CONSIDERATION – CONSTRUCTION OF NEW BOAT RAMP AND JETTY

10.3: E-QUOTE CONSIDERATION – PURCHASE OF GRADER AND DISPOSAL OF JOHN DEERE GRADER 670G

Simple Majority Vote Required

MOTION: OCM211111

MOVED: Cr Leenhouders

SECONDED: Cr Dawson

That Council closes the meeting to the public under section 5.23 (2) (c) and (e) of the *Local Government Act 1995* so that it can consider the following items:

10.2: TENDER CONSIDERATION – CONSTRUCTION OF NEW BOAT RAMP AND JETTY

10.3: E-QUOTE CONSIDERATION – PURCHASE OF GRADER AND DISPOSAL OF JOHN DEERE GRADER 670G

CARRIED: 6/0

10.2 TENDER CONSIDERATION – CONSTRUCTION OF NEW BOAT RAMP AND JETTY

Location/Address: Fishery Beach Marina, Bremer Bay
Name of Applicant: Shire of Jerramungup
File Reference: CA.TD.16
Author: Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer: Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest: Nil
Date of Report: 17 November 2021

Attachments:

- a) RFT 06-21 Tender Documentation (provided under separate cover electronically)
- b) Tender Technical Specifications (provided under separate cover electronically)
- c) CONFIDENTIAL – Tender Submission Received
- d) CONFIDENTIAL – Tender Assessment Matrix

Authority/Discretion: Executive

OFFICER RECOMMENDATION:

That COUNCIL by Absolute Majority:

1. Award Tender RFT 06/21 to Neo Civil for Design Option 2: Boat Ramp and Jetty Refurbishment (37m x 2.0m) with New Concrete Piles, New Steel Substructure and Micromesh Decking, Timber Chafers, Single Ramp Surface (Waffle Pattern) and Steel Ladders at Fishery Beach Marina for the sum included in the attachment as the most advantageous tender, in accordance with the specifications, terms and conditions specified in the tender documentation;
2. Authorise the CEO to liaise with the successful tenderer to achieve design outcomes and cost savings;
3. Authorises the CEO, in accordance with section 9.49A(4) of the *Local Government Act 1995*, to execute the contract for Tender RFT 06/21 to Neo Civil for the Construction of a new boat ramp and jetty at Fishery Beach Marina, in accordance with the specifications, terms and conditions specified in the tender documentation once the above matters are addressed.

MOTION: OCM211112

MOVED: Cr Lester

SECONDED: Cr Dawson

That COUNCIL by Absolute Majority:

1. Award Tender RFT 06/21 to Neo Civil for Design Option 2: Boat Ramp and Jetty Refurbishment (37m x 2.0m) with New Concrete Piles, New Steel Substructure and Micromesh Decking, Timber Chafers, Single Ramp Surface (Waffle Pattern) and Steel Ladders at Fishery Beach Marina for the sum included in the attachment as the most advantageous tender, in accordance with the specifications, terms and conditions specified in the tender documentation;
2. Authorise the CEO to liaise with the successful tenderer to achieve design outcomes and cost savings;
3. Authorises the CEO, in accordance with section 9.49A(4) of the *Local Government Act 1995*, to execute the contract for Tender RFT 06/21 to Neo Civil for the Construction of a new boat ramp and jetty at Fishery Beach Marina, in accordance with the specifications, terms and conditions specified in the tender documentation once the above matters are addressed.

CARRIED BY ABSOLUTE MAJORITY: 6/0

10.3 E-QUOTE CONSIDERATION – PURCHASE OF GRADER AND DISPOSAL OF JOHN DEERE GRADER 670G

Location/Address: Shire of Jerramungup
Name of Applicant: Shire of Jerramungup
File Reference: PE.AC.1
Author: Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer: Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest: Nil
Date of Report: 19 November 2021
Attachments:

- a) Request for E-Quote Documentation
- b) CONFIDENTIAL – E-Quote Submissions Received
- c) CONFIDENTIAL – E-Quote Response Evaluation
- d) CONFIDENTIAL – RFX Summary Report

Authority/Discretion: Executive

OFFICER RECOMMENDATION:

That COUNCIL by Absolute Majority:

1. Accepts AFGRI Equipment Australia's quotation for a John Deere 672GP Motor Grader at \$455,000 ex GST.
2. Accepts AFGRI Equipment Australia's trade-in offer for Council's John Deere 670G Motor Grader at \$150,000 ex GST.
3. Delegates authority to the CEO to execute the transaction with AFGRI Equipment Australia.

MOTION: OCM211113

MOVED: Cr Dawson

SECONDED: Cr Lester

That COUNCIL by Absolute Majority:

1. Accepts AFGRI Equipment Australia's quotation for a John Deere 672GP Motor Grader at \$455,000 ex GST.
2. Accepts AFGRI Equipment Australia's trade-in offer for Council's John Deere 670G Motor Grader at \$150,000 ex GST.
3. Delegates authority to the CEO to execute the transaction with AFGRI Equipment Australia.

CARRIED BY ABSOLUTE MAJORITY: 6/0

10.4 REOPENING OF THE MEETING TO THE PUBLIC

Author: Martin Cuthbert, Chief Executive Officer
Responsible Officer: Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest: Nil

OFFICER RECOMMENDATION:

That Council reopens the meeting to the public.

Simple Majority Vote Required

MOTION: OCM211114

MOVED: Cr Leenhouders That Council reopens the meeting to the public.	SECONDED: Cr Parsons
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CARRIED: 6/0

11.0 COUNCILLOR REPORTS**Cr Rex Parsons**

Attended Jerramungup History Working Group meeting

Attended Regional Road Group Meeting

Cr Robert Lester

Attended South Coast Alliance zoom meeting

Attended meeting with Hon Steve Martin MLA

Cr Julie Leenhouders

Attended South Coast Alliance zoom meeting

Attended Great Southern Zone of WALGA meeting

Attended Regional Road Group meeting

Cr Joanne Iffla

Attended South Coast Alliance zoom meeting

South Coast Alliance selection panel Climate Coordinator

Attended meeting with Hon Steve Martin MLA

Attended two zoom meetings South Coast Alliance Executive Officer Juliet Grist

12.0 NEW BUSINESS OF AN URGENT NATURE

Nil

13.0 CLOSURE

13.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 15 December 2021, commencing at 8.30am, in the Emergency Services Shed, Bremer Bay.

13.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at 9:54am

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: