



SHIRE OF JERRAMUNGUP

ORDINARY COUNCIL MEETING

Held at the Emergency Services Shed,
Bremer Bay, on
Wednesday, 26 April 2023

MINUTES

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Shire of Jerramungup

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Ordinary Meeting of Council

Wednesday 26 April 2023

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ORDINARY COUNCIL MEETING MINUTES

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 10.07am by the Shire President.

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

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

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

STAFF:

Martin Cuthbert	Chief Executive Officer
Charmaine Solomon	Deputy Chief Executive Officer
Noel Myers	Manager of Development
Gordon Capelli	Works Supervisor
Glenda Gray	Executive Assistant

VISITORS:

Nil.

GALLERY:

Virginia Miles

2.2 APOLOGIES

Nil

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

Nil

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

Nil

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

Nil

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

MOTION: OCM230401

MOVED: Cr Parsons

SECONDED: Cr Foreman

That Cr Andrew Price be granted Leave of Absence from the Ordinary Council Meeting to be held on 26 July 2023.

CARRIED: 7/0

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.

MOTION: OCM230402

MOVED: Cr Leenhouders

SECONDED: Cr Price

That Cr Dawson be granted permission to be present at the Ordinary Council Meeting to be held on 26 April 2023 by audio contact.

CARRIED: 7/0

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

Virginia Miles asked whether the fees for domestic waste are the same at both the Bremer Bay and Jerramungup Waste Disposal Sites. She was advised that fees are the same at both.

Virginia Miles thanked Council for grading her road at Boxwood Hill, and asked whether Heath Street could have some gravel on it, as it is sandy and gets really boggy. The Works Supervisor advised that some gravel could be put on the worst part, but not the whole road.

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Ordinary Council Meeting held 22 March 2023.

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

MOTION: OCM230403

MOVED: Cr Foreman

SECONDED: Cr Leenhouders

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

CARRIED: 7/0

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

9.0 REPORTS

9.1 TECHNICAL SERVICES

9.1.1 WORKS REPORT FOR APRIL 2023

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

SUMMARY:

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

BACKGROUND:

Road Construction

The Road Construction Crew started a 3km full construction of Doubtful Island Road at the beginning of April. Due to a truck breakdown and the Easter Break, this job was paused until 18 April.

While these works were held up, the crew repaired potholes around the Shire.

Sealing works have also been completed on Swamp Road.

Road Maintenance

The Maintenance Crew grader is currently working on bus routes in the eastern parts of the Shire before school returns.

The construction grader is carrying out road maintenance around Boxwood Hill while it is not needed on the construction work.

The new rollers have also been installed behind the maintenance grader.

Town Services

Bremer Bay

In preparation for the Easter break, Town Services crews conducted weed control activities along Bremer Bay footpaths and road verges, including pruning and slashing.

General Town Services work activities over the last month include rubbish removal, signage installation and coastal reserves maintenance.

Jerramungup

Town Services crews have been busy working on the presentation of the Town's Entry Statements, Memorial Road, Vasey Street and War Memorial.

General maintenance activities including weed control, pruning and rubbish removal were carried out within the Jerramungup Townsite.

Environment

In support of habitat restoration activities and invasive weed management within the Shire road reserves, site visits were carried out with representatives from Greening Australia. Areas of discussion included:

1. Removal of Vic-tea tree along Gairdner South Road and Swamp Road.
2. Habitat restoration works of the Boxwood Hill gravel pit.
3. Habitat improvement of known Carnaby's Black Cockatoo foraging zones within the Shire's road reserves.
4. Habitat restoration of retired gravel pits along road reserves supporting Kwongan Vegetation Communities.

CONSULTATION:

Internal

COMMENT:

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

STATUTORY ENVIRONMENT:

There are no statutory implications for this report.

STRATEGIC IMPLICATIONS:

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

Economy

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

Environment Built

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

Environment Natural

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

FINANCIAL/BUDGET IMPLICATIONS:

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

WORKFORCE IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the works report for April 2023.

MOTION: OCM230404

MOVED: Cr Lester

SECONDED: Cr Parsons

That Council RECEIVE the works report for April 2023.

CARRIED: 7/0

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

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:	11 April 2023
Attachments:	a) List of Accounts Paid to 31 March 2023 b) Credit Card Statement 27 February 2023 – 28 March 2023
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 March 2023.

BACKGROUND:

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

CONSULTATION:

Internal consultation within the Finance Department.

COMMENT:

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2022-23 Annual Budget as adopted by Council at its meeting held 27 July 2022 (Minute No. OCM220707 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

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

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28180	
EFT Payments	20581 – 20689	\$454,632.54
Direct Deposits		\$78,269.66
Municipal Account Total		\$532,902.20
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$532,902.20

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;

Governance and Leadership

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

FINANCIAL IMPLICATIONS:

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

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Finance Policy FP5 – Transaction Cards

Finance Policy FP6 – Procurement of Goods and Services

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

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

- a) The List of Accounts Paid to 31 March 2023 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 27 February 2023 – 28 March 2023 as detailed in attachment 9.2.1(b).

MOTION: OCM230405**MOVED: Cr Leenhouders****SECONDED: Cr Lester**

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 March 2023 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 27 February 2023 – 28 March 2023 as detailed in attachment 9.2.1(b).

CARRIED: 7/0

9.2.2 MONTHLY FINANCIAL REPORT – FEBRUARY 2023

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Tamara Pike, Senior Finance Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 April 2023
Attachments:	a) Monthly Financial Report for the period ending 31 March 2023
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 March 2023 as required by the *Local Government Act 1995* ('the Act').

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31 March 2023.

BACKGROUND:

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

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year-to-date position to 31 March 2023 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

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

Additionally, and pursuant to regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting on 27 July 2022, Council adopted (Minute No. OCM220707 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2022-23 financial year:

Officer Recommendation 4: That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2022/2023 financial year for monthly reporting purposes.

CONSULTATION:

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

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

COMMENT:

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

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

STATUTORY ENVIRONMENT:

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

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

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail—*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
 - (b) *budget estimates to the end of the month to which the statement relates;*

and

 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing—*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown—*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be—*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*

(b) recorded in the minutes of the meeting at which it is presented.

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

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

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

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 31 March 2023 has been incurred in accordance with the 2022-23 budget parameters, which have been structured on financial viability and sustainability principles.

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

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

AP3 – Regional Price Preference

FP1 – Accounting for Non-Current Assets

FP2 – Debt Recovery

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 March 2023 in accordance with section 6.4 of the *Local Government Act 1995*.

MOTION: OCM230406

MOVED: Cr Price

SECONDED: Cr Dawson

That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 March 2023 in accordance with section 6.4 of the *Local Government Act 1995*.

CARRIED: 7/0

9.2.3 BUDGET REVIEW 2022/2023

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 April 2023
Attachments:	a) Budget Review Report 2022/2023
Authority/Discretion:	Legislative

SUMMARY:

To consider the Shire of Jerramungup's financial position as at 31 March 2023, and performance for the period 1 July 2022 to 31 March 2023 in relation to the adopted annual budget and projections estimated for the remainder of the financial year.

BACKGROUND:

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The report for the period 1 July 2022 to 31 March 2023 shown in the attachment has been prepared incorporating year to date budget variations and forecasts to 30 June 2023 and is presented for Council's consideration.

Consideration of the status of various projects and programs was undertaken to ensure any anticipated variances were captured within the review document where possible.

CONSULTATION:

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

COMMENT:

The budget review report includes a summary of predicted variances by nature and type activities contained within the rate setting statement, including whether variances are considered to be permanent (where a difference is likely between the current budget and the expected outcome to 30 June) or due to timing (eg where a project is likely to be delayed).

A budget amendment is proposed to transfer \$150,000 to the Capital Works Reserve. An allocation of \$150,000 was made in the 2022/23 annual budget to go towards the new St John Building proposed to be constructed in Bremer Bay. This project will not be commencing in the 2022/23 financial year, so it is proposed to transfer this money to the Capital Works Reserve until construction commences.

Should Council accept the Officer's recommendation to amend the budget as per the attached budget review document, the overall net impact on the end-of-year position is nil. The original budget as adopted was based on the assumption of a balanced budget and a zero year-end surplus brought forward position as at 30 June 2023.

STATUTORY ENVIRONMENT:**Local Government (Financial Management) Regulations 1996****Part 3 Annual budget — s. 6.2****33A. Review of budget**

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.*

(3) A Council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL IMPLICATIONS:

Nil

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Significant Accounting Policies as detailed within the Budget Review Report

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION 1:

That Council, **BY AN ABSOLUTE MAJORITY, APPROVE** a budget amendment to transfer \$150,000 to Capital Works Reserve for the proposed St John building in Bremer Bay.

MOTION: OCM230407

MOVED: Cr Lester

SECONDED: Cr Foreman

That Council, **BY AN ABSOLUTE MAJORITY, APPROVE** a budget amendment to transfer \$150,000 to Capital Works Reserve for the proposed St John building in Bremer Bay.

CARRIED BY ABSOLUTE MAJORITY: 7/0

OFFICER RECOMMENDATION 2:

That Council **ADOPT** the Budget Review for the financial year 2022/2023 that was conducted in accordance with regulation 33A (2) and (3) of the *Local Government (Financial Management) Regulations 1996*.

MOTION: OCM230408

MOVED: Cr Price

SECONDED: Cr Lester

That Council **ADOPT** the Budget Review for the financial year 2022/2023 that was conducted in accordance with regulation 33A (2) and (3) of the *Local Government (Financial Management) Regulations 1996*.

CARRIED: 7/0

9.3 DEVELOPMENT SERVICES

9.3.1 PROPOSED OVERHEIGHT DWELLING – LOT 8 POINT HENRY ROAD, BREMER BAY

Location/Address:	Lot 8 (No.210) Point Henry Road, Bremer Bay
Name of Applicant:	Wayne’s Design and Drafting on behalf of D & S Kerr
File Reference:	A11685 – P23-006
Author:	Noel Myers – Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	14 April 2023
Attachments:	a) Location Plan b) Site, Floor and Elevation Plans
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to consider a development application proposing a second storey addition to an existing approved building.

The plans submitted show that a portion of the building exceeds the permitted ‘as by right’ height limitation of five (5) metres and as such the matter is referred to Council for determination.

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

BACKGROUND:

Lot 8 Point Henry Road is zoned Rural Residential 1 under the Shire of Jerramungup Local Planning Scheme No.2.

The Objectives of the Rural Residential Zone are:

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

Location and Site Description:

- The subject site is a battle axe lot located toward the northern extent of Point Henry Road, with the closest intersection being Swarbrick Road. The lot by virtue of the subdivision pattern does not have direct frontage to Point Henry Road, is set back some 170 metres, and is accessed via private driveway;
- The property is largely vegetated with a mix of peppermint, mallee and eucalypt scrub. It slopes from Tooreburup Hill to the north, with a localised high point adjacent to the northern boundary of the lot.
- Past development approval extends to an existing dwelling, carport, games room, viewing area and patio. The existing dwelling has a floor area of approximately 70m² which enables it to be considered as an ancillary accommodation dwelling.

Proposal:

The application proposes alterations and additions to the existing freestanding games room, that will convert that building into the applicant's primary residence on the property.

Elements of the development proposal include:

- 70m² extension/addition to ground floor to create new kitchen, dining, bedroom and bathroom;
- A new upper floor addition that incorporates a single bedroom, ensuite and balcony area totaling approximately 58m² gross floor area.

The development proposal is described below in more detail:

Building Envelope:

No changes are proposed to the previously approved building envelope.

Single House:

The proposed alterations and additions will transform the existing free standing games room into the primary dwelling on the property. Plans provided show that the new extensions will be constructed in similar style and materials to the existing building and will be clad in non-reflective colourbond materials. A skillion style roof has been chosen for the new upper storey level.

The footprint of the building is regarded as being relatively modest in scale and the new upper floor element has been designed with minimum height ceilings and skillion style roof to help reduce the building's profile. The building does, however, exceed the nominated 5m 'as by right' height limit by 1.79m at its highest point, as measured from the natural ground level.

COMMENT:

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

Other aspects of the development, including an acknowledgement that the existing dwelling will become regarded as an ancillary accommodation dwelling, fall within Scheme and policy requirements that would usually be dealt with under delegation. As such, the only aspect of the development which requires Council's discretion is those elements of the building that exceed five (5) metres in height above the natural ground level.

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

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

The table below discusses the various components of the development against both the Town Planning Scheme and policy requirements.

STATUTORY ASSESSMENT:

The application is assessed against clause 5.24.3 j) of Town Planning Scheme No.2:

Requirement	Proposed	Comment
Not more than 1 dwelling per lot is to be erected but the local government may at its discretion approve ancillary accommodation	The existing dwelling has a floor area of 70m ² which enables it to be considered as an ancillary accommodation dwelling.	Complies
All buildings on a lot are to be contained within the building envelope, delineated on-site by the owner and approved by the local government The envelope is not to exceed 10% of the lot area or 3,000m ² whichever is the lesser.	The proposed alterations and additions to the existing games room building do not extend beyond the previously approved building envelope. Lot has an overall area of 3.1ha.	Complies
Located to reduce visual prominence of buildings	Development is set some 300m back from Point Henry Road. Whilst some aspects of the building may be visible from various vantage points along the roadway the upper floor extension is modest in scale, to be finished in complementary finishes to the surrounding vegetation and is unlikely to be regarded as being a visually prominent building in the landscape.	Complies
Water supply tanks and effluent disposal systems are to be located within building envelopes	All buildings and infrastructure will be located within the building envelope.	Complies
Materials and colours of external walls and the roofs of all buildings are to be non-reflective and blend with the landscape	Non reflective colour bond colours are proposed.	Complies
Buildings are not to exceed 5 metres in height from NGL to the apex of the roof unless the local government is satisfied that a higher building will not be visually obtrusive	The proposed house high point is 6.9m from Natural Ground Level.	Does not comply. See comments below *.
At least 92kl of water is required	Property has multiple water tanks with capacity greater than 92kl. A new 22.5kl water tank for fire fighting purposes is proposed to be provided.	Complies
Minimum setbacks for building envelopes are to be 20m from all road frontages and 15m from all other boundaries	All proposed buildings are centrally located on the property and conform to required setbacks.	Complies

Bushfire Framework		
New development to comply to SPP 3.7 Planning in Bushfire Prone areas	Single house with compliant access, turn around, water and APZ proposed in a position that is BAL-29 or safer.	Complies
New development to avoid areas of Kwongkan Shrubland	No Kwongkan present.	Complies
Bushfire Management Plan required	Provided.	Complies
Asset Protection Zone to be generally within building envelope	Does extend marginally beyond building envelope but does not encroach into a visually sensitive area.	Complies
All development to be greater than 20m from the boundary to allow for APZ within own property	All development is greater than 20m from boundaries and the APZ is wholly contained within the lot boundaries.	Complies
Dedicated water tank size of at least 20kl with a 50mm male camlock coupling with full flow valves	Provided.	Complies

*Building Height

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

- The proposed development will be largely screened from Point Henry Road by the rising ground levels between the road way and the building site, the presence of intervening screening vegetation and the substantial 300m setback of the building from the road way;
- The lookout at Tooreburrup Hill would undoubtedly afford some view over the subject property, albeit the lookout is located some 1.2km from the building site and is some 60m higher than the subject lot. The combination of these factors, together with the relatively modest scale of the new building, is unlikely to introduce any significant adverse impact within the landscape, as viewed from the lookout, that would cause Council to not support the application;
- The Shire has referred plans of the new development to four adjoining landowners. No letters or calls have been received objecting or commenting on the proposed height variation;
- The roof pitch height being sought is a modest increase on the 5m 'as by right' height when compared to surrounding developments in the immediate locality that have wall heights of 6m, and 9m high roof pitches. As such, the proposed building is not inconsistent with built form and past approvals;
- Whilst the location of the building on the lot means that it will not be readily visible from either the surrounding road network or adjoining lots, the building is of a type and form that is not atypical of housing constructed across the Peninsula, and it will be finished in materials and colour pallets that are complementary to the location.

CONSULTATION:

The application was referred to the four adjoining property owners who may be affected by the proposed development and a period of 14 days was provided to make a submission. At the close of the submission period, no calls or objections to the development had been received.

STATUTORY ENVIRONMENT:

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

STRATEGIC IMPLICATIONS:

Shire of Jerramungup Strategic Community Plan 2021 - 2031

Environment Built

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

FINANCIAL/BUDGET IMPLICATIONS:

None arising from the consideration of a planning application.

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.

CONCLUSION:

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

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council APPROVE the application for alterations and additions to the existing games room building on Lot 8 Point Henry Road, Bremer Bay, subject to the following conditions:

- (a) Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application (P23-006);**
- (b) The dwelling being connected to an on-site effluent disposal system to the satisfaction of the Shire's appointed Environmental Health Officer;**
- (c) All measures as detailed within the BAL Assessment Report dated 27 January 2023 prepared by Craig Pursey Planning Pty Ltd are to be implemented so as to achieve the minimum BAL-29 rating prior to occupation of the dwelling and are to be continued to be maintained thereafter in perpetuity;**
- (d) At least 20kl of water is to be provided exclusively for firefighting purposes. The tank is to be fitted with a 50mm male camlock to allow for access to tanks in case of fire and able to be accessed from a compliant turnaround area;**
- (e) The driveway and turnaround are to be designed and maintained in a trafficable standard at all times, and in accordance with the Shire's Firebreak Notice.**

MOTION: OCM230409**MOVED: Cr Parsons****SECONDED: Cr Foreman**

That Council APPROVE the application for alterations and additions to the existing games room building on Lot 8 Point Henry Road, Bremer Bay, subject to the following conditions:

- (a) Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application (P23-006);**
- (b) The dwelling being connected to an on-site effluent disposal system to the satisfaction of the Shire’s appointed Environmental Health Officer;**
- (c) All measures as detailed within the BAL Assessment Report dated 27 January 2023 prepared by Craig Pursey Planning Pty Ltd are to be implemented so as to achieve the minimum BAL-29 rating prior to occupation of the dwelling and are to be continued to be maintained thereafter in perpetuity;**
- (d) At least 20kl of water is to be provided exclusively for firefighting purposes. The tank is to be fitted with a 50mm male camlock to allow for access to tanks in case of fire and able to be accessed from a compliant turnaround area;**
- (e) The driveway and turnaround are to be designed and maintained in a trafficable standard at all times, and in accordance with the Shire’s Firebreak Notice.**

CARRIED: 7/0

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN MARCH/APRIL 2023

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

SUMMARY:

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

BACKGROUND:

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

CONSULTATION:

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

COMMENT:

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

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

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

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

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

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

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

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

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

MOTION: OCM230410**MOVED: Cr Leenhouders****SECONDED: Cr Lester****That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the months of March/April 2023.****CARRIED: 7/0**

9.4.2 LOCAL LAW REVIEW

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	12 April 2023
Attachments:	a) Timeline for reviewing and adopting local laws
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to initiate a review of its local laws.

The Shire of Jerramungup is required under section 3.16 of the *Local Government Act 1995* (The Act), to review its local laws every eight years. It is proposed that Council formally initiates a review and provides Statewide and local public notice of the review, as required under section 3.16(2) of the Act.

The purpose of a review is to determine whether or not the laws should be repealed or amended. The following local laws are proposed to be reviewed:

- a) Reserves and Foreshores Local Law
- b) Dogs Local Law
- c) Beach Access Local Law 1997
- d) Parking and Parking Facilities Local Law
- e) Local Government Property Local Law
- f) Dust and Sand Local Law 2011
- g) By-laws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades

The Act sets out the local law review and law-making process, which commences with a minimum of six weeks Statewide and local public notice required to be given of the proposal to review local laws. At the conclusion of this initial six-week public consultation, feedback will be collated and analysed, and a further report submitted to Council to consider whether changes to the Shire's local laws are required.

BACKGROUND:

Section 3.16 of the *Local Government Act 1995* requires periodic reviews of local laws. A local government is to carry out a review of a local law to determine whether or not it considers that it should remain unchanged, be repealed or amended. The review is to be conducted within eight years from the day each local law commenced, or from when a report of a review of the local law was accepted under s3.16.

The local government is to give statewide and local public notice stating that:

1. The local government proposes to review the local law;
2. A copy of the local law may be inspected or obtained at any place specified in the notice; and
3. Submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given.

After the last day for submissions, the local government is to consider comments received and cause a report of the review to be submitted to Council. When Council has considered the report, it may determine (by absolute majority) whether or not it considers that the local law should be repealed or amended.

The Shire of Jerramungup currently has seven local laws, all due for review:

- a) Reserves and Foreshores Local Law
- b) Dogs Local Law
- c) Beach Access Local Law 1997
- d) Parking and Parking Facilities Local Law
- e) Local Government Property Local Law
- f) Dust and Sand Local Law 2011
- g) By-laws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades

A copy of the Shire's current local laws can be obtained through the Shire Administration or a full list of the Shire's local laws and a copy of the relevant gazette (including those that have previously been repealed) can be found on the Department of Local Government, Sport and Cultural Industries website.

CONSULTATION:

In accordance with section 3.16 of the *Local Government Act 1995*, the Shire is required to give Statewide and local public notice of the proposed review of the local laws, inviting submissions for a period of no less than six weeks after the notice is given. This initial six-week period of consultation is an opportunity for the community to comment on the review of the existing local laws (not on proposed new laws). This is the procedure set out under the *Local Government Act 1995*.

The Act requires further consultation if new laws are proposed that are substantially different from the existing laws. Any proposed new draft laws cannot be finalised until after the initial six-week consultation has occurred and submissions considered, Council has been briefed and the necessary research has been completed.

A further report must be provided to Council on the outcome of the review and proposing a new set of draft local laws. A further six-week consultation period will then be required on the new set of proposed local laws.

The second six-week consultation period will be extensive and result in submissions being received and considered with a final report to Council proposing a new set of draft local laws for Council adoption.

COMMENT:

The Act provides local government with the power to make local laws. The Act requires local governments to review their local laws eight years from the day a local law commenced, or a report of a review of the local law was accepted, under section 3.16(1) of the Act. The Shire of Jerramungup currently administers seven local laws. They include:

- a) Reserves and Foreshores Local Law
- b) Dogs Local Law
- c) Beach Access Local Law 1997
- d) Parking and Parking Facilities Local Law
- e) Local Government Property Local Law
- f) Dust and Sand Local Law 2011
- g) By-laws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades

In 2010, the Council initiated a review of its local laws, which was not completed.

An item to Council at its meeting held 16 March 2010 initiated a review of its local laws. A further report was presented to Council on 18 May 2010 on the outcome of the consultation process, and a further report was presented to Council on 17 August 2010 to commence the process of amending or repealing the Shire's local laws. Two local laws were recommended for repeal being the Reserves and Foreshores Local Law and the Beach Access Local Law 1997.

Unfortunately, no further work was undertaken to complete the review of the local laws.

In February 2019, Council again resolved to undertake a review of all of its local laws in accordance with section 3.16 of the *Local Government Act 1995* and to give Statewide and local public notice of its intent to undertake the review. Reforms to local government were initiated at this time, and the resolution was not actioned.

Given eight years has passed since Council completed a review its local laws, it is necessary to recommence the process under section 3.16 of the Act. While the Act does not expressly prescribe a timeframe in which the procedure for making local laws is to be completed, the procedure should be undertaken with ‘all convenient speed’ in line with the *Interpretation Act 1984*. It is the advice of the Western Australian Local Government Association (WALGA) and the Department of Local Government, Sport and Cultural Industries, that local law procedures that take more than a year should be restarted.

Council is required to update its local laws and should take the following review objectives into consideration:

- a) To remove unnecessary regulation; as it imposes a burden of compliance on the community and a burden of enforcement on the Council.
- b) Enable improved interpretation and understanding of the law by making legislation easier to use.
- c) Rationalise legislation governing issues where there are important inconsistencies or duplication across statutes.
- d) Streamline administrative processes.

Given the complexity and scale of the review, timing of a further report back to Council on the outcome of the review is not expected to be available for several months. However, a briefing of Council will occur during the process and prior to a further report being presented to Council.

The final step in the lawmaking process is to provide a copy of the new laws to the WA Joint Standing Committee (JSC) on Delegated Legislation, for review. The JSC is comprised of eight members of the WA State Parliament, with equal representation from the Legislative Council and Legislative Assembly.

It has the authority to recommend to Parliament that a local law be disallowed. The JSC examines all regulations, rules, by-laws, local laws, and other subsidiary legislation made that are subject to section 42 or the *Interpretation Act 1984*.

After adoption and Gazettal, a copy of a local law (and amendment local laws), and additional information is to be sent to the JSC. In examining local laws, the JSC contemplates whether or not it:

- a) Is authorised or contemplated by the empowering enactment.
- b) Has an adverse effect (which includes abrogation, deprivation, extinguishment, diminution and a compulsory acquisition, transfer, or assignment) on existing rights, interests, or legitimate expectations beyond.
- c) Giving effect to a purpose authorized or contemplated by the empowering enactment.
- d) Ousts or modifies the rules of fairness.
- e) Deprives a person aggrieved by a decision of the ability to obtain review of the merits of that decision or seek judicial review.
- f) Imposes terms and conditions regulating any review that would be likely to cause the review to be illusory or impracticable.
- g) Contains provisions that, for any reason, would be more appropriately contained in an Act.

Scrutiny by the Committee and disallowance are an accountability mechanism to guard against the making of subsidiary legislation, that is either unlawful by going beyond the power that is delegated or offends one of the Committee’s Terms of Reference, which have been set by Parliament.

Reports provided by the JSC on their recent reviews and decisions on local laws are publicly available on the Parliament of WA website and will be considered by the Shire in its review.

STATUTORY ENVIRONMENT:**3.16 Periodic review of local laws**

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that –*
 - (a) *the local government proposes to review the local law; and*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.*

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications 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 RESOLVES to undertake a review of all of its Local Laws in accordance with section 3.16 of the *Local Government Act 1995* and to give Statewide and local public notice of its intent to undertake the review.

MOTION: OCM230411

MOVED: Cr Leenhouwers

SECONDED: Cr Dawson

That Council RESOLVES to undertake a review of all of its Local Laws in accordance with section 3.16 of the *Local Government Act 1995* and to give Statewide and local public notice of its intent to undertake the review.

CARRIED: 7/0

9.4.3 DESKTOP REVIEW – STRATEGIC COMMUNITY PLAN 2021 – 2031

Location/Address:	N/A
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	12 April 2023
Attachments:	a) Strategic Community Plan 2021-2031
Authority/Discretion:	Executive

SUMMARY:

A desktop review of Council’s current Strategic Community Plan 2021-2031 has been undertaken with the draft (reviewed) document presented to Council for adoption.

BACKGROUND:

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

The Strategic Community Plan provides the long term view (10 plus year timeframe) for the Shire and sets out the vision, aspirations and objectives of the community. The priorities and goals of the Strategic Community Plan are driven by community engagement and takes a ‘whole of Shire’ approach. Council adopted the initial Strategic Community Plan at the Ordinary Meeting of Council held 21 November 2012, (Minute No. OC121107 refers). A major review was undertaken in 2020/2021 with a new Strategic Community Plan 2021-2031 adopted at the Ordinary Meeting of Council held 26 May 2021 (Minute No. OCM210511 refers).

The Department of Local Government Integrated Planning and Reporting Framework and Guidelines state that every two years, local governments are required to undertake a review of the Strategic Community Plan, alternating between a minor and major review. A minor review, according to the Guidelines, is “primarily a desktop exercise and usually focuses on resetting the Corporate Business Plan.”

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

CONSULTATION:

Executive Management Team

Internal Shire staff

COMMENT:

The content of the Strategic Community Plan has been reviewed by staff with no major changes required. It is noted that per the Department of Local Government Integrated Planning and Reporting Framework and Guidelines a review of the entire Integrated Planning Framework should be undertaken as soon as practicable after Council Elections; therefore, it is intended that a formal review will take place at this time during 2024.

STATUTORY ENVIRONMENT:

The requirements for preparation, consideration, consultation and advertising of a Strategic Community Plan are detailed in the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*.

Local Government Act 1995**s 5.56. Planning for the future**

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

Local Government (Administration) Regulations 1996**r 19C. Strategic community plans, requirements for (Act s. 5.56)**

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

**Absolute majority required.*

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

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:

The financial projections contained in the plan are not binding on Council but should be reflected upon when Council determines its annual budget.

The Corporate Business Plan will address the financial implications of actioning the Strategic Community Plan and will be presented to a future Council meeting.

WORKFORCE IMPLICATIONS:

The Strategic Community Plan sets the direction for staff over the following ten years.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY, ENDORSE the review of the Shire of Jerramungup Strategic Community Plan 2021-2031 as attached to this report.

MOTION: OCM230412**MOVED: Cr Dawson****SECONDED: Cr Price****That Council, BY AN ABSOLUTE MAJORITY, ENDORSE the review of the Shire of Jerramungup Strategic Community Plan 2021-2031 as attached to this report.****CARRIED BY ABSOLUTE MAJORITY: 7/0**

9.4.4 POLICY MANUAL REVIEW – FINANCE

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	17 April 2023
	<ol style="list-style-type: none"> 1. FP1 – Capitalisation and Depreciation of Non-Current Assets Policy 2. FP2 – Debt Recovery Policy 3. FP3 – Investments Policy 4. FP4 – Sport and Recreation Grants Policy 5. FP5 – Transaction Cards Policy 6. FP6 – Procurement of Goods and Services Policy 7. FP7 – Concessions on Farming Properties Occupied by Pensioners/Seniors Policy 8. FP8 – Financial Hardship Policy 9. FP9 – Portable and Attractive Items Policy 10. FP10 – Asset Management Policy 11. FP11 – Financial Hardship During a Declared State of Emergency Policy
Attachments:	
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is to adopt the reviewed Finance Policies of the Shire of Jerramungup as detailed.

BACKGROUND:

Although not a requirement of the *Local Government Act 1995*, it is considered good practice for Council to review its Policy Manual on a regular basis. It is intended to review the Policy Manual on an annual basis.

In addition to any annual review, any changes to existing policies or the need for new Policies identified during the course of the year will be presented through the appropriate meetings for Council consideration.

Policies are determined by Council and may be amended or waived according to circumstances. This power is conveyed to Council in section 2.7(2)(b) of the *Local Government Act 1995*. Policies cannot be made in relation to those powers and duties given directly to the CEO by the Act.

The objectives of the Council's Policy Manual are:

- to provide Council with a formal written record of all Policy decisions;
- to provide the staff with clear direction to enable them to respond to issues and act in accordance with Council's general direction;
- to enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Shire;
- to enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- to enable electors to obtain immediate advice on matters of Council Policy.
- Policies are to relate to issues of an on-going nature; policy decisions on single issues are not to be recorded in the manual.

Policies should not be confused with management practices or operational procedures, which are determined by the CEO, as a mechanism for good management, and implementation of Council Policies.

Changes to Council Policy shall be made only on:

- a) the outcome of the Annual Review; or
- b) an agenda item clearly setting out details of the proposed amendment.

Users should be mindful of the fact that, in simple terms:

- Policy provides for what can be done;
- Procedures provide for how to do it;
- Delegation provides for who can do it.

It is important to note that the Shire's adopted Policies have been made to facilitate:

- Consistency and equity in decision making;
- Promptness in responding to customer needs; and
- Operational efficiency.

CONSULTATION:

Internal – Relevant Shire staff have been consulted.

COMMENT:

A review has been conducted of the Shire of Jerramungup's existing Finance Policies and these are now presented for Council consideration. Council Policies are developed to assist Council in achieving its strategic goals and contribute to meeting mandatory obligations with the 'Objective' providing the reason why the Policy has been developed.

Policies guide the discretionary powers of Council's decision making and are defined as "A course of principle of action", while management practices explain the steps and the considerations to be followed by management when applying Policy to a matter and are defined as "A series of actions conducted in a certain order or manner to give effect to Policy".

Detail is provided below outlining content, intent and/or proposed changes to the Policies included in the review.

Amended Policies:

FP1 – Accounting for Non-Current Assets Policy

No changes proposed, reviewed during 2021.

FP2 – Debt Recovery Policy

No changes proposed, reviewed during 2021.

FP3 – Investments Policy

No changes proposed, reviewed during 2021.

FP4 – Sport and Recreation Grants Policy

This Policy has been reviewed and amended to align with the Department of Local Government, Sport and Cultural Industries CSRFF Grant Funding guidelines.

FP5 – Transaction Cards Policy

No changes proposed, reviewed during 2021.

FP6 – Procurement of Goods and Services Policy

This Policy was reviewed and amended in May 2020 to align with changes made to the *Local Government (Functions and General) Regulations 1996* in response to the COVID-19 Public Health Emergency to enable local government to reduce the cost of tendering, become more flexible in times of emergency and generate flexibility in the purchasing process.

Further amendments were made during 2021 to increase the threshold from \$5,000 to \$10,000 to allow staff to purchase directly from a suitable supplier.

FP7 – Concessions on Farming Properties Occupied by Pensioners/Seniors Policy

This Policy has been reviewed and amended to reflect current industry standard and compliance with legislation.

FP8 – Financial Hardship Policy

No changes proposed, reviewed during 2021.

FP9 – Portable and Attractive Items Policy

No changes proposed, reviewed during 2021.

FP10 – Asset Management Policy

No changes proposed, reviewed during 2021.

FP11 – Financial Hardship During a Declared State of Emergency Policy

No changes proposed, original Policy adopted in 2020 and reviewed in 2021.

STATUTORY ENVIRONMENT:

Local Government Act 1995 s.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 components from the Shire of Jerramungup Community Plan 2021 – 2031;

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

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

Policies provide direction for all Shire of Jerramungup employees.

POLICY IMPLICATIONS:

As detailed in each Policy.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council, pursuant to section 2.7(2)(b) of the *Local Government Act 1995*, reaffirm the continued application and operation of each of the following current Council Policies, as amended in the report and as attached, for a further year or such earlier date as Council may determine from time to time:

FP1 – Capitalisation and Depreciation of Non-Current Assets Policy

FP2 – Debt Recovery Policy

FP3 – Investments Policy

FP4 – Sport and Recreation Grants Policy

FP5 – Transaction Cards Policy

FP6 – Procurement of Goods and Services Policy

FP7 – Concessions on Farming Properties Occupied by Pensioners/Seniors Policy

FP8 – Financial Hardship Policy

FP9 – Portable and Attractive Items Policy

FP10 – Asset Management Policy

FP11 – Financial Hardship During a Declared State of Emergency Policy

MOTION: OCM230413

MOVED: Cr Leenhouders

SECONDED: Cr Lester

That Council, pursuant to section 2.7(2)(b) of the *Local Government Act 1995*, reaffirm the continued application and operation of each of the following current Council Policies, as amended in the report and as attached, for a further year or such earlier date as Council may determine from time to time:

FP1 – Capitalisation and Depreciation of Non-Current Assets Policy

FP2 – Debt Recovery Policy

FP3 – Investments Policy

FP4 – Sport and Recreation Grants Policy

FP5 – Transaction Cards Policy

FP6 – Procurement of Goods and Services Policy

FP7 – Concessions on Farming Properties Occupied by Pensioners/Seniors Policy

FP8 – Financial Hardship Policy

FP9 – Portable and Attractive Items Policy

FP10 – Asset Management Policy

FP11 – Financial Hardship During a Declared State of Emergency Policy

CARRIED: 7/0

MOTION: OCM230414

MOVED: Cr Leenhouwers

SECONDED: Cr Lester

That Council amend Council Policy FP6 – Procurement of Goods and Services Policy, so that:

- a) The Purchase Value Threshold of \$10,000 is deleted, and replaced with \$15,000;**
- b) The Purchase Value Threshold of \$10,001 is deleted, and replaced with \$15,001;**
- c) The Purchase Value Threshold of \$20,000 is deleted, and replaced with \$30,000; and**
- d) The Purchase Value Threshold of \$20,001 is deleted, and replaced with \$30,001.**

It is noted that this amendment was made due to increases in costs of contractors and materials, and will enable staff to make purchases up to the value of \$15,000 without obtaining three (3) quotes.

CARRIED: 7/0

Virginia Miles, Public Gallery, departed at 10.42am.

9.4.5 TENDER CONSIDERATION – RFT 01-23 BUSHFIRE MITIGATION ACTIVITIES

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	17 April 2023
Attachments:	<ul style="list-style-type: none"> a) RFT 01-23 Bushfire Mitigation Tender Documentation b) CONFIDENTIAL – Evaluation Report c) CONFIDENTIAL – Tender Submissions Received d) CONFIDENTIAL – Works and Price Schedule – Working on Fire e) CONFIDENTIAL – Works and Price Schedule – Fire Mitigation Services f) CONFIDENTIAL – Works and Price Schedule – Indiji Flora
Authority/Discretion:	Executive

SUMMARY:

This item addresses the outcome of a request for tender issued for the delivery of the Mitigation Activity Fund Grants Program 2022/23 Round 2.

BACKGROUND:

The Shire of Jerramungup is seeking a suitable Contractor(s) for the Delivery of the Mitigation Activity Fund Grants Program 2022/23 Round 2 funded through the Mitigation Activities Fund (MAF). The MAF funding is delivered through the State Government Royalties for Regions program. The Shire of Jerramungup has completed its Bushfire Risk Management Plan and is eligible for ongoing funding to implement treatments identified through the program on State owned land.

The contract consists of thirty four (34) individual bushfire mitigation treatments to be delivered across the Shire of Jerramungup. The treatments are both chemical and mechanical in nature and will suit both large and small mechanical contractors.

A site visit to assess the Contractors suitability for the works proposed was highly recommended as there are variations in terrain, vegetation density and level of works required at each site.

Works include but not limited to:

- Chemical control of woody and annual weeds
- Mulching
- Parkland clearing
- Slashing
- Tree lopping and pruning

The Shire of Jerramungup and community is highly committed to maintaining the amenity and preserving biodiversity where possible. Works must be carried out in an environmentally sensitive manner.

A detailed description of the scope can be found in the attached technical specification.

Four (4) Tenders were received by the Deadline of the Request for Tender.

The Tender submissions were reviewed by an Evaluation Panel consisting of Shire of Jerramungup staff; Deputy Chief Executive Officer; Community Emergency Services Officer and the Bushfire Risk Mitigation Coordinator.

Each Tender was evaluated, the key qualitative criteria were as follows:

Qualitative Criteria		Weighting
a)	Relevant Experience Describe your experience in delivering similar scope of work and provide details of similar work.	40%
b)	Cost Complete the price schedule.	60%

CONSULTATION:

Executive Staff

Tenderers

COMMENT:

The table below provides the results of the assessment undertaken by the panel:

Tenderer	Qualitative Score	Ranking
Fire Mitigation Services	70%	2
Working on Fire	41%	3
Indiji Flora	85%	1
Keilor Contracting	0%	Note: non-compliant

Only three of the submissions received were processed through to the qualitative and price evaluation on the basis that all compliance criteria had been met for the purposes of assessment.

Unfortunately, Keilor Contracting failed to provide costs for the delivery of the treatments with their submission and as a result were non-compliant with the request in the Tender process.

Alternatively, Council can elect to reject all tenders and direct the CEO to negotiate a lower service level with the preferred tenderer.

The Evaluation Panel recommends that Council:

Accepts the Tender submitted by Indiji Flora (ABN 49 354 104 732) as the most advantageous Tender to form a Contract for the delivery of the Shire of Jerramungup Mitigation Activity Fund Grants Program 2022/23 Round 2 Program. The estimated start date for the contract is 27 April 2023 and estimated completion date is set to be the 30 May 2024. The total contract value is a fixed price as detailed in the confidential attachment.

STATUTORY ENVIRONMENT:

Tendering for this supply contract was undertaken in accordance with the *Local Government (Functions and General) Regulations 1996*. Part 4 – Tenders for Provision of Goods or Services.

STRATEGIC IMPLICATIONS:

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

Environment Natural

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

FINANCIAL/BUDGET IMPLICATIONS:

The Mitigation Activity Fund Grants Program 2022/23 Round 2 is funded under the Mitigation Activity Fund (MAF) grants. DFES will pay \$329,000 (exclusive of GST) in two instalments. Instalment one comprising of 50% of the amount. Instalment two comprising the residual, as indicated by the Final Financial Report, certified in accordance with the agreement, up to a maximum of 50% of the amount.

The delivery of prescribed burning within the Shire of Jerramungup within this grant was allocated a sum of approximately \$32,000.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Tendering for this supply contract is in accordance with Council's Administration Policy AP3 – Regional Price Preference Policy and Finance Policy FP6 – Procurement of Goods and Services.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

- 1. Accepts the Tender submitted by Indiji Flora (ABN 49 354 104 732) as the most advantageous Tender to form a Contract for the delivery of the Shire of Jerramungup Mitigation Activity Fund Grants Program 2022/23 Round 2. The estimated start date for the contract is 27 April 2023 and it will be in place until 30 May 2024. The total contract value is a fixed price as detailed in the confidential attachment.**
- 2. Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**
- 3. In the event a Contract with Indiji Flora is not formed within thirty (30) business days, authorise the Chief Executive Officer to review alternative options, within the same price range as that provided by Indiji Flora.**

MOTION: OCM230415**MOVED: Cr Lester****SECONDED: Cr Foreman****That Council:**

- 1. Accepts the Tender submitted by Indiji Flora (ABN 49 354 104 732) as the most advantageous Tender to form a Contract for the delivery of the Shire of Jerramungup Mitigation Activity Fund Grants Program 2022/23 Round 2. The estimated start date for the contract is 27 April 2023 and it will be in place until 30 May 2024. The total contract value is a fixed price as detailed in the confidential attachment.**
- 2. Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**
- 3. In the event a Contract with Indiji Flora is not formed within thirty (30) business days, authorise the Chief Executive Officer to review alternative options, within the same price range as that provided by Indiji Flora.**

CARRIED: 7/0

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

Nil

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 COUNCILLOR REPORTS**Cr Parsons**

Attended Great Southern Regional Roads Group Meeting. Review meetings during the year were suggested to assess budget blowouts and projects being re-scoped. Meechi Road is on the list, subject to the Technical Working Group agreeing to it. Queried definition of a bridge, as all bridges need to be inspected. The Shire of Jerramungup has no bridges. An additional \$8 million has been allocated to the Great Southern Zone. This funding does not need to be matched, and is available for secondary freight routes.

Attended Bush Fire Advisory Committee Annual General Meeting.

Attended Anzac Day Service and Gunfire Breakfast in Jerramungup.

Cr Price

Attended Anzac Day Service and Gunfire Breakfast in Jerramungup.

Attended WALGA Zone meeting. Some discussion about education across the Great Southern.

Cr Lester

Nil.

Cr Dawson

Attended Anzac Day Service and Gunfire Breakfast in Bremer Bay.

Attended Bremer Bay Tennis Club Annual General Meeting. Questioned the installation of directional signage for the Tennis Club. Manager of Development taken on notice.

Cr Foreman

Attended Anzac Day Service and Gunfire Breakfast in Jerramungup.

Cr Leenhouders

Attended Audit Entrance Meeting.

Attended WALGA Zone Meeting. DAMA agreement progressing well.

Attended Great Southern Regional Road Group Meeting.

Attended Anzac Day Service and Gunfire Breakfast in Bremer Bay and laid a wreath on behalf of the Shire.

Cr Iffla

Attended Wellstead Estuary workshop run by the Fitzgerald Biosphere Group. Everyone was on the same page to manage the area into the future. A grant application is currently being prepared.

Attended Audit Entrance Meeting.

Attended Reconciliation Action Plan Meeting with the Chief Executive Officer and Manager of Development.

Attended WALGA Zone Meeting. Concerned that discussions about education did not recognise issues in all Shires, only certain areas within the Great Southern.

Attended Anzac Day Service and Gunfire Breakfast in Jerramungup and laid a wreath on behalf of the Shire.

Attended Great Southern Regional Road Group Meeting.

Noel Myers, Manager of Development

Attended Reconciliation Action Plan Meeting. Draft template document needs to be populated with how the Shire will respond. Opportunities for the Shire to employ Aboriginal people through funded traineeships. The Action Plan will be circulated and needs to be formally endorsed. Will go to Reconciliation Australia for final endorsement.

Martin Cuthbert left the meeting at 11:10am

Martin Cuthbert returned to the meeting at 11:12am

The proposed fence at the Wellstead Estuary had not been advertised for public comment as yet due to the high level of the water which is currently providing protection.

Waste disposal and parking issues at the jetty have been raised with tour operators and further discussions will occur prior to next season.

Charmaine Solomon left the meeting at 11:25am

Charmaine Solomon returned to the meeting at 11:27am

13.0 NEW BUSINESS OF AN URGENT NATURE

Nil.

14.0 CLOSURE

14.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 24 May 2023, commencing at 10.00am, in Jerramungup.

14.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at 11.28am.

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: