



SHIRE OF JERRAMUNGUP

NOTICE OF COUNCIL MEETING

To the President and Councillors,

Please be advised that an Ordinary Meeting of the Council of the Shire of Jerramungup is to be held on

Wednesday, 27 July 2022
At the Council Chambers,
Jerramungup
Commencing at 2:00pm

Council Meeting Procedures

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

Martin Cuthbert
CHIEF EXECUTIVE OFFICER
21 July 2022

AGENDA

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OUR GUIDING VALUES

Progressive, Prosperous and a Premium Place to Live and Visit

DISCLAIMER

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

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

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

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

NOTES FOR MEMBERS OF THE PUBLIC

PUBLIC QUESTION TIME

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

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

MEETING FORMALITIES

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

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NOTES FOR ELECTED MEMBERS

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

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

ALTERNATIVE MOTIONS

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

DECLARATIONS OF INTERESTS

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

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

Section 5.60B states;

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

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

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

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

Regulation 34C (Impartiality) states;

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

2022 MEETING DATES

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

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

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

APPLICATION FOR LEAVE OF ABSENCE

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

Shire of Jerramungup
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ORDINARY COUNCIL MEETING AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened atpm by the Shire President.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

Cr Drew Dawson, Councillor

Cr Neil Foreman, Councillor

2.4 ABSENT

2.5 DISCLOSURE OF INTERESTS

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

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

2.5.1 DECLARATIONS OF FINANCIAL INTERESTS

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

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

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

Nil

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting held 22 June 2022.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 22 June 2022 be CONFIRMED

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 – JUNE 2022**

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	8 July 2022
Attachments:	a) List of Accounts Paid to 30 June 2022 b) Credit Card Statement 26 May 2022 – 28 June 2022
Authority/Discretion:	Information

SUMMARY:

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

BACKGROUND:

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

CONSULTATION:

Internal consultation within the Finance Department.

COMMENT:

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

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

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28177	
EFT Payments	19639 – 19691	\$437,890.73
EFT Payments	19692	Cancelled
EFT Payments	19693 – 19788	\$1,041,841.95
Direct Deposits		\$31,192.95
Municipal Account Total		\$1,510,925.63
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$1,510,925.63

CERTIFICATE

This schedule of accounts as presented, which was submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have

been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been paid.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

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

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

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

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

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

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

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

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

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

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

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Finance Policy FP5 – Transaction Cards

Finance Policy FP6 – Procurement of Goods and Services

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

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

- a) The List of Accounts Paid to 30 June 2022 as detailed in Attachment 9.2.1(a).**
- b) The Credit Card Statement 26 May 2022 – 28 June 2022 as detailed in attachment 9.2.1(b).**

9.2.2 MONTHLY FINANCIAL REPORT – JUNE 2022

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:	20 July 2022
Attachments:	a) Monthly Financial Report for the period ending 30 June 2022
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 30 June 2022 as required by the *Local Government Act 1995* ('the Act').

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 30 June 2022.

BACKGROUND:

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

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 30 June 2022 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

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

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

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

CONSULTATION:

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

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

COMMENT:

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

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

STATUTORY ENVIRONMENT:

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

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

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

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

and

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

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

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

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

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

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

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

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 30 June 2022 has been incurred in accordance with the 2021-22 budget parameters, which have been structured on financial viability and sustainability principles.

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

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

AP3 – Regional Price Preference

FP1 – Accounting for Non-Current Assets

FP2 – 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 30 June 2022 in accordance with section 6.4 of the *Local Government Act 1995*.

9.2.3 ADOPTION OF BUDGET FOR THE FINANCIAL YEAR 2022/2023

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	21 July 2022
Attachments:	a) Separate cover – Budget for the Financial Year 2022/2023 b) Separate cover – 2022/2023 Road Construction Program
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this item is to present the Annual Budget for the Financial Year 2022/2023 to Council for adoption.

BACKGROUND:

The budget preparation this year has been carried out through consultation with the elected group, senior staff and with guidance from the Shire's integrated planning documents. The Shire's operational budgets are largely derived from historical levels of expenditure with known items of maintenance or renewal derived from quotes or cost estimates.

CONSULTATION:

The draft budget has been developed with consultation between executive staff, elected members, community submissions. The budget is also driven by the Shire's Corporate Business Plan and contains a number of projects and income/expenditure parameters from this document.

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*.

The Department of Local Government, Sport and Cultural Industries is not consulted prior to budget adoption. Once the budget is adopted, it is submitted to the Department for review.

COMMENT:

Landgate completed the rural assessments of all properties as at the Date of Valuation, 1 August 2021.

The following is a brief summary of changes occurring to the level of values in the 2021/2022 general revaluation of the Shire.

Summary of the general valuation 2021/2022 – Rural assessments is;

Total Valuation **\$358,799,500**

Average Overall Change **17.22%**

Overall variation to unimproved valuations;

The market for broadacre rural properties has continued to improve on the back of low interest rates, relatively good seasonal conditions, and strong commodity prices.

The impact of the Covid19 pandemic has seen increased interest in rural smallholdings which has taken up excess supply in the market and seen prices improve after decreases in recent years.

Some variations to individual assessments may have occurred either as a product of the valuation process and/or inclusion of updated information such as soil types.

In the 2022/2023 financial year, 26% of rates raised will be from properties on a Gross Rental Valuation (GRV) (predominately within the townsite), and 74% will be from Unimproved Valuation (UV)(rural).

Rates are calculated by multiplying a rate in the dollar by property valuation, subject to the minimum payment. The valuation is supplied by the WA State Government Department Landgate.

Council sets the rate in the dollar as part of each year's budget process. It is based on the Shires expenditure requirements, both operating and capital, offset by other forms of income such as government grants and fees for service.

Unimproved Value (UV) is used for primary producers whose main source of income is derived from the land, with activities such as farming. This valuation is based on the unimproved capital value of the land.

Gross Rental Value (GRV) is used for residential, commercial, industrial and vacant properties. On improved properties, the GRV represents the gross annual rental that a property might reasonably be expected to earn annually if it were rented, including rates, taxes, insurance and other outgoings. Many factors are taken into consideration when assessing the valuation, such as location, age of the premises and size of the improvements.

For non-residential properties, GST is also included. The GRV is calculated for all rateable properties regardless of whether the property is being rented or owner occupied. For land that is undeveloped, a statutory valuation of 3% of the unimproved value is applied for residential properties and 5% for non-residential.

Landgate revalues GRV rated properties every 3-6 years and UV rated properties every year.

Council sets a rates minimum payment amount to ensure that all ratepayers contribute an equitable amount for Shire services.

If the calculation of valuation multiplied by the rate in the dollar is less than the minimum amount, then the minimum will be applied. If the valuation multiplied by the rate in the dollar is more than the minimum, then the higher amount is payable.

The Shire provides rubbish and recycling collection services to all residential properties within the townsites of Bremer Bay including Point Henry, Jerramungup and Boxwood. This service is identified as 'domestic waste collection'. As per the current contract Cleanaway are entitled to review the contract price for their services. Effective from 1 July 2022 a 7.59% increase is being charged for the Shires waste and recycling collection services.

Rates contribute towards the upkeep and maintenance of the Shire's infrastructure and below is a list of significant capital and operating expenditure factored into the 2022/2023 annual budget.

It should be noted that the current economic market has also seen contractor and material costs, fuel and oil costs significantly increase for capital and operating projects, the Shire's insurance scheme membership has also seen an increase of 5.98%.

The Shire believes that a 5% rate increase to the total yield will ensure Council services to the community and new capital and operating projects continue to be delivered to a high standard.

Significant areas of Operational Expenditure within the 2022/2023 Budget include:

- \$980,318 in contractor, materials and internal employee and plant related costs associated with the maintenance of the Shires road network;
- \$769,548 committed to flood damage works;
- \$283,452 in contractor, materials and internal employee and plant related costs associated with townsite streets;
- \$126,498 in contractor, materials and internal employee and plant related costs associated with footpaths;
- \$246,229 in contractor, materials and internal employee plant related costs associated with the maintenance of parks and reserves and walk trails;

- \$262,715 in contractor, materials and internal employee and plant related costs associated with public toilets and fish cleaning facilities;
- \$667,550 in fuel and oil, parts and repairs and tyres;
- \$1.188m in proposed bushfire mitigation activities, strategic fire break maintenance, BAL contour mapping for townsites, contractor response for bushfires, insurance/PPE for the Shire's volunteer bushfire brigades, annual allowance for Chief Bush Fire Control Officer, and internal employee and plant related costs associated with the employment of Bushfire Risk Mitigation Coordinator and a Community Emergency Services Manager;
- \$659,148 in waste management contractor expenses, regional landfill facility costs, contractor and material costs for the Jerramungup and Bremer Bay transfer stations and internal employee and plant related costs;
- \$231,631 in contractor, materials and internal employee and plant related costs associated with expenses relating to the swimming areas and beaches and the Jerramungup swimming pool;
- \$181,844 in administrative and business support services for the medical services provider;
- \$176,114 contractor and internal employee and plant related costs for Ranger Services;
- \$170,625 contractor and materials associated with upgrading Council's building infrastructure;
- \$109,093 in expenses relating to the Bremer Bay and Jerramungup Libraries;
- \$89,500 in Elected Members remuneration expenses;
- \$40,000 allocated to audit fee expenses associated with Office of Auditor General and Independent Auditor fees;
- \$304,877 LGIS total insurance scheme membership;
- \$42,000 annual licence fee for the Shires software program;
- \$30,000 allocated towards IT support and server maintenance;
- \$23,979 allocated towards WALGA membership and subscription services;
- \$25,000 provision for Building Surveyor contract services;
- \$10,000 provision for Environmental Health contract services.

Administration projects 2022-2023;

- \$62,300 allocated to carry out building inspections of the Shires assets located across 42 locations in consultation with mechanical, electrical, hydraulic and quantity surveyor;
- \$52,572 allocated towards engineering consultancy services and support;
- \$50,000 provision for consultancy services for the design of the Bremer Bay Cultural Precinct;
- \$40,000 provision for administrative consultancy services;
- \$30,000 provision for financial administrative support;
- \$14,000 allocated towards the completion of the Shires long term financial plan;
- \$14,000 allocated towards fair value of Other Infrastructure (includes roads, parks and airstrips);
- \$10,000 towards design work for Cuneo Drive development;
- \$8,000 allocated for a proposed community event to promote the Blueback pre-screening in Bremer Bay;
- \$5,000 cash contribution to go towards Genestreams songlines sculpture;
- \$3,000 budget provision to finalise preliminary conversations with key stakeholders and prepare a timeline and framework for the Shire of Jerramungup Reconciliation Action Plan;
- \$2,500 to go towards Great Southern Designated Area Migration Agreement (DAMA)

Capital projects 2022-2023;

- \$950,000 allocated towards the completion of the boat ramp and finger jetty project;
- \$864,473 towards Councils plant replacement program;
- \$25,000 to replace the carpet to the Jerramungup CRC library and offices;
- \$18,000 Audio recording system for the Council chambers;
- \$15,500 to replace the flooring at the Jerramungup Occasional Childcare Centre;
- \$37,000 in capital upgrade works on 6 Memorial Road;
- \$181,991 allocated towards consultant fees associated with the completion of the Jerramungup Swimming pool project;
- \$10,000 allocated towards the fibre link installation at the administration office;
- Installation of 130,000Lt tanks at the Gairdner St John Building and the Jerramungup airstrip for the Volunteer Bushfire Brigades.

Bushfire works continuing following the fire in Jerramungup on February 11 2022;

- \$123,900 allocated towards the replacement of the synthetic bowling green surface at the Jerramungup Bowls Club, total project cost is \$177,000 however a deposit of \$53,100 was paid in the 21/22 financial year;
- \$40,000 allocated towards the removal of burnt/damaged trees on the Jerramungup Golf Course;
- \$98,916 allocated towards the replacement of damaged fencing surrounding the effluent dams in the Jerramungup townsite;
- \$5,000 allocated towards the replacement of damaged highway signs.

2022/23 Community donation requests approved;

- \$150,000 allocated towards St John Ambulance Jerramungup to go towards the Bremer Bay Sub Centre build, Shire contribution dependent on successful funding to deliver the project;
- \$20,000 provision for the CSRFF application for the Boxwood Hill Combined Sports Club to upgrade the lighting at the football oval, Shire contribution dependent on successful funding to deliver the project;
- \$5,000 allocated towards the Bremer Bay Men's Shed to go towards the purchase of a sea container for cash for containers;
- \$4,000 allocated towards the Jerramungup District Motorcycle Club to go towards irrigation to remaining half of the track;
- \$300 to the Recfish West event.

2022/23 Community donation requests declined;

- Jerramungup CRC donation request for painting and lighting;
- Bremer Bay CRC donation request for contribution towards seniors Christmas dinner;
- Boxwood Hill Hockey Club donation request for facility upgrade;
- FBG donation request for cat sterilisation clinic;
- Jerramungup DHS donation request for upgrade to the school quadrangle.

2022/2023 Contributions to Community Groups and Committees;

- \$15,461 allocated to South Coast Alliance. The City of Albany, Shire of Denmark, Shire of Plantagenet and Shire of Jerramungup formed an alliance focused on economic development and future prosperity. The four local governments continue to work together to collaborate on initiatives to improve the economic prosperity and wellbeing of their communities;
- \$15,000 allocated to Fitzgerald Biosphere Group (FBG) to go towards administrative and running costs to continue to work with the farming community within the Shire and deliver projects and services that encourage sustainable agriculture, healthy ecosystems and vibrant enterprises;
- \$11,000 allocated to Great Southern Treasures to build brand awareness of the tourism assets within Great Southern Treasures locally, nationally and worldwide with the stated mission being to

collectively plan and promote the tourism assets, experiences and events across member local governments;

- \$7,000 allocated to the Fitzgerald Biosphere Community Collective (FBCC) group to assist with administrative and project costs to ensure the Fitzgerald Biosphere is meeting its obligations to remain UNESCO listed and is internationally recognised for achieving outstanding biodiversity conservation outcomes;
- \$5,000 allocated to the Great Southern Centre for Outdoor Recreation Excellence Limited (GSCORE) to support the implementation of the Great Southern Regional Trails Master Plan;
- \$3,000 annual contribution to the Jerramungup Occasional Childcare to assist with insurance and running costs;
- \$3,000 annual contribution to the Bremer Bay Occasional Childcare to assist with insurance and running costs;
- \$1,400 annual contribution towards the Leeuwin Ocean Adventure Scholarship which is awarded to a senior highschool student annually;
- \$1,000 allocated towards the Gairdner and Needilup Progress association towards running expenses.

In 2021, Council agreed to an equal annual contribution to all 3 sporting clubs within the Shire. The contribution is to go towards operational and maintenance costs associated with the grounds and facilities, however the contribution is on a condition that each Sporting Club provide their audited annual financial statements annually and a copy of their Sport and Recreation Plan.

The Plan is required to be updated and reviewed on an annual basis to be eligible to receive the contribution.

All 3 sporting Clubs have provided Council with their audited financial statements and their Sport and Recreation Plans.

The following amount is approved for each sporting club for the 2022/2023 financial year;

- \$10,000 annual contribution towards the Jerramungup Sports Club to go towards operational and maintenance costs associated with the sporting grounds and facilities;
- \$10,000 annual contribution towards the Boxwood Hill Combined Sports Club to go towards operational and maintenance costs associated with the sporting grounds and facilities;
- \$10,000 annual contribution towards the Bremer Bay Sports Club to go towards operational and maintenance costs associated with the sporting grounds and facilities.

STATUTORY ENVIRONMENT:

Sections 6.2, 6.11 and 6.47 of the Local Government Act 1995

(Preparation of annual budget & Concessions), Reserve Accounts

Clauses 24 and 25 of the Local Government (Financial Management) Regulations 1996

(Service charges & fees and charges)

Section 67 of the Waste Avoidance and Resource Recovery Act 2007

(Receptacle Charges for Waste Collections)

Clause 34(5) of the Local Government (Financial Management) Regulations 1996

Local Government (COVID-19 Response) Order 2020.

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:

Budget Expenditures and Revenues as detailed in the 2022/2023 annual budget.

WORKFORCE IMPLICATIONS:

In accordance with the Shire of Jerramungup's Enterprise Bargaining Agreement the fair work increase was applied to all Works Department employees of 5.2% effective 1 July 2022, total administration salaries will see an overall increase of \$55,734.

Total employee salaries including superannuation for the 2022/2023 budget is predicted to be \$2,627,419. It is anticipated that staff numbers will remain the same.

POLICY IMPLICATIONS:

AP3 – Regional Price Preference

AP7 – Human Resources – Remuneration, Subsidies and Other Work Arrangements

FP1 – Accounting for Non-Current Assets

FP2 – Rates and Accounts Collection

FP3 – Investments

FP6 – Procurement of Good and Services

FP7 – Pensioner Rebates on Rural Properties

FP8 – Financial Hardship

Significant Accounting Policies as detailed within the Monthly Financial Report

VOTING REQUIREMENT:

Absolute majority where indicated

Simple majority where indicated

OFFICER RECOMMENDATIONS:

OFFICER RECOMMENDATION 1:

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council ADOPTS:

1.1 Adoption of Rates – section 6.32 *Local Government Act 1995*

That Council adopt the following municipal rates in the dollar on unimproved values and gross rental valuations for the 2022/2023 financial year:

a) General Rates:

Impose the following rates in dollar and minimum rates for properties within the Shire of Jerramungup;

GRV: 10.475 cents in the dollar

UV: 0.7370 cents in the dollar

GRV: \$729.00 minimum rate

UV: \$729.00 minimum rate

b) Effluent Rate – Townsite of Jerramungup

- a. That Council impose the following rates in dollar for GRV properties within the townsite of Jerramungup for the management and maintenance of the Jerramungup Effluent System.

GRV: 4.7226c in the dollar

- b. That Council impose the following minimum rate for GRV properties within the townsite of Jerramungup for the management and maintenance of the Jerramungup Effluent System.**

GRV: \$309.00

Non Rateable First Fixture: \$309.00

Additional Fixture: \$173.00

c) Point Henry Fire Levy

Impose a levy of \$110 on all properties within the Point Henry Peninsula to be used for the maintenance of firefighting equipment and firebreaks on the Point Henry Peninsula. Any balance of funds created by the levy is to be put to the Point Henry Fire Levy Reserve.

1.2 Impose the following Refuse Collection and Recycling Charges for the Shire of Jerramungup for the 2022/2023 financial year;

a. Residential Properties – 240L Bin

- i. \$429.00 per annum per occupied Lot for one 240L General Rubbish Bin serviced weekly**
- ii. \$229.00 per annum per occupied Lot for one 240L Recycling Bin serviced fortnightly**
- iii. \$429.00 per annum per additional 240L Rubbish Bin**

b. Commercial Collections – 240L Bin

- i. \$429.00 per annum per occupied Lot for one 240L Bin serviced weekly**
- ii. \$229.00 per annum per additional 240L Bin as listed on their properties bin count.**

1.3 Pursuant to the provisions of section 6.2 *Local Government Act 1995* and *part 3 of the Local Government (Financial Management) Regulations 1996*, the Municipal and Trust Fund Budgets as contained in the Attachment to this agenda and the minutes for the Jerramungup for the 2022/2023 financial year which includes the following;

- Statement of Cash Flows showing cash and cash equivalents at year end of \$1,680,469 on page 3.**
- Rate Setting Statement on page 4 showing an amount required to be raised from rates of \$3,684,456.**
- Notes to and Forming Part of the Budget on pages 5-27.**
- Transfer to/from Reserves Accounts as detailed on page 21.**

1.4 Pursuant to section 6.11 of the *Local Government Act 1995*, maintain the following reserves (noting the purpose of each reserve) detailed on page 21 of the budget;

- Leave Reserve**
- Developer Contributions Reserve**
- Carpark payment in lieu Reserve**
- Plant Reserve**
- Community Recreation Reserve**
- Bremer Bay Youth Camp Reserve**
- Building Reserve**
- Bremer Bay Retirement Units Reserve**
- Jerramungup Retirement Units Reserve**
- Jerramungup Entertainment Centre Reserve**
- Effluent Reserve**
- Point Henry Fire Levy Reserve**

- Bremer Bay Boat Ramp Reserve
- Capital Works Reserve
- Swimming Pool Reserve
- Roe Park Reserve
- Skate Park Reserve
- Regional Landfill Facility Reserve

1.5 The due dates for payment of Rates and Rubbish Collection Charges for 2022/2023 financial year;

- Pay rates in full 30 September 2022
- Pay by two instalments:
 - First Instalment Payment 30 September 2022; and
 - Second Instalment: 3 February 2023
- Pay by four instalments:
 - First Instalment Payment 30 September 2022; and
 - Second Instalment: 5 December 2022
 - Third Instalment: 3 February 2023
 - Fourth Instalment: 13 April 2023

OFFICER RECOMMENDATION 2:

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council IMPOSES the following Rates and Charges to provide for Administration and Interest Charges on Rating, Rubbish, Waste Recycling and General Debtor Collection Charges for the 2022/2023 financial year;

- **Instalment Plan Administration Fee**
 In accordance with section 6.45(3) of the *Local Government Act 1995* and clause 13 of the *Local Government (COVID-19 Response) Ministerial Amendment Order 2021*, gazetted on 1 June 2021, an Instalment Plan Administration fee of \$8 for the second and each subsequent instalment notice issued will apply for rates and rubbish collection charges subject to;
 - (a) This additional charge cannot be applied to an excluded person, as defined in the *Local Government (COVID-19 Response) Ministerial Amendment Order 2021*, that has been determined as suffering financial hardship as a consequence of the COVID-19 pandemic in accordance with Council Policy FP11 – Financial Hardship during a Declared State of Emergency.
- **Instalment Plan Interest Charge**
 In accordance with section 6.45(3) of the *Local Government Act 1995* and clause 13 of the *Local Government (COVID-19 Response) Ministerial Amendment Order 2021*, gazetted on 1 June 2021, an interest charge of 5.5% per annum calculated daily from the date the first instalment is due until the date each subsequent instalment is due subject to;
 - (a) This additional interest rate cannot be applied to an excluded person, as defined in the *Local Government (COVID-19 Response) Ministerial Amendment Order 2021*, that has been determined as suffering financial hardship as a consequence of the COVID-19 pandemic in accordance with Council Policy FP11 – Financial Hardship during a Declared State of Emergency.
- **Late Payment Interest Charge**
 In accordance with section 6.51(1) of the *Local Government Act 1995* and clause 14 of the *Local Government (COVID-19 Response) Ministerial Amendment Order 2021*, gazetted on 1

June 2021, a penalty interest at a rate of 7% per annum, to be calculated on a daily basis will be imposed on all outstanding rates and service charges subject to;

- (a) This additional interest rate cannot be applied to an excluded person, as defined in the *Local Government (COVID-19 Response) Ministerial Amendment Order 2021*, that has been determined as suffering financial hardship as a consequence of the COVID-19 pandemic.

OFFICER RECOMMENDATION 3:

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council SETS the Elected Member Sitting Fees and Allowances as prescribed by the *Local Government (Administration) Regulations 1996* per annum, being;

- Shire President annual meeting attendance fee of \$14,000.
- Elected Members annual meeting attendance fee of \$7,000.
- Shire President allowance of \$12,000.
- Deputy Shire President allowance of \$3,000.
- Telecommunication allowance of \$1,000 for Elected Members
- Annual Travel and Accommodation Allowance (allowable claims will be reimbursed).

OFFICER RECOMMENDATION 4:

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ADOPTS a material variance level of 10% with a minimum \$10,000.00 variance for the 2022/2023 financial year for monthly reporting purposes.

OFFICER RECOMMENDATION 5:

VOTING REQUIREMENT: SIMPLE MAJORITY

That Council confirms that it is satisfied that the services and facilities it provides in accordance with section 3.18(3) of the *Local Government Act 1995*;

- Integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- Do not duplicate, to an extent that the local government considered inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
- Are managed efficiently and effectively.

9.3 DEVELOPMENT SERVICES

9.3.1 EXTRACTIVE INDUSTRY – EXTENSION OF LICENCE

Location/Address:	Lot 1566 Borden-Bremer Bay Road, Bremer Bay
Name of Applicant:	Buckenara Pty Ltd
File Reference:	A80359
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	17 July 2022
Attachments:	a) Location Plans – Lot 1566 Borden-Bremer Bay Road
Authority/Discretion:	Administrative

SUMMARY:

The owners of Lot 1566 Borden-Bremer Bay Road, Bremer Bay have applied for the extension of the current approval of the existing extractive industry which is operated from the property.

This report recommends that application be approval.

BACKGROUND:

Site Description:

Lot 1566 Borden-Bremer Bay Road, Bremer Bay is 1,156.8ha in area. The property is currently put to a number of rural and conservation uses in addition to the existing extractive industry use which is the subject of this application.

There is a single access point to Borden Bremer Bay Road.

The subject site is surrounded by similar scale farming properties. A site plan is provided as an annexure to this report.

Zoning:

The subject land is zoned 'Rural' under the Shire of Jerramungup Local Planning Scheme No 2 ("the Scheme").

Applicant:

The applicant is nominated as Buckenara Pty Ltd – the private company of Peter and Tanya Buckenara.

Past Approvals:

Council has issued two previous approvals for the extractive industry operated from this property;

1. P12-010 – issued 19/09/2012; and
2. P17-018 – issued 01/08/2017.

CONSULTATION:

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 an approved use, is located well away from any surrounding sensitive land uses and the activity 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***

A Planning Application has been received from the current owners and operators to extend their approval for the extractive Industry located on Lot 1566 Borden-Bremer Bay Road, Bremer Bay. The application is to use the existing pits as described in the table below:

Pit no.	Material	Size
1	Lime Pit (current)	3.16ha
2	Gravel	1.91ha
3	Lime Pit (future)	2.62ha

All pits are located on cleared land.

Scheme Requirements

An 'Extractive Industry' is a 'Permitted' use in the 'Rural' zone.

The Scheme defines 'Extractive Industry' as '*means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are being extracted, but does not include industry-mining*'.

The proposed use accords with the above definition and is therefore a use that the Council may approve.

Local Planning Policy 13 guides Council in the assessment and development of extractive industry proposals.

Extractive Industry – Local Planning Policy 13

The objectives of the policy are to:

- To assist Council in determining applications for extractive industries by providing general guidelines, and outlining matters Council will have regard for in assessing applications.
- To protect and maintain the existing landscape character, native vegetation, productive agricultural uses and general amenity of the Shire.
- To assist the industry to establish extractive industries in appropriate locations where the road infrastructure is capable of servicing the use.
- To set out standard conditions that will be considered by Council in their assessment of extractive industry applications.
- To provide for appropriate 'buffers' between extractive industries and sensitive land uses.

The Policy sets out specific requirements for mostly the excavation/pit areas regarding the following matters:

Clause	Compliance
Setbacks 40m from any road 20m from any other boundary 50m to any water course	All pits comply
Buffers 300-500m to closest residence	Complies Closest residence 3km away

<p>Pit area/rehabilitation</p> <p>Pit size generally restricted to 2ha</p> <p>Larger pits may be considered provided there are no environmental or amenity impacts.</p> <p>Rehabilitation should generally be undertaken in stages and be ongoing for worked areas</p>	<p>Two pits propose areas that exceed the recommended 2ha maximum.</p> <p>However, the pits are not seen from the surrounding road system or residences, they do not require clearing or impact on any water courses.</p> <p>The pits have been operational for some time with no objections raised.</p> <p>Recommend placing a condition on the approval requiring closure and rehabilitation of unused pits.</p>
<p>Road Usage</p> <p>Council needs to determine if the surrounding road network is adequate.</p> <p>Upgrading or maintenance of roads may be considered on a case by case basis.</p>	<p>Main Roads WA control the access road and have previously provided feedback that signage conditions and a requirement to keep the road at the entry clear of debris, mud, etc should be applied.</p> <p>Borden-Bremer Bay Road is sealed and registered to take large RAV.</p>
<p>Term of Planning Approval</p> <p>Generally limited to 5 years unless otherwise approved by the Shire.</p>	<p>The applicant is seeking a Term of 10 years to match the life of the existing reserves.</p> <p>The policy nominates that 5 year approvals be granted to provide 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> <p>The extractive industry has now operated from the property for 10 years without incident and site inspections by the administration confirms that the applicant is managing the property in accordance with all approval conditions including the ongoing rehabilitation of pits as they are exhausted.</p> <p>Council continues to be able to ensure the operations are undertaken in a proper and orderly manner should it extend the term of the approval by virtue of conditions of approval applied to any approval.</p>

In addition to the above, the Policy details the general matters to be considered by Council. These are:

1. Site Location and Broad Planning Considerations
2. Environmental Considerations; and
3. Traffic and Transport considerations.

As previously highlighted, the activity has now operated for 10 years without incident or complaint being brought to Council. The site is not visible from the surrounding road network or any other residence and has limited impact on the immediate environment. Two of the pits approved within the previous approval granted in 2017 (P17-018) have since been closed and rehabilitated to a satisfactory condition and returned to pasture/grazing uses.

Having regard to the above, it is the opinion of the administration that the application is consistent with the planning ordinance that would enable the Council to issue an approval for a further term.

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 Strategic 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 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, Approve the extractive industry at Lot 1566 Borden-Bremer Bay Road, Bremer Bay subject to the following conditions:

- 1) The approval is valid for a period of 10 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) Borden-Bremer Bay Road be kept clear and clean at all times and that warning signage be installed
- 3) Those portions of public roads as are affected by the activities related to the approval shall be kept clean and free of mud and other debris.
- 4) The applicant shall install and maintain road signs along transport routes 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.
- 5) A Rehabilitation Plan is to be prepared and implemented to the satisfaction of the Shire of Jerramungup.
- 6) Topsoil is to be stockpiled and later spread out as part of the rehabilitation process.
- 7) All development shall be in accordance with the plans submitted as part of the application.
- 8) The approval is issued to the applicant and may not be transferred or assigned to any other party without first applying to and receiving the approval of the Council.

Footnotes:

Approval shall not in any way render the Shire of Jerramungup liable for damage or injury of any kind to any member of the public; such liability shall be the sole responsibility of the applicant.

The rehabilitation plan required at condition (e) shall identify unused pits and provide a program for their closure and rehabilitation.

The rehabilitation plan required at condition (e) shall show how the land shall be rehabilitated to allow for future rural use and shall include;

- **Flattening the land;**
- **Spreading of stockpiled topsoil (capable of supporting seed and plant re-growth);**
- **Forming stable battered banks not to be steeper than 1 in 5;**
- **And revegetation using native trees, shrubs and groundcovers/undergrowth as suitable.**

9.3.2 HOLIDAY HOME APPLICATION – 18A EMMA STREET, BREMER BAY

Location/Address:	18A Emma Street, Bremer Bay
Name of Applicant:	Ms C Hamilton
File Reference:	A1605241
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	17 July 2022
Attachments:	a) Location Plan – 18A Emma Street
Authority/Discretion:	Administrative

SUMMARY:

The purpose of this report is for Council to consider an application for the owner of the subject property to rent out their property on a Short Term basis as a Holiday Home.

It is the recommendation that the application be approved subject to conditions.

BACKGROUND:

- **Suburb/Location** – The subject property is located on the corner of Emma Street and Kybra Close, Bremer Bay.
- **Applicant** – The applicant is the owner of the property, Ms Chloe Hamilton;
- **Zoning DPS** – The land is zoned Residential R15/30 under the Shire's Local Planning Scheme No.2;
- **Site Area** – The property has an area of 436m²

CONSULTATION:

The application has been advertised to surrounding property owners in accordance with the requirements of Planning Policy No.20 – Holiday Homes (PP20).

The application was referred to five (5) properties being those adjacent to and across the street. One submission objecting to the proposal was received. Comments raised in objection to the proposal are summarised as follows:

- I. Doesn't want this form of land use adjacent to own property;
- II. Property has previously been let as a holiday home by the same owner;
- III. Increased traffic in street;
- IV. Disturbance caused by permitting guests to bring pets (dogs); and
- V. There are too many short term rentals in Bremer Bay creating shortages in long term rentals market which prevents people moving to town to take up employment.

In response to comments received during the first round of community consultation, the applicant has made the following changes to the proposal:

- No dogs will be permitted;
- A Management Plan and Welcome Pack has been prepared for guests that specifically addresses guests expected behaviors in respect to noise and nuisance and carparking issues;
- Parties or events are not permitted;
- Guests are advised that noise should generally cease after 9.00pm Sunday through Thursday and by 10.00pm on Friday and Saturday;
- Parking is not permitted on the periphery of the property and are only to use the dedicated carparking areas; and
- The Management Plan includes a termination clause to booking if conditions are not adhered to.

The actions proposed by the applicant to manage behaviours and minimise negative impacts on the amenity are consistent with the objectives as set out within the Shire's PP20 that has been adopted to guide this form of land use.

COMMENT:

The following comments are provided in considering the compatibility, amenity and appropriateness of the development whilst having regard to matters generally and those raised in objection to the proposal.

Past Use:

The objector to the application has identified that the property had previously been used as short term holiday accommodation without having been notified of the use and raised the issue of nuisance caused by guests pets.

A complaint was received by the Shire regarding the use of the property after which the owner was contacted by the administration to advise that planning approval was required and that the unauthorised use should cease. The owner of the property advised that they were unaware of this requirement but agreed to immediately cease the use and lodge an application with the Shire.

Increased traffic:

The subject property is located on the north eastern corner of the Emma Street – Kybra Close intersection and the driveway servicing the property is on the Kybra Close frontage. Both roads are fully constructed and sealed roads and are designed to accommodate any traffic flow that would arise from the use of the property for accommodation purposes.

Noise and nuisance:

It is acknowledged that community concerns can arise about holiday homes and often those concerns relate to the behaviour of guests rather than being associated with the use per se.

As previously detailed, any short term Holiday Home use of a property is to be undertaken having regard to the various matters outlined within the Shire's PP20 which has been adopted to introduce management controls to any properties being used for this purpose. To this end the applicant has prepared a Management Plan that is consistent with the template detailed within the operative Policy and has agreed to exclude guests being able to bring dogs in recognition of the concerns previously raised by the complainant.

Clause 6.2.5 – Renewal and Approval Period. This clause of PP20 sets out the basis on which Council will assess both initial and renewal applications.

- a. all initial planning approvals for holiday homes shall be granted for a one period unless the local government determines otherwise;*
- b. In determining an application for renewal, the Shire will consider the nature of any comments made regarding the operation of the activity and any other information available relating to the adverse impact of the activity on the amenity of neighbours and surrounding area. Some allowance will be made for the busy New Years and Easter period in Bremer Bay given the higher than normal tourist numbers in the town in general.*
- c. Where complaints have been made, issues relating to impact on amenity have been verified or other non-compliance with the planning approval has occurred, approval of the renewal application is unlikely to be granted.*
- d. Where the Shire is satisfied that the holiday home has been appropriately managed, an approval of the renewal application for a period of up to three years may be granted.*

Note:

Property Managers are fully responsible for the holiday home and to ensure there is minimal impact on the amenity of neighbouring properties. This provides a degree of certainty to operators, while also enabling the Shire flexibility to terminate approval of non-compliant operators, particularly where valid complaints are received, conditions of approval are not being complied with and/or there are concerns relating to the holiday home operations.

Housing Supply:

Comments regarding the oversupply of short term rental accommodation and undersupply of long term rental options within the town are noted. Housing availability and affordability is however not a matter that is considered under the Council's Policy. It cannot simply be assumed that refusal to a short term holiday home use would automatically see the property be reverted to or made available to the long term rental market. The latest census data indicates that there are a substantial number of properties within Bremer Bay that are held and retained as private holiday homes and not rented commercially for short term holiday use. Whilst this situation may not necessarily apply to the matter at hand, it does indicate that there isn't any one single solution to redressing housing availability and affordability issues. To refuse the application on the assumption this would redress the broader housing issue would be regarded as being an arbitrary decision and not likely to withstand any critical review.

Summary:

Whilst acknowledging there has been objection raised to the application, it is considered that the applicant has made reasonable endeavours to ameliorate any potential adverse impacts arising from the use on that property and the application has met with the application requirements as set out within the operative planning policy.

The Shire's Planning Policy requires that property managers enforce management plans and affords the Council the opportunity to review the standing of approvals should the operation be found to be not complying with conditions of approvals.

Having regard to the matters set out above, it is recommended that the Council may approve the application subject to conditions as set out in the officer recommendation below.

STATUTORY ENVIRONMENT:

- Shire of Jerramungup Local Planning Scheme No.2 in respect to land use permissibility;
- Local Planning Policy No.20 – Holiday Homes

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for 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, in accordance with the provisions of the Shire of Jerramungup Local Planning Scheme No.2, **APPROVES**, the development application for a Holiday Home at No.18A (Lot:101; D/P:70187) Emma Street, Bremer Bay in accordance with the plans submitted with the application dated 09 June 2022, subject to the following conditions, with the associated determination advice notes.

1. Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application;
2. The holiday accommodation is to be used for short stay accommodation only, with a maximum stay of three months occupancy per annum by any single tenant;
3. The property manager will supply readily visible in the kitchen or living area of the home the code of conduct, the property management plan and the fire and emergency plan (including the fire evacuation route);
4. The holiday accommodation/home is to be operated in a manner consistent with the details of the approved property management plan at all times;
5. This planning approval is granted for a period expiring 12 months from the date of Council's approval after which time reapplication is required;
6. The Council may revoke its approval to operate the property as a Holiday Home should in its opinion determine that the conditions of approval are not being complied with.

DETERMINATION ADVICE NOTE.

- i) In determining an application for renewal, the Shire will consider the nature of any comments made regarding the operation of the activity and any other information available relating to the adverse impact of the activity on the amenity of neighbours and surrounding area.

Note 1:

If an applicant is aggrieved by this determination there is a right of review under Part 14 of the *Planning and Development Act 2005*. Application for a review must be lodged with the State Administrative Tribunal within 28 days. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.

9.3.3 HOLIDAY HOME APPLICATION – LOT 785 FREEMAN DRIVE, BREMER BAY

Location/Address:	Lot 785 Freeman Drive, Bremer Bay
Name of Applicant:	A and J McFarlane
File Reference:	A1601982
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	17 July 2022
Attachments:	a) Location Plan – Lot 785 Freeman Drive
Authority/Discretion:	Administrative

SUMMARY:

The purpose of this report is for Council to consider an application for the owner of the subject property to rent out their property on a Short Term basis as a Holiday Home.

It is the recommendation that the application be approved subject to conditions.

BACKGROUND:

- **Suburb/Location** – The subject property is located on the northern side of Freeman Drive Bremer Bay. The property is located within the area of town that is identified as the growth corridor for future residential expansion which is identified within the adopted Subdivision Guide Plan that was prepared for the initial subdivision of the area generally;
- **Applicant** – The applicants are the owners of the property, Mr Aaron and Ms Jessica McFarlane;
- **Zoning DPS** – The land is zoned Residential R2/15 under the Shire's Local Planning Scheme No.;
- **Site Area** – The property has an area of 5,003m². The Subdivision Guide Plan identifies that the land has a potential yield of 7 residential lots of approximately 700m² in area.

CONSULTATION:

The application has been advertised to surrounding property owners in accordance with the requirements of Planning Policy No.20 – Holiday Homes (PP20).

The application was referred to five (5) properties being those adjacent to and across the street. One submission objecting to the proposal was received. Comments raised in objection to the proposal are summarised as follows:

- I. Doesn't want this form of land use in this location;
- II. Owner had previously advised property was not intended to be let for short stay use;
- III. Proximity of dwelling – contrary to existing amenity of the area.

In response to comments received from the consultation, the applicant has affirmed they have:

- Prepared a Property Management Plan that specifically addresses guests expected behaviors in respect to noise and nuisance and carparking issues.
- Restricts guests to 4 persons;
- Prohibits persons camping on the property,
- Prohibits parties or events being held;
- Guests are advised that noise should generally cease after 9.00pm Sunday through Thursday and by 10.00pm on Friday and Saturday;
- The Management Plan includes a termination clause to booking if conditions are not adhered to and sets out the responsibilities of the property manager to ensure guests are observing the Code of conduct for guests as set out within the Management Plan.

The actions proposed by the applicant to manage behaviours and minimise negative impacts on the amenity are consistent with the objectives as set out within the Shire's PP20 that has been adopted to guide this form of land use.

COMMENT:

The following comments are provided in considering the compatibility, amenity and appropriateness of the development whilst having regard to matters generally and those raised in objection to the proposal.

Past Use:

The objector to the application has identified that the property had previously been used a short term holiday accommodation.

This matter had not been the subject of any complaint to the Shire and it has only been brought to our attention via the consultation that has taken place in regard to the formal approval. Should the application not be approved the owners will be advised that the use must cease.

Noise and nuisance:

It is acknowledged that community concerns can arise about holiday homes and often those concerns relate to the behaviour of guests rather than being associated with the use per se.

As previously detailed, any short term Holiday Home use of a property is to be undertaken having regard to the various matters outlined within the Shire's PP20 which has been adopted to introduce management controls to any properties being used for this purpose. To this end the applicant has prepared a Management Plan that is consistent with the template detailed within the operative Policy.

Clause 6.2.5 - Renewal and Approval Period. This clause of PP20 sets out the basis on which Council will assess both initial and renewal applications.

- a. all initial planning approvals for holiday homes shall be granted for a one period unless the local government determines otherwise;*
- b. In determining an application for renewal, the Shire will consider the nature of any comments made regarding the operation of the activity and any other information available relating to the adverse impact of the activity on the amenity of neighbours and surrounding area. Some allowance will be made for the busy New Years and Easter period in Bremer Bay given the higher than normal tourist numbers in the town in general.*
- c. Where complaints have been made, issues relating to impact on amenity have been verified or other non-compliance with the planning approval has occurred, approval of the renewal application is unlikely to be granted.*
- d. Where the Shire is satisfied that the holiday home has been appropriately managed, an approval of the renewal application for a period of up to three years may be granted.*

Note:

Property Managers are fully responsible for the holiday home and to ensure there is minimal impact on the amenity of neighbouring properties. This provides a degree of certainty to operators, while also enabling the Shire flexibility to terminate approval of non-compliant operators, particularly where valid complaints are received, conditions of approval are not being complied with and/or there are concerns relating to the holiday home operations.

Existing Amenity:

It is acknowledged that the existing amenity is defined as being low density, characterised by single houses on single lots with areas of approximately 5,000m² in area. Whilst this is the current situation, the area is

split coded R2/R15 which identifies that the area may be further subdivided to the R15 density which enables the development of lots with average site area of 666m² per dwelling and minimum of 580m². This intent is clearly set out within operative Local Planning Scheme No.2.

The further development of the area is subject upon the extension of services as set out under Local Planning Policy No.1 – R2/15 Flexible Coded Areas.

It is acknowledged that the cost of providing the requisite infrastructure has served as barrier to the further subdivision of land to its full potential, however, the opportunity for closer development at some point in the future is possible with the associated changes to the existing amenity of the area.

Having regard to these matters, any concerns of noise and nuisance arising from land use becomes a management issue rather than a proximity issue and it is considered that there are sufficient mechanisms through the proposed management plans and guests codes of conduct to ensure that neighbour amenity is able to managed.

Summary:

Whilst acknowledging there has been objection raised to the application, it is considered that the applicant has made reasonable endeavours to ameliorate any potential adverse impacts arising from the use on that property and the application has met with the application requirements as set out within the operative planning policy.

The Shire's Planning Policy requires that property managers enforce management plans and affords the Council to opportunity to review the standing of approvals should the operation be found to be not complying with conditions of approvals.

Having regard to the matters set out above, it is recommended that the Council may approve the application subject to conditions as set out in the officer recommendation below.

STATUTORY ENVIRONMENT:

- Shire of Jerramungup Local Planning Scheme No.2 in respect to land use permissibility;
- Local Planning Policy No.20 – Holiday Homes

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for 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, in accordance with the provisions of the Shire of Jerramungup Local Planning Scheme No.2, **APPROVES**, the development application for a Holiday Home at (Lot:785; D/P:52330) Freeman Drive, Bremer Bay in accordance with the plans submitted with the application dated 23 May 2022, subject to the following conditions, with the associated determination advice notes.

1. Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application;
2. The holiday accommodation is to be used for short stay accommodation only, with a maximum stay of three months occupancy per annum by any single tenant;
3. The property manager will supply readily visible in the kitchen or living area of the home the code of conduct, the property management plan and the fire and emergency plan (including the fire evacuation route);
4. The holiday accommodation/home is to be operated in a manner consistent with the details of the approved property management plan at all times;
5. This planning approval is granted for a period expiring 12 months from the date of Council's approval after which time reapplication is required;
6. The Council may revoke its approval to operate the property as a Holiday Home should in its opinion determine that the conditions of approval are not being complied with.

DETERMINATION ADVICE NOTE.

- i) In determining an application for renewal, the Shire will consider the nature of any comments made regarding the operation of the activity and any other information available relating to the adverse impact of the activity on the amenity of neighbours and surrounding area.

Note 1:

If an applicant is aggrieved by this determination there is a right of review under Part 14 of the *Planning and Development Act 2005*. Application for a review must be lodged with the State Administrative Tribunal within 28 days. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN JULY 2022

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Rachel Smith, Executive Assistant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	21 July 2022
Attachments:	a) June/July 2022 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

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

BACKGROUND:

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

CONSULTATION:

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

COMMENT:

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

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

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

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

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

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

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

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031;
Provide informed and transparent decision making that meets our legal obligations and the needs of our diverse community

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

FINANCIAL IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

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

9.4.2 EXPRESSION OF INTEREST AND FINANCIAL SUPPORT FOR A GREAT SOUTHERN DESIGNATED AREA MIGRATION AGREEMENT (DAMA)

Location/Address:	N/A
Name of Applicant:	WALGA Great Southern Country Zone
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	12 July 2022
Attachments:	a) Great Southern Zone of WALGA - 24 June 2022 DAMA presentation b) Great Southern Zone of WALGA – DAMA Information Paper
Authority/Discretion:	Executive

SUMMARY:

A Designated Area Migration Agreement (DAMA) is a labour agreement allowing businesses/employers to sponsor skilled and semi-skilled overseas workers to fill labour shortages in specific areas that cannot be filled with Australian workers.

This report seeks a commitment from Council to support the establishment of a DAMA that covers all of the 11 Local Governments in the Great Southern region. Further the report seeks a financial commitment from each of the local governments to fund the business case necessary for the DAMA application.

Establishment of a Great Southern Region DAMA has both in-principle support and financial commitment from Regional Development Australia (RDA) and the Great Southern Development Commission (GSDC).

BACKGROUND:

A regional Designated Area Migration Agreement (DAMA) is a formal agreement between the Australian Government and a regional, state or territory authority. Operating under an agreement-based framework, a DAMA provides access to more overseas workers than standard skilled migration programs (Temporary Skills Shortage (TSS) 482 visa or Regional 494 visa) by allowing variations to standard occupations and skills lists.

Establishing a DAMA in the region requires the support of various stakeholder groups as well as an in-depth analysis of relevant employment markets with verified evidence to support the application. Once established, a DAMA is reviewed annually and may be varied yearly.

A DAMA is a two-tier framework covering a defined regional area. The framework is:

- first tier – an overarching five-year head agreement with the region's representative (e.g. Regional Development Australia Great Southern). A region representative is called the Designated Area Representative (DAR).
- second tier – DAMA labour agreements with businesses/employers under the head agreement for the region.

Under the framework the DAR forms the first tier and negotiates a DAMA on behalf of businesses/employers within its region. Negotiations provide the most significant benefit of a DAMA and encompass standard occupations, including skill lists and any concessions that may be appropriate to a specific occupation. Examples of negotiated concessions include an extension of the age criteria, relaxation of English skills requirements or modification to the skills and experiences required. The result is flexibility for regions to respond to their unique economic and labour market conditions.

The framework's second tier formalises the individual DAMA labour agreement. A business/employer applies for a DAMA Labour Agreement to the DAR. The business/employer must first demonstrate via

Labour Market Testing (LMT) that it cannot employ suitable Australian employees. (A LMT is a business case presented to a DAR and the Department of Immigration that provides solid evidence and includes advertising on the Australian Government's Jobactive website and other search methods.)

If an application satisfies the DAMA's terms and conditions, and is supported, the DAR provides endorsement of the application through an approval letter. Once endorsed, applications are then subject to assessment by the Department of Home Affairs and Minister of Immigration, Citizenship and Multicultural Affairs.

If an occupation is unavailable under the standard visa programme, or the DAMA program, a business may negotiate its own Labour Agreement with the Minister, separate from a regional DAMA. Negotiations are based on a labour market survey that demonstrates the reason why a previously unlisted occupation has been applied for.

It is noted most regional businesses do not have the capacity to individually negotiate a Labour Agreement due to lack of capacity, expense and time constraints. A regional DAMA would provide a more attractive option to support business owners in the Great Southern.

Benefits of a DAMA

A DAMA could provide a community with economic benefits through population growth and increased output.

The key value opportunity is that immigrant workers cannot move from the area of their DAMA, but can move between businesses within that area. Effectively migrant workers are secured to the region.

Another benefit of a DAMA is that the semi-skilled occupations, that are in shortage in the particular region, could be available under a DAMA, while they are not available under the standard visa program. Some examples of such occupations are truck drivers, wait staff, bar attendants, drillers, driller assistants, earthmoving/mobile plant operators and horticultural workers such as process and field workers.

DAMA concessions

English Language Concession:

The English language test scores required under a DAMA can be lower than under the standard visa program making it easier for the applicant's visa to be processed. This is especially the case where a person is generally a good English communicator but perhaps not able to meet the requirements of a stringent English test for a visa.

Temporary Skilled Migration Income Threshold (TSMIT) Concession:

The TSMIT value is set by legislation to ensure that migrant workers can financially support themselves in Australia and acknowledges the additional costs temporary residents incur, such as health care and education costs. The current value of the TSMIT is \$53,900, excluding superannuation.

When calculating whether the salary paid by an employer meets the TSMIT, annual earnings may consist of the base salary plus guaranteed earnings such as housing, company car, and guaranteed overtime where this is an industry standard. If an employer intends to include these guaranteed earnings to meet TSMIT requirements, they must be valued and written into the agreed employment contract.

The use of concessions must not undermine relevant industrial awards, nor market salary rates for an equivalent Australian employee in the same location.

Skills Concession:

Every occupation requires an assessment of education, qualifications and employment experience to determine comparability against the assessment standards of a DAMA.

Permanent Residency requirements:

Upon an approval of the subclass 482 visa, there may be a pathway to permanent residency, subject to satisfying the criteria and availability, through the subclass 186 scheme Employer Nominated Scheme Visa.

Age Concession:

To transition into permanent residency, every applicant must meet the age criteria, being under the age of 45.

DAMA requirements

Advice from the office of Rick Wilson, Federal Member for O'Connor, states that a request for a DAMA must contain, as a minimum, the following:

1. a letter of endorsement from the relevant stakeholders;
2. a Designated Area Representative (DAR), endorsed by stakeholders, who can manage the request to establish an agreement;
3. a business case if any additional concessions are being requested to the minimum requirements outlined for a company specific labour agreement; and
4. an explanation of how the DAR proposes to support employers and facilitate the integration of overseas workers in their local communities (for example – provision of information on workplace rights and sponsorship obligations; basic services in the local area such as health; emergency and educational services; community activities such as sporting groups and religious services; engagement of a multicultural officer);
5. supporting documentation, which may include:
 - a. profit and loss statements;
 - b. other applicable financial statements; and
 - c. relevant supporting information.

An example of a region in Western Australia currently covered by a DAMA, since 21 March 2019, is the Goldfields region. The City of Kalgoorlie-Boulder is the DAR and represents other regional and nearby shires.

The Goldfields region aimed to secure permanent labour so as to avoid constantly retraining employees, such as backpackers. The Pilbara region had also applied for a DAMA before the Goldfields was secured, however they were unsuccessful in their application due to not being able demonstrate eligibility.

It is important to note the Goldfields DAMA is an employer-sponsored visa programme providing the framework for employers in its designated area to sponsor skilled and semiskilled workers under visa subclasses 482, 494, and 186. This is the same model proposed by the Great Southern region.

The process of becoming a DAMA took the City of Kalgoorlie-Boulder 12 months, once the application was submitted. A financial consultancy business was engaged to undertake their business case, which can take between 3 and 6 months to establish.

From a human resource perspective, the City of Kalgoorlie-Boulder provided a 0.5 FTE (full time equivalent) staff member to liaise with the consultant throughout the formation of the Business Case.

In addition, the following on-going human resource tasks, required as the DAR, include:

1. dealing with an approximate average of 1 to 2 business applications per month. A charge of \$250 is levied for each nomination for endorsement. This includes Statutory Declarations and ensures businesses are financially viable and stable.
2. answering queries from prospective businesses, which can be very time consuming.
3. seeking guidance from a team within the Department of immigration.

4. undertaking of an Annual Report for the Department and Minister.
5. negotiation of ongoing Terms and Conditions of the DAMA.
6. surveys and analysis of the regional labour market.
7. monthly meetings with a Department of Immigration representative to discuss the DAMA programme. Note: The Department also liaises with businesses directly.

Other points of note, gained through research with external organisations, include:

1. a subclass 491 visa, for highly skilled and desired occupations, requires nomination by the State Government, or an eligible family member and doesn't require a sponsor. This type of visa cannot be included in a DAMA;
2. the City of Kalgoorlie-Boulder has a population of approximately 30,000;
3. the more local government authorities involved, the better the chance of securing a DAMA; and
4. a larger organisation, such as a Regional Development Authority is best positioned to take on the role of regional representative (DAR) and offers the application a stronger opportunity for success, indicating collaboration between communities.

Creating a DAMA is an extensive process, particularly for the lead organisation (DAR) involved in the application and consultancy phase. Furthermore, there are significant resources required to manage ongoing applications which require liaison with the Department of Immigration for the five-year term.

This type of project requires the support of many stakeholders including regional Local Governments, Chambers of Commerce, Regional Development Australia (RDA), Development Commissions, and members of parliament. All stakeholders must endorse the organisation that is capable and willing to accept the responsibility of being a Designated Area Representative.

Regional Development Australia (RDA) Great Southern have offered to act as the Designated Area Representative (DAR) which will meet this ongoing administrative requirement.

Alternative Visa Options to DAMA

Pacific Labour Mobility Scheme

This Scheme enables citizens of partner countries to take up low-skilled and semi-skilled work opportunities in all sectors in rural and regional Australia for up to 3 years. Partner countries include: Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

Seasonal worker Program (Agriculture and Accommodation)

This Scheme enables citizens of partner countries to take up unskilled and low-skilled work opportunities in the Australian agriculture and accommodation sectors in selected rural and regional locations of Australia for up to 9 months. Partner Countries: Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

Industry Labour Agreement

Labour agreements enable approved businesses to sponsor skilled overseas workers when there is a demonstrated need that cannot be met in the Australian labour market and where standard temporary or permanent visa programs are not available. Industry labour agreements are for a specific industry with fixed terms and conditions. The industry is required to show ongoing labour shortage and extensive consultation within the industry. Various approved industry labour agreements include dairy, aquaculture, fishing, meat and livestock, advertising, hospitality, labour-hire and religion.

Standard Business Sponsorship -482 (For highly Skilled Occupations)

This temporary visa lets an employer sponsor a suitably skilled worker to fill a position for which they are unable to find a suitably skilled Australian. Based on the occupation, this visa is generally granted for 2-4 years.

CONSULTATION:

A West Australian Local Government Association (WALGA) Great Southern Country Zone meeting was held in Jerramungup on 24 June 2022. All 11 Local Governments of the region were represented.

The Great Southern Development Commission Chief Executive Officer Natasha Monks also attended and participated in the briefing on a proposed DAMA for the region.

The meeting resolved:

That the Great Southern Country Zone of WALGA supports the concept of the Designated Area Migration Agreement (DAMA) as follows:

- 1. The Great Southern Country Local Governments are to report back to the Zone Executive Officer by Wednesday, 17 August 2022 as to their interest in joining the DAMA.*
- 2. The Great Southern Country Zone acknowledge the Regional Development Australia office will act as the Designated Area Representative (DAR), and*
- 3. The Great Southern Country Zone acknowledges that funding will be required from each Local Government.*

COMMENT:

The level of unemployment in the Shire of Jerramungup has remained relatively stable since late 2017. These low unemployment rates indicate the available pool of employees for the Shire of Jerramungup businesses is extremely low and is ultimately leading to business disruption. A number of employers within the Shire have reduced operating hours in order to cope with lower than desired staffing levels.

On the basis of the current employment conditions the author believes the development of a Great Southern regional DAMA offers part of a solution for those businesses who are currently experiencing under-employment. While it is unlikely a regional DAMA will be the panacea for all businesses it could provide an avenue to assist larger businesses with the capacity to invest in the program.

While a DAMA could produce potential employees, it must also be understood that housing considerations must be taken into account. While housing availability is easing, it is still a significant consideration, and is likely to continue for another 12-24 months, where employers will need to address this consideration in the development of their business case when preparing their DAMA applications.

On the basis of the relatively low cost, matched against the potential to provide businesses with increased access to new labour markets the author recommends the Shire signal its intent to participate at the next WALGA Great Southern Country Zone meeting on 26 August in Katanning.

Whilst the intent is for the entire Great Southern zone to be include in the DAMA prescribed area this can only be guaranteed if each of the 11 local governments agree both in principle and support the business case with a level of funding considered commensurate with their population and financial circumstances.

STATUTORY ENVIRONMENT:

Statutory Dependency Migration Act 1958.

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:

As outlined in Table 1 below a proposed funding model identifies the relative cost proposed by all stakeholders in the development of a DAMA in the Great Southern. It is expected that between \$80,000 to \$100,000 is required to develop the business case in order to be successful. This includes the cost of a consultant to conduct a survey of regional employers, research and provide statistics, and to identify any occupations that may fit the criteria for inclusion in a DAMA application. The direct costs of the consultant are estimated to be circa \$60,000 to \$80,000, with the balance required for project contingencies.

It is noted that a designated team member resource is required to liaise with the consultant. In the case of Kalgoorlie-Boulder, it was estimated that a staff member to the value of 0.5 FTE basis was required for the purpose of establishing their DAMA. Following the successful DAMA application, a further 0.5 FTE investment with ongoing tasks has been required.

RDA Great Southern have indicated they are prepared to fund the ongoing 0.5 FTE employee costs relating to the DAR for the proposed five-year period. On this basis each local government in the Great Southern are only required to fund the upfront business case. Each employer that makes application in the Great Southern will fund the ongoing administration costs of the DAR. There may also be a proportion of the application fees over the five-year period that recoups some or all of the original local government investment. This will be determined if the Great Southern zone local governments make a commitment to the business case and DARMA application. RDA Great Southern will lead this process and report back to the zone.

Table 1. Proposed Funding Model

		Estimated Population	Contribution based on Population	Adjusted Contribution
	Total Funds		\$ 111,803	\$ 100,000
	Organisation			
1	GSDC		\$ 10,000	\$ 10,000
2	RDA		\$ 10,000	10,000
	LGA's	\$ 1.50	\$ 20,000	\$ 20,000
		Per head of pop		
3	City of Albany	38,000	\$ 57,000	\$ 40,000
4	Shire of Denmark	6422	\$ 9,633	\$ 8,000
5	Shire of Plantagenet	5079	\$ 7,619	\$ 8,000
6	Shire of Katanning	4200	\$ 6,300	\$ 7,000
7	Shire of Kojonup	1985	\$ 2,978	\$ 5,000
8	Shire of Gnowangerup	1215	\$ 1,823	\$ 2,500
9	Shire of Broomehill-Tambellup	1144	\$ 1,716	\$ 2,500
10	Shire of Jerramungup	1109	\$ 1,664	\$ 2,500
11	Shire of Cranbrook	1089	\$ 1,634	\$ 2,500
12	Shire of Kent	550	\$ 825	\$ 1,000
13	Shire of Woodanilling	409	\$ 614	\$ 1,000
		61,202	\$ 91,803	\$ 80,000

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council

- 1. SUPPORT the development of a Great Southern Designated Area Migration Agreement; and**
- 2. REQUEST the Chief Executive Officer to advise the West Australian Local Government Great Southern Country Zone Meeting, by 17 August 2022, of the Shire of Jerramungup intent to participate, subject to:**
 - a. Regional Development Australia Great Southern undertaking the role of the Designated Area Representative, and**
 - b. A contribution of up to \$2,500, be confirmed as the Shire of Jerramungup contribution with the Chief Executive Officer authorised to commit funding up to this amount.**

9.4.3 2022 WA LOCAL GOVERNMENT CONVENTION AND APPOINTMENT OF VOTING DELEGATES

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:	15 July 2022
Attachments:	a) 2022 Conference registration papers and brochure
Authority/Discretion:	Executive

SUMMARY:

For Council to nominate which two members will be the voting delegates for this year's Annual General Meeting (AGM) of the WA Local Government Association (WALGA) to be held during the 2022 WA Local Government Convention.

BACKGROUND:

WALGA has advised that the 2022 WA Local Government Convention will be held at the Crown Perth from Sunday, 2 October to Tuesday, 4 October 2022.

WALGA's 2022 AGM will be held during the WA Local Government Convention in Perth. All member Councils are entitled to be represented by two voting delegates, being elected members or serving employees. Two proxy voting delegates are also required to be nominated.

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

CONSULTATION:

Nil

COMMENT:

The format of the 2022 Convention is as follows:

Sunday, 2 October (Pre-Conference)

3.00pm – 5.00pm Mayors and Presidents' Forum

5.00pm – 6.30pm Opening Welcome Reception

Monday, 3 October

7.00am – 8.30am ALGWA (WA) AGM and Breakfast

7.30am – 8.45am Breakfast with Heads of Agencies

9.00am – 1.00pm WALGA Annual General Meeting

2.00pm – 3.00pm Opening Keynote Speaker: Simon Trott, CEO Rio Tinto Iron Ore

3.40pm – 5.00pm Local Government into the Future: Bernard Salt AM

6.30pm – 10.00pm Gala Cocktail, Optus Stadium

Tuesday, 4 October

7.30am – 8.50am Convention Breakfast with Justin Langer AM

9.00am The State of Play: Panel discussion with Federal Members of Parliament

10.00am State and Federal Insights

11.15am	Leading the Way for Climate Resilient Regions
1.30pm	Concurrent Sessions: Future of Local Government Workforce Tourism into the Future Building Control: Red Tap or Community Service Holistic Wellbeing Measures: A Tool for Better Planning and More Engaged Citizens
3.45pm	Closing Speaker: Dr Craig Challan SC, OAM
4.45pm	Official Close of 2022 Local Government Convention

Wednesday, 5 October (Post-Conference)

9.30am – 4.00pm 2022 WALGA Aboriginal Engagement and Reconciliation Forum

With increasing community expectations of Local Governments legislative reform, and a rapidly changing economic, social and political environment, Local Governments must find new ways of serving and engaging with their communities. Agility, ingenuity, innovation and boldness will be required. Themed *Embracing Change*, the 2022 Convention will explore changes to the Local Government landscape over the coming years and how the sector can come together to inform, guide and embrace change

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

WALGA Training has scheduled a selection of its Elected Member training opportunities prior and post-Convention:

Thursday, 29 September	Emergency Management for Local Government
Friday, 30 September	Community Disaster Recovery for Local Government
Thursday, 6 October	Emergency Management for Local Government Leaders
Monday, 10 October	Strategic Policy Development

More information on WALGA Training opportunities can be found on WALGA's Training Website.

STATUTORY ENVIRONMENT:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

There will be an allocation in the 2022/2023 budget for elected members to attend conferences.

WORKFORCE IMPLICATIONS:

Government Policies provide direction for all Shire of Jerramungup employees.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That with respect to the 2022 WA Local Government Convention, Council:

- 1. APPOINT President Jo Iffla and Deputy Shire President Julie Leenhouders to represent the Shire of Jerramungup as voting delegates at the Western Australian Local Government Association's Annual General Meeting, to be held on Monday 3 October 2022; and**
- 2. APPOINT Chief Executive Officer Martin Cuthbert and Councillor _____ as proxy voting delegates for the Western Australian Local Government Association's Annual General Meeting, to be held on Monday 3 October 2022.**

9.4.4 INFORMATION STATEMENT 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:	19 July 2022
Attachments:	a) 2022/2023 Information Statement
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 2022/2023 Information Statement as presented and attached to this agenda and publish in accordance with the *Freedom of Information Act 1992*.

10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**(CONFIDENTIAL MATTERS)****11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.0 ADVOCACY POSITION ON ARRANGEMENTS FOR MANAGEMENT OF VOLUNTEER BUSH FIRE BRIGADES**

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:	21 July 2022
Attachments:	a) WALGA: Arrangements for Management of Volunteer Bush Fire Brigades – Proposed Advocacy Position
Authority/Discretion:	Advocacy

SUMMARY:

The purpose of this report is for Council to consider and formalise a response on the Proposed Advocacy Position on Arrangements for Management of Volunteer Bush Fire Brigades (BFBs), as requested by WALGA.

BACKGROUND:

The Volunteer Bush Fire Brigades have been a vital part of the regional Western Australian emergency services fabric since 1954 in a formal legislated system, but before that in heart of the community Brigades were considered to be unsupported volunteer service groups. The continuation of this service by the volunteers, ensuring the continuity of the brigades along with ensuring the safety of the members remain as the key priorities. How this is best achieved given findings of the 2016 Ferguson Report and the new safety mandates of the *Work Health and Safety Act 2020* (WHS Act) for volunteers, is a significant and critical issue for local governments to consider.

Long gone are the days of a group of farming neighbours fronting up to a fire with the Shire sending down some crew with machinery to assist. Volunteer bush fire brigades replaced this loose affiliation in 1954 through the commencement of the *Bush Fires Act 1954* with local governments being given responsibility to establish and run the brigades. Over time the State Government has increasingly mandated duty of care requirements to the members and those charged with their management to the point where the duty of care now extends to the volunteers themselves.

Western Australian Local Governments have assumed expansive roles and responsibilities embedded in the State Emergency Management Framework across the emergency management spectrum of prevention, preparedness, response, and recovery.

Under the *Bush Fires Act 1954*, Local Governments have responsibility for bush fires and the management of volunteer Bush Fire Brigades (BFBs). 111 Local Governments manage 563 BFBs involving approximately 20,000 volunteers. It is noted that the vast majority of those local governments managing brigades are located either in the peri urban or regional and remoter locations of the state whilst more affluent metropolitan local government areas are not encumbered by this responsibility as they are fully serviced by a state funded professional, full time fire service.

The Fire and Emergency Services Authority (now the Department of Fire and Emergency Services [DFES]) was established in 1999 for the purpose of improving coordination of Western Australia's (WA) emergency services, replacing the Fire Brigades and Bush Fires Boards. DFES provides strategic leadership for emergency services across WA. DFES manages the career fire and rescue service, as well as a number of volunteer emergency services: Volunteer Fire and Emergency Services (VFES); Volunteer Fire and Rescue Service (VFRS); State Emergency Services (SES); and Marine Rescue Western Australia.

Around Australia:

- WA is the only State in Australia in which Local Governments manage bush fire volunteers (pursuant to the Bush Fire Act 1954).
- In New South Wales, the NSW Rural Fire Service, which makes up the world's largest firefighting volunteer services, is managed by the NSW Government.
- Similarly, the Victorian Government manages the Country Fire Authority which manages regional fire services in Victoria.
- In South Australia, the Fire and Emergency Services Act 2005 (SA) provides for the South Australian Country Fire Service (SACFS) being established as a body corporate, currently managing 14,000 volunteers. The SACFS is responsible to the Minister for Emergency Services.
- In Queensland, the Fire and Emergency Services Act 1990 (Qld) provides for the establishment of rural fire brigades, with the Commissioner responsible for the efficiency of rural fire brigades.
- The Tasmanian Fire Service sits under the State Fire Commission, established under the Fire Service Act 1979, with more than 200 fire brigades across Tasmania, 350 career firefighters and 5,000 volunteers.
- The ACT Rural Fire Service sits under the ACT Emergency Services Agency and is responsible for all bush and grass fires in rural ACT areas, through 450 volunteers in eight brigades.
- Bushfires NT is a division of the Department of Environment, Parks and Water Security, which is responsible for administration of the Bushfires Management Act 2016. The Minister appoints members of the Bushfires Council and regional bush fires committees.

Current Arrangements in WA:

In Western Australia 111 Local Governments manage 563 BFBs involving approximately 20,000 volunteers. The Bush Fire Service is the largest volunteer emergency service by a significant margin:

- Bush Fire Service: 19,639 volunteers
- Fire and Rescue Service: 2,486 volunteers
- State Emergency Services: 2,001 volunteers
- Volunteer Fire and Emergency Services: 926 volunteers
- Emergency Services Cadet Corps: 2,261 volunteers
- Marine Rescue Service: 1,559 volunteers.
- The number of BFBs managed by Local Governments varies from one up to 20. For example, the Shire of Cranbrook, which has a population of 1,000 people, annual revenue of \$8 million and 29 employees, manages 11 BFBs. The City of Mandurah, population 88,000, annual revenue of \$116 million and 678 employees, manages one BFB.

DFES currently manages a number of BFBs in its own right. This includes seven bushfire brigades within the Kimberley and seven bushfire brigades within the Pilbara regions. Under this arrangement, Local Governments maintain responsibility for administering the *Bush Fires Act 1954* and carry out activities such as inspecting fire breaks and issuing burning permits.

In 2021 WALGA undertook a comprehensive Local Government Emergency Management Survey to ascertain the sector's sentiment with respect to their emergency management responsibilities. It is important to read the survey results (104 local governments responded) and realise support for volunteer BFBs is not consistent across Local Governments in WA.

As part of the survey, Local Governments were asked about their level of satisfaction with current arrangements for managing BFBs. 92 Local Governments (69 of which manage BFBs) provided the following feedback:

- 93% were not wholly satisfied with the current arrangements for the management of BFBs;

and

- 51% expressed that their Local Government does not support the requirements for Local Governments to manage BFBs.

CONSULTATION:

Internal

WALGA

EXECUTIVE SUMMARY

In March 2022 the provisions of the new *Work Health and Safety Act 2020* were fully transitioned. They clearly detail the standard of duty of care that entities responsible for volunteers now carry.

This standard has brought into focus the fact that local government is no longer the appropriate entity to be discharging the duty of care and the duty of provision of extreme risk bush fire management services in Western Australia. Whilst Western Australia's health and safety legislation is now in alignment with the rest of Australia, it is now at odds with the rest of Australia in terms of State Government responsibility for volunteer bush fire brigades.

Local government is clearly not best placed to meet the management and duty of care expectations enunciated in the *Work Health and Safety Act 2020* in the extreme risk area of bush firefighting. This new legislation exposes the gap between the extreme risk of bush fires and the capabilities and resources of local governments to meet this risk. The changes to the *Work Health and Safety Act 2020* has set up local government and its employees to an unacceptable level of risk if nothing is done to fix the fundamental question of "*what entity is best able to meet the responsibility for supporting volunteer bush fire brigades*".

It is argued in the strongest of terms that this responsibility must be placed in the hands of a State Government department or agency with appropriate expertise, capabilities and resourcing under the emergency services banner to adequately address and manage the risks associated with bush fires and support volunteers in this endeavour.

Cabinet has agreed on a review of the three emergency services Acts, the *Fire Brigades Act 1942*, the *Bush Fires Act 1954* and the *Fire and Emergency Services Act of 1998*, to create a single comprehensive Emergency Services Act which will improve community safety and better support all of our emergency services workers into the future. This work is being undertaken by DFES. (<https://www.dfes.wa.gov.au/site/about-us/corporate-information/legislation/legislation.html>).

This review represents a once in a generation opportunity have this matter addressed and give volunteer bush fire brigades the level of overarching support they need through an appropriately resourced State Government agency or department with new legislation designed to take over this role from local governments.

It is not appropriate that the current hybrid responsibility sharing arrangement continue between Local Government and the State Government, for either historic or power sharing reasons. This will perpetuate the current mixed message and unclear lines of responsibility that comes from a legislative underpinning of volunteer bush fire brigades as local government entities, while management, training, funding and operational support are provided through DFES. It is put that this will not ultimately be in the best interests

of the volunteers and their ability to be supported in the important role they undertake in managing bush fire risk.

WALGA has issued a Proposed Advocacy Position and InfoPage which proposes a hybrid model allowing local governments to opt in or out of management of volunteer bush fire brigade models. The matter is to be presented to WALGA State Council in September 2022. Option 4 aligns with the position espoused in this report, namely responsibility being transferred to the State Government.

COMMENT:

The Shire of Jerramungup has historically had a significant interest in volunteering and BFBs and this is reflected in the strength of the BFBs and the number of volunteers. This stability has been threatened recently with changes to Work Health and Safety legislation and the COVID-19 pandemic public health mandates stipulated by the State Government. The introduction of the *Work Health and Safety Act 2020* has highlighted Local Government and Responsible Officer liabilities in managing volunteer BFBs.

Volunteer Bush Fire Brigades are a vital and much valued part of regional and rural communities. This matter is not about the validity or effectiveness of the current BFB volunteers within the Shire. It is essential that the integrity of the Bush Fire Service is maintained, whatever the arrangements for the management of BFBs evolves into.

Options for future management of BFBs:

WALGA has offered four options for the future management of BFBs:

1. Status quo – continue with the current arrangements for management of BFBs whereby the majority are managed by Local Government and transfer arrangements are negotiated on an ad hoc basis between DFES and Local Governments (or their BFBs).
2. Improvements – continue with the current arrangements for Local Government management of BFBs with additional support provided by the State Government with respect to increased funding and better access to training resources and other support.
3. Hybrid Model – Local Government continues to manage BFBs where they have the capacity, capability and resources to do so; however, where they do not have the capacity, capability and resources, responsibility for management of BFBs is transferred to DFES.
4. Transfer – Responsibility for management of all BFBs is transferred to the State Government, consistent with the arrangements in other States and Territories.

Based on the feedback received from Local Governments in the WALGA Emergency Management Survey 2021 and other considerations, WALGA is leaning toward supporting a hybrid model for the management of BFBs.

A hybrid model allows the continued management of BFBs by those Local Governments with capacity, capability and resources to do so, while providing a framework for the transfer of the management of BFBs to the State Government where a Local Government cannot/does not wish to manage emergency services.

2016 “Reframing Rural Fire Management” Report of the Special Inquiry Into the January 2016 Waroona Fire (Ferguson Report)

Following the 2016 Waroona Yarloop bush fires the Public Sector Commission tasked a special inquiry led by Mr. Euan Ferguson AFSM into the matter. His report (Pg. 18) summarises the losses of these fires as follows:

“Tragically, during the fire, two residents of Yarloop lost their lives. The fire burned a total area of 69,165 hectares comprising 31,180 hectares of private property and 37,985 hectares of public land. One hundred and eighty one properties were destroyed. At time of writing, it is estimated that the cost

of the fire, including the costs of suppression, losses, damage and recovery (including estimated insurance losses) totals approximately \$155 million.”

In his report prologue (pg.12) he summarises his findings thus:

“It is my view that there exists a need to effect fundamental changes to the system of rural fire management in Western Australia. My conclusion, which has been very carefully considered, is that the current system for managing bushfire in Western Australia is failing citizens and the government.”

The recommendations for change were provided in two categories; Strategic and Agency opportunities for improvement. 17 Recommendations and 23 Opportunity statements were made. Critical to the context of this Council Report, is Recommendation 15, which is about rural fire management and it recommends:

“The State Government to create a Rural Fire Service to enhance the capability for rural fire management and bushfire risk management at a State, regional and local level. The proposed Rural Fire Service will:

- be established as a separate entity from the Department of Fire and Emergency Services or, alternatively, be established as a sub-department of the Department of Fire and Emergency Services;*
- have an independent budget;*
- be able to employ staff;*
- have a leadership structure which, to the greatest degree possible, is regionally based and runs the entity;*
- be led by a Chief Officer who reports to the responsible Minister on policy and administrative matters; and to the Commissioner for Fire and Emergency Services during operational and emergency response;*
- have responsibilities and powers relating to bushfire prevention, preparedness and response; and*
- operate collaboratively with the Department of Fire and Emergency Services, the Department of Parks and Wildlife, Local Government and volunteer Bush Fire Brigades.”*

“In creating the Rural Fire Service, the State Government to consider whether back office and corporate support services could be effectively provided by an existing Department, such as the Department of Fire and Emergency Services or the Department of Parks and Wildlife.”

“The State Government to review the creation of the Rural Fire Service two years after its establishment, to assess whether its structure and operations are achieving the intended outcome.”

This recommendation has only been partially implemented and the independent entity with the capabilities and resourcing described in the recommendation is far from realisation. This is in part because this requires legislative change, one that removes local government as the head of power body establishing and underpinning this entity. The opportunity for this change is now available with the review of the emergency services legislation.

Bush Fire Fighting Risk

The prologue to the Ferguson Report provides an excellent description of the complexities of fighting bush fires and making judgment following the event (pg. 11):

“Hindsight is a wonderful thing. But we must act with disciplined caution when exercising this hindsight. It must always be remembered that those who were key players in this fire emergency were not afforded such luxury. Many individuals, be they citizens or members of agencies or in community teams, worked in extreme and challenging conditions. Many were hot, hungry, dehydrated and sometimes sick with worry and exhaustion. Dangers were ever present. Fast decisions had to be made with information that was incomplete and sometimes conflicting. There were many unknowns. People

made decisions. Assumptions changed. Best laid plans failed. Teams used their initiative and adjusted. Even the most straightforward of tasks became complex. Emergency and essential services worked to create order out of chaos. Everyone worked against time and the progression of the fire.

“It would be easy to look at any shortcomings and be tempted to fall into the trap of finding fault and allocating blame. This must be resisted. In striving for excellence in bushfire emergency management, it must be recognised that there are many parts of the system: the fire, the weather, the terrain and the actions and reactions of people that are subject to sudden and unpredictable change. Under these conditions, much is unknown. Almost everything is shrouded by uncertainty. People make judgements and those judgements are not infallible. Errors can and do occur, despite the best intentions and best efforts of people.”

While the Ferguson Report wasn’t written with the aim of “finding fault and allocating blame”, the new *Work Health and Safety Act 2020* is. It is specifically designed and written to provide standards and responsibilities for health and safety, in order to provide a path for finding fault, allocating blame and then punishing those who are at fault.

Work Health and Safety Act 2020

Key features of the *Work Health and Safety Act 2020* are provided in the following extract from the “Overview of Western Australia’s Work Health and Safety Act 2020” put out by the Department of Mines, Industry Regulation and Safety, and Worksafe (pg. 2):

- The primary duty holder is the ‘person conducting a business or undertaking’ (PCBU) which is intended to capture a broader range of contemporary workplace relationships.
- A primary duty of care requiring PCBU’s to, so far as is reasonably practicable, ensure the health and safety of workers and others who may be affected by the carrying out of work.
- Duties of care for persons who influence the way work is carried out, as well as the integrity of products used for work, including the providers of WHS services.
- A requirement that ‘officers’ exercise ‘due diligence’ to ensure compliance.
- The new offence of industrial manslaughter, which provides substantial penalties for PCBU’s where a failure to comply with a WHS duty causes the death of an individual, in circumstances where the PCBU knew the conduct could cause death or serious harm.
- The voiding of insurance coverage for WHS penalties, and imposition of penalties for providing or purchasing this insurance.
- The introduction of WHS undertakings, which are enforceable, as an alternative to prosecution.
- Reporting requirements for ‘notifiable incidents’ such as the serious illness, injury or death of persons and dangerous incidents arising out of the conduct of a business or undertaking.
- A framework to establish a general scheme for authorisations such as licences, permits and registrations (for example, for persons engaged in high-risk work or users of certain plant or substances), including provisions for automated authorisations.

Importantly, the WHS Act captures the duty of care requirements for bush fire brigades and volunteers.

Work Health and Safety Act 2020 – Duty of Care Failure and Penalties

Significant fines now apply to local governments for failures to provide Duty of Care and criminal charges may be imposed on executive staff should they fail in their duty of care under the new Work Health and Safety Act 2020. A sevenfold increase in the maximum fine is now applicable to executives along with a 20-year jail term. The local government body is now subject to an uninsurable fine up to \$10M, up 2.85 times from \$3.5M.

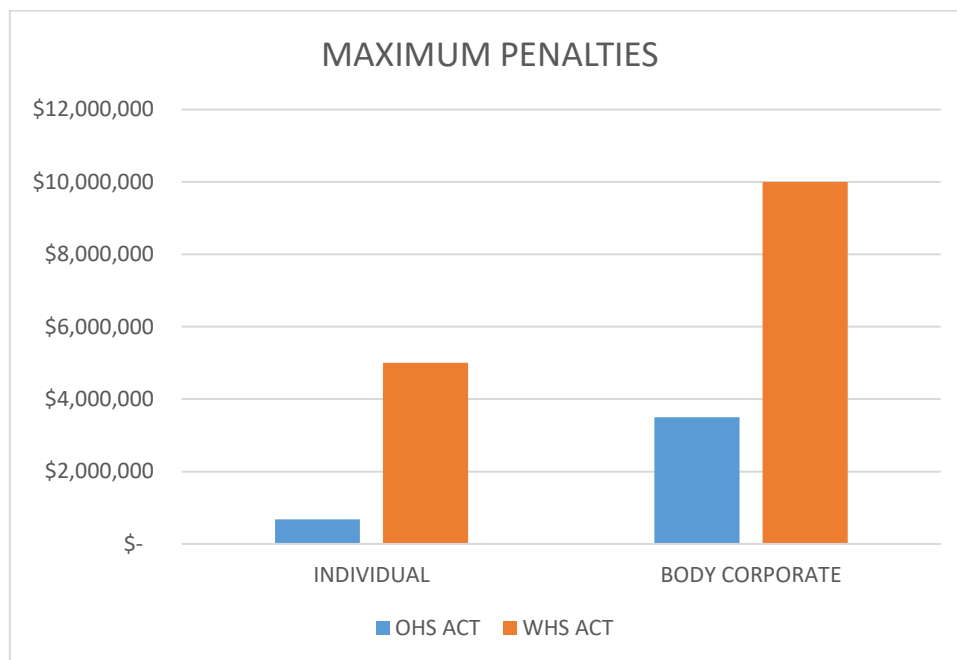


Figure 1. Maximum Individual and Body Corporate Penalties Comparison Between the Previous OHS Act (blue) and the WHS Act (orange)

Maximum penalties for breach of health and safety duty offences

Offence	Duty holder		
	Body corporate	Individual as a PCBU or officer	Individual as worker or other
Industrial manslaughter	\$10 000 000	\$5 000 000, 20 years in jail	Not applicable
Category 1	\$3 500 000	\$680 000, 5 years in jail	\$340 000, 5 years in jail
Category 2	\$1 800 000	\$350 000	\$170 000
Category 3	\$570 000	\$120 000	\$55 000

Note: Where a penalty provides for a fine or term of imprisonment, the Court may impose a sentence that includes either or both penalties.

Exceptions (section 34)

Volunteers are not liable for a failure to comply with a health and safety duty except in their capacity as a worker (section 28) or other person at a workplace (section 29).

Table 1. Maximum Penalties. Department of Mines, Industry Regulation and Safety, and Worksafe, “Overview of Western Australia’s Work Health and Safety Act 2020”, pg. 36.

LEVEL	INDIVIDUAL 1ST OFFENCE	INDIVIDUAL SUBSEQUENT OFFENCE	BODY CORPORATE 1ST OFFENCE	BODY CORPORATE SUBSEQUENT OFFENCE
1	\$ 100,000	\$ 120,000	\$ 450,000	\$ 570,000
2	\$ 250,000	\$ 350,000	\$1,500,000	\$1,800,000
3	\$ 400,000	\$ 500,000	\$2,000,000	\$2,500,000
4	\$ 550,000	\$ 680,000	\$2,700,000	\$3,500,000

Table 2. Maximum Penalties Under the Previous Occupational, Health and Safety Act 1984”, pg. 36.

The State Government has made crystal clear its overarching expectations regarding duty of care including that to volunteers. In doing so, however, it has raised a fundamental question about the appropriate provision of leadership and support for volunteer bush fire brigades in the extreme risk environment in which they operate.

Risk and *Work Health and Safety Act 2020* Implications

The new *Work Health and Safety Act 2020* safety mandate has brought into focus two related questions. Who is best placed to manage bush fire brigades, given the systems, expertise and control hierarchy needed to operate within the new *Work Health and Safety Act 2020* requirements?

Secondly, is the current legislation, which provides for local governments to establish and run bush fire brigades still appropriate given these mandated safety management requirements?

Recommendation 15 of the Ferguson Report answers these questions.

Local governments, and particularly those in executive level management, see a chasm between their risk management capabilities, expertise, control, financial support and the standards mandated in the new WHS Act for the extremely high-risk and complex activity of fighting bushfires. They also see that the State Government, through the Department of Fire and Emergence Services (DFES), which has the expertise, knowledge, systems, training support and control, is much more capable in fighting fires than local government as an entity will ever be. In fact, in all of these areas DFES currently provides support to the bush fire brigades, with local government effectively simply providing a legacy legislative platform for their existence, along with some administrative support, assets and land for VBFB facilities.

The disparate, disjointed management by individual local governments, may provide some tailored local focus, but it has no strategic, management expertise, operational expertise, coordination or cohesiveness, nor State Government consistent operational budget funding outside of grants; despite now carrying safety expectations well above local government primary expertise and risk management capabilities.

The WHS Act was ostensibly enacted, in part, to bring Western Australia in line with the rest of the Australian states, including responsibility for volunteers. Perhaps as an unintended consequence, this has highlighted a significant disparity across Australia, with every other state having their volunteer bushfire brigades run by State Government agencies rather than local governments. Many in local government charged with management oversight of the VBFBs, believe that a handover to the State Government is the necessary next step for Western Australia, if coming into line with the rest of Australia.

As an alternative way of viewing this issue, local governments would not be expected, or able, to competently manage the emergency services currently within DFES areas of responsibility. Nor would local government manage ambulance services, and nor should they. These are matters outside of local government core business and expertise. As a risk response, government, agencies and departments must operate within their core business and competencies. With a new focus on health and safety it is no longer appropriate that local government be required to operate in a highly specialized extreme risk area, when suitable alternatives exist, or should exist, as stated in the Ferguson Report.

Bush Fire Brigade Volunteers

The Ferguson Report (pp. 237 – 245) details the public response to the question of DFES involvement in fighting bush fires:

- DFES staff do not have sufficient expertise in rural fire management and don't understand our needs; and
- Inappropriate training is provided.

There is some skepticism and reluctance among some VBFB members around the State regarding leaving the local governments, where they believe there is often more autonomy, local knowledge and a local focus.

A review of the emergency legislation needs to ensure that bush fire brigades are at the table in terms of consultation and that their legitimate concerns are aired and resolved.

STATUTORY ENVIRONMENT:

Work Health and Safety Act 2020

Bush Fires Act 1954

The Department of Fire and Emergency Services is currently reviewing the three emergency services Acts. This represents a one in a generation opportunity to consider the best and most competent delivery of volunteer bush fire brigade services. Ensuring that WALGA is at the table in this review is critical to good outcomes for local government.

STRATEGIC IMPLICATIONS:

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

Encourage and support volunteers and community groups to grow an active volunteer base.

Governance and Leadership

Provide informed and transparent decision making that meets out 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:

Simple Majority

OFFICER RECOMMENDATION:

That Council requests:

1. **WA Local Government Association (WALGA) to advocate for:**
 - a. **Option 4 of its “Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position” paper, being, “Transfer – Responsibility for management of all BFBs is transferred to the State Government, consistent with the arrangements in other States and Territories”, and:**
 - b. **Provision of a legislated State Government department or agency to do so, fully implementing recommendation 15 of the “Reframing Rural Fire Management”**

Report of the Special Inquiry into the January 2016 Waroona Fire (Ferguson Report), which states;

“The State Government to create a Rural Fire Service to enhance the capability for rural fire management and bushfire risk management at a State, regional and local level. The proposed Rural Fire Service will:

- be established as a separate entity from the Department of Fire and Emergency Services or, alternatively, be established as a sub-department of the Department of Fire and Emergency Services;***
- have an independent budget;***
- be able to employ staff;***
- have a leadership structure which, to the greatest degree possible, is regionally based and runs the entity;***
- be led by a Chief Officer who reports to the responsible Minister on policy and administrative matters; and to the Commissioner for Fire and Emergency Services during operational and emergency response;***
- have responsibilities and powers relating to bushfire prevention, preparedness and response; and***
- operate collaboratively with the Department of Fire and Emergency Services, the Department of Parks and Wildlife, Local Government and volunteer Bush Fire Brigades.”***

“In creating the Rural Fire Service, the State Government to consider whether back office and corporate support services could be effectively provided by an existing Department, such as the Department of Fire and Emergency Services or the Department of Parks and Wildlife.

“The State Government to review the creation of the Rural Fire Service two years after its establishment, to assess whether its structure and operations are achieving the intended outcome.

12.0 COUNCILLOR REPORTS

13.0 NEW BUSINESS OF AN URGENT NATURE

14.0 CLOSURE

14.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 24 August 2022, commencing at 2.00pm, in the Emergency Services Shed, Bremer Bay.

14.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atpm

These minutes were confirmed at a meeting held

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Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: