



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, 28 July 2021
At the Council Chambers,
Jerramungup
Commencing at 2:00pm

Council Meeting Procedures

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

Martin Cuthbert
CHIEF EXECUTIVE OFFICER
22 July 2021

AGENDA

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OUR GUIDING VALUES

Progressive, Prosperous and a Premium Place to Live and Visit

DISCLAIMER

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

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

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

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

NOTES FOR MEMBERS OF THE PUBLIC

PUBLIC QUESTION TIME

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

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

MEETING FORMALITIES

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

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NOTES FOR ELECTED MEMBERS

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

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

ALTERNATIVE MOTIONS

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

DECLARATIONS OF INTERESTS

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

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

Section 5.60B states;

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

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

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

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

Regulation 34C (Impartiality) states;

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

2021 MEETING DATES

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

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

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

APPLICATION FOR LEAVE OF ABSENCE

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

Shire of Jerramungup
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ORDINARY COUNCIL MEETING AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened atpm by the Shire President.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

2.4 ABSENT

2.5 DISCLOSURE OF INTERESTS

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

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

2.5.1 DECLARATIONS OF FINANCIAL INTERESTS

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

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

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting held 23 June 2021.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 23 June 2021 be CONFIRMED

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

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

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Greg Stephens, Manager of Works
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	19 July 2021
Attachments:	a) Road Construction Schedule June/July 2021
Authority/Discretion:	Information

SUMMARY:

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

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

BACKGROUND:

Works, services and the proposed budget for the 2021/22 financial year and routine works and services.

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

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

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

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

Maintenance Grade, Tree Trimming and Drainage:

- The crew are currently working in the eastern region being Fitzgerald Road, Mallee Road, Jacup South Road, Quiss Road, Exchange Road completing maintenance grading and vegetation trimming. They have also been attending to other repairs and maintenance patching/importing gravel to areas with limited and/or no gravel within the road network. The grader has now moved to Corackerup Road to do repairs and maintenance and will continue to move around the Shire.
- Contract Grader – Bremer Bay area – Swamp Road, Doubtful Island Road, Meechi Road, Murray Road and Devils Creek South Road.

Construction Crew

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

- Borden/Ongerup Road – repairs to creek crossing (Road closed at Corackerup Creek, major damage)
- Meechi Road – Devils Creek crossing, major damage to downstream embankment.
- Stock Road, Marnigarup Road, Cameron Road, Park Road, Needilup North Road, Rabbit Proof Fence Road, Cardininup Road and various other roads – repairs to flood sections.
- Maintenance grading and patching damaged sections of road network.
- Carting sand to and from the Jerramungup swimming pool.

Town Works

- Town beatification works
- General routine maintenance
- Street pick up - debris and leaf litter ongoing
- Mowing, weeding and brush cutting – ongoing
- Works requests – Ongoing
- Weed spraying and suppression
- Airport weed spraying and mowing
- Pelican Park maintenance and tree trimming
- Road edge repairs – Bremer Bay
- Cemetery maintenance

Reports and Information during this reporting period:Plant

Due to the delays in receiving stock the new Zero Turn mower is unable to be purchased until August 2021, the budget funds for the machine will be carried over to the 2021/2022 financial year.

Regular maintenance and servicing on other plant and machinery.

Capital Works during this reporting period:Jerramungup North Road

Gravel sourced has been pushed up for the roadworks, sub-base has been formed up and will need to be worked again prior to laying in the base road gravel. Due to the rain the works have been delayed.

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

Boxwood Hill DWER Project.

Delayed due to rain event – The works on Circuit Road will involve reshaping the existing road from a two way cross fall to a one way cross fall, directing all the road water (1000 meters of catchment) to a low point of the road and then directing the water along an existing track to Dam 2 (Boxwood Storage).

The existing gravel pit (off Circuit Road), cleared from overburden and gravel has been pushed up for the works on Circuit Road and Heath Street.

Due to the recent rain, events works have been delayed.

Construction of water tanks at Boxwood Hill Sports Grounds – Contractors were on site Saturday 17 July and started to construct the tank however due to damaged liner were unable to complete the construction of the first tank.

Monday 19 July contractors arrived on site to install the second tank and there was a defect in the steel sidewalls due to manufacture faults. The contractors informed the manufacturing supplier of the issues and have ordered new tank and liner.

Note there will be no costs to the Shire for the defective materials and time wastage.

CONSULTATION:

Internal

COMMENT:

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

STATUTORY ENVIRONMENT:

There are no statutory implications for this report.

STRATEGIC IMPLICATIONS:

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The works completed are included in the 2021/2022 Shire of Jerramungup budget.

WORKFORCE IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the works report for June/July 2021.

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

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	7 July 2021
Attachments:	a) List of Accounts Paid to 30 June 2021 b) Credit Card Statement 28 May 2021 – 28 June 2021
Authority/Discretion:	Information

SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer’s delegated authority during the month of June 2021.

BACKGROUND:

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

CONSULTATION:

Internal consultation within the Finance Department.

COMMENT:

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

The table below summarises the payments drawn on the funds during the month of June 2021. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28175	
EFT Payments	18478 – 18567	\$608,031.38
Direct Deposits		\$47,150.83
Municipal Account Total		\$655,182.21
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$655,182.21

CERTIFICATE

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

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

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

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

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

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

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

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

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

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

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

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

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Finance Policy FP5 – Transaction Card

Finance Policy FP6 – Procurement of Goods and Services

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

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

- a) The List of Accounts Paid to 30 June 2021 as detailed in Attachment 9.2.1(a).**
- b) The Credit Card Statement 28 May 2021 – 28 June 2021 as detailed in attachment 9.2.1(b).**

9.2.2 MONTHLY FINANCIAL REPORT – JUNE 2021

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Tamara Pike, Senior Finance Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	21 July 2021
Attachments:	a) Monthly Financial Report for the period ending 30 June 2021
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 30 June 2021 as required by the *Local Government Act 1995* ('the Act').

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 30 June 2021.

BACKGROUND:

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

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 30 June 2021 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

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

Additionally, and pursuant to regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting on 19 August 2020, the Council adopted (Minute No. OCM200805 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2020-21 financial year:

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

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

CONSULTATION:

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

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

COMMENT:

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

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

STATUTORY ENVIRONMENT:

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

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

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

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

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

and

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

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

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

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

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

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

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

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

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

(b) *by program; or*

(c) *by business unit.*

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

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 30 June 2021 has been incurred in accordance with the 2020-21 budget parameters, which have been structured on financial viability and sustainability principles.

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

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

AP3 – Regional Price Preference

FP1 – Accounting for Non-Current Assets

FP2 – Rates and Accounts Collection

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 30 June 2021 in accordance with section 6.4 of the *Local Government Act 1995*.

9.2.3 ADOPTION OF BUDGET FOR THE FINANCIAL YEAR 2021/2022

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	14 July 2021
Attachments:	a) Separate cover – Budget for the Financial Year 2021/2022 b) Separate cover – 2021/2022 Road Construction Program
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this item is to present the Annual Budget for the Financial Year 2021/2022 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:

In the 2021/2022 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).

Good to strong market activity has continued to support and drive broadacre values. Strong interest from family farmers, with some large purchases from corporate investors, has seen values continue to lift across the whole Shire.

Landgate completed the rural assessments of all properties as at the Date of Valuation, 1 August 2020.

The following is a brief summary of changes occurring to the level of values in the 2020/2021 general revaluation of the Shire.

Summary of the general valuation 2020/2021 – Rural assessments is;

Total Valuation **\$305,847,800**

Average Overall Change **21.30%**

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'.

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 2021/2022 annual budget. It should be noted that the current economic market has also seen contractor and material costs significantly increase for capital and operating projects. The Shire believes that a 3.12% 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 Capital Expenditure within the 2021/2022 Budget include:

- \$2,583,641 in contractor and internal employee and plant related costs to deliver the 2021/22 Road Construction Program this will be offset with \$480,000 of Regional Road Group Funding and \$400,523 of Roads to Recovery Funding;
- \$3,610,066 allocated to the completion of the Jerramungup Swimming Pool project this will be offset by \$2.1m Building Better Regions Funding and \$1.4 million Department of Education funding and \$100,000 remaining from Drought Communities Funding;
- \$1,674,680 allocated towards the Fisheries Beach Boat Ramp project this will be offset with funding from Regional Boating Facilities Fund of \$644,032, Local Roads Community Infrastructure Phase 3 Program and the Shire's Bremer Bay Boat Ramp Reserve;
- \$465,000 allocated to purchase a new maintenance grader due to the low interest rates currently being offered through Treasury this will be offset with a loan this also allows an opportunity to build up the Shire's plant reserve;
- \$50,000 to upgrade the Shire's telecommunication network;
- \$26,000 allocated to the Lions Park Dump Point project this will be offset from funds from the Local Roads Community Infrastructure Phase 2 Program;

- \$75,000 allocated to the Bremer Bay Tennis Club resurfacing project on the condition the project is successful in achieving funding;
- \$71,000 allocated to complete the Boxwood Hill emergency water project this will be offset by Department of Water and Environmental Regulation remaining funding towards the project of \$44,714;
- \$33,000 allocated to sealing the Jerramungup airstrip apron and taxiway;
- \$30,000 allocated to the carpet and air conditioner replacement at the Bremer Bay CRC; and
- \$30,000 allocated to the John Street Drainage Project.

Significant areas of Operational Expenditure within the 2021/2022 Budget include:

- \$1.289m in contractor, materials and internal employee and plant related costs associated with the maintenance of roads, flood damage works, townsite streets, footpaths, street lighting and traffic signs maintenance;
- \$695,255 in 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, 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;
- \$682,189 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;
- \$566,618 in contractor and internal employee and plant related costs associated with the maintenance of parks and reserves, walk trails, public toilets and fish cleaning facilities;
- \$537,000 in parts and repairs, fuel and oil and tyres;
- \$228,598 in administrative and business support services for the medical services provider;
- \$242,449 contractor and materials associated with upgrading Council's building infrastructure;
- \$140,497 contractor and internal employee and plant related costs for Ranger Services;
- \$89,500 in Elected Members remuneration expenses;
- \$76,537 in expenses relating to the Bremer Bay and Jerramungup Libraries;
- \$50,000 provision for consultancy services to finalise the design of the Bremer Bay Cultural Precinct;
- \$37,000 allocated to audit fee expenses associated with Office of Auditor General and Independent Auditor fees;
- \$30,000 allocated to supply and erect safety fencing in Roe Park and Skate Park this will be offset with funds from Local Roads Community Infrastructure Phase 2 program.
- \$25,000 allocated to repaint the mural at the Lions Park;
- \$20,000 allocated to Building Surveyor contract services;
- \$19,267 allocated to replacement of playground equipment in Jerramungup and Bremer Bay this will be offset with funds from Local Roads Community Infrastructure Phase 2 program; and
- \$12,000 allocated to Environmental Health contract services.

Contributions to Community Groups and Committees within the 2021/2022 Budget include:

- \$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;
- \$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 annual contribution towards the operational and running costs associated with the Needilup Pavilion;
- \$1,000 annual contribution towards the operational and running costs associated with the Gairdner Hall.

Community Donation Requests within the 2021/2022 Budget include:

- \$5,000 donation request approved for the Bremer Bay Arts & Craft group to go towards refurbishing the old pottery shed. The refurbishment will provide a space where people can come together to learn and practice pottery in a safe environment.
- \$4,444 donation request approved for the Gairdner Progress Association to go towards the purchase of a stainless steel splashback to complete the kitchen upgrade works currently being undertaken at the Gairdner Hall.
- \$300 donation request approved for the Bremer Bay CRC to go towards the annual RechFish West Fishing Clinic.

The following community donation requests were considered and declined by Council;

- \$5,970 donation request declined from the Jerramungup Community Resource Centre to go towards the purchase and installation of outdoor blinds at the back of the CRC building.
- \$3,000 donation request declined from the Bremer Bay Men's Shed to go towards various expenses.
- \$18,790 donation request declined from the Boxwood Hill Combined Sports Club to go towards the hockey field renovation project and fencing around the grounds.
- \$20,000 donation request declined from the Needilup Progress Association to go towards the construction of an outdoor patio at the Needilup Pavilion.

Contributions to Sporting Clubs within the 2021/2022 Budget include:

During the draft budget meetings, Council considered a request from the Jerramungup Sports Club and Boxwood Sports Club for financial assistance to go towards operational costs. The Jerramungup Sports Club highlighted that due to a significant drop in volunteers over the years they are struggling and are unable to continue to maintain the grounds and facilities without financial assistance from the Shire.

Council supported the request and 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 will be required to be updated and reviewed on an annual basis to be eligible to receive the contribution. Council will review the annual contribution provided to all 3 sporting clubs each year through the annual budget process. The following amount was approved for each sporting club for the 2021/2022 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.

Regional Landfill Facility Reserve:

The Shire of Jerramungup's Regional Landfill Facility is located in Ravensthorpe, on 27 June 2014 a joint waste management agreement was executed by both parties. Clause 8(2)(c) of the agreement allows each party to agree on a percentage share of capital costs for future rehabilitation costs, it was an audit requirement that both Shires have this agreement in place by 30 June 2021.

The Shire of Ravensthorpe has estimated that the current cost estimate of rehabilitation is \$551,122 over 30 years of cell life. This is an annualised cost of \$18,371 which is to be shared by each local government. Both parties met and agreed to a cost share of 60% Ravensthorpe and 40% Jerramungup, this agreed cost share arrangement will be reviewed every 3 years.

To ensure the Shire can fund their portion of rehabilitation costs in the future a new reserve was created to allow funds to be put aside annually for the capital and rehabilitation costs associated with the landfill facility.

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 2021/2022 annual budget.

WORKFORCE IMPLICATIONS:

Total expenditure on net salaries is forecast to increase by 5.68% on last year's budget this is due to the following;

- Increase in levels for 5 x Works Department employees due to performance and duties being performed;
- Fair Work Increase to all Works Department employees of 2.5% effective 1 July 2021;
- The employment of a permanent tip attendant at the Bremer Bay Transfer Station;
- An increase to administration staff wages in line with Council's HR Policy AP7;
- A regional allowance for the Chief Executive Officer;
- Superannuation Guarantee increase to 10% from 1 July 2021.

Staff numbers are forecast to remain the same however there is a provision in the budget to employ additional Plant Operators on a casual basis as three works employees are due for their long service leave.

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 RECOMMENDATION:**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 2021/2022 financial year:

a) General Rates:

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

GRV: 10.1600 cents in the dollar

UV: 0.8240 cents in the dollar

GRV: \$695.00 minimum rate

UV: \$695.00 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 2021/2022 financial year;**a. Residential Properties – 240L Bin**

- i. \$397.00 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. \$397.00 per annum per additional 240L Rubbish Bin

b. Commercial Collections – 240L Bin

- i. \$397.00 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 2021/2022 financial year which includes the following;

- Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for the year of \$4,330,790.
- Statement of Comprehensive Income by Program on page 4 showing a net result for the year of \$4,330,790.
- Statement of Cash Flows showing cash & cash equivalents at year end of \$3,240,562 on page 6.
- Rate Setting Statement on page 7 showing an amount required to be raised from rates of \$3,504,912.
- Notes to and Forming Part of the Budget on pages 9-30.
- Transfer to/from Reserves Accounts as detailed on page 23.

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 22 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 2021/2022 financial year;

- Pay rates in full 24 September 2021
- Pay by two instalments:
 - First Instalment Payment 24 September 2021; and
 - Second Instalment: 28 January 2022
- Pay by four instalments:
 - First Instalment Payment 24 September 2021; and
 - Second Instalment: 26 November 2021
 - Third Instalment: 28 January 2022
 - Fourth Instalment: 1 April 2022

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 2021/2022 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 2021/2022 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 TEMPORARY EXPANSION – CBH GAIRDNER

Location/Address:	Lot 55 South Coast Hwy, Gairdner
Name of Applicant:	Cooperative Bulk Handling (CBH)
File Reference:	A1604708
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 July 2021
Attachments:	a) Gairdner Plans/Designs b) Gairdner Traffic Impact Statement
Authority/Discretion:	Administrative

SUMMARY:

Council is requested to consider a planning application for a temporary expansion to the existing CBH Grain Receival and Storage Facility at Lot 55 South Coast Highway, Gairdner. The proposal is to install two additional temporary Open Bulk Heads (OBH's) at the existing facility that are required on a time limited basis to cater for the anticipated needs of the 2021 harvest.

Conditional approval is recommended.

BACKGROUND:

Subject Site

The subject property is located approximately 1km west of the South Coast Highway – Gairdner South Road intersection and approximately 1.5km from the Gairdner townsite.

Lot 55 has an overall area of 82.3046ha and is developed with the existing Cooperative Bulk Handling (CBH) Grain Storage Facility. The subject site fronts South Coast Highway which is controlled by Main Roads WA.

Zoning and Scheme Requirements:

- The subject site and surrounding properties are zoned 'Rural' under the Shire of Jerramungup Local Planning Scheme No. 2 (the Scheme);
- The proposed open bulkhead can be considered to be an extension of the existing 'Industry-Rural' land use and is a discretionary land use that requires public advertising before consideration by Council.

CONSULTATION:

The consultation process required by the Scheme to be undertaken before the matter is determined by Council had not at the date of this report been completed. As an alternative, having due regard to the impending harvest season and the time it will take to construct the new overflow facilities, it is proposed that the Council delegate authority to the CEO to approve the application, subject to conditions once the requisite consultation has been completed.

Should there be any issues arising from that consultation that cannot be satisfactorily resolved between the parties and to the satisfaction of the CEO, then the matter would be referred back to the Council for determination at the next available Council meeting.

COMMENT:

CBH are proposing to construct two emergency open bulkheads (OBH's) at their existing Gairdner site in preparation for the 2021 harvest. The two OBH's will provide an additional 39,300 tonnes storage capacity at the site that will utilise the existing site access/exit and marshal/sample/weigh facilities. The two temporary bulkheads are to be located on an area of open ground that is located towards the southern (rear) boundary of the lot which is located behind the existing infrastructure.

The proposed development includes the following:

- Unsealed internal roads to and around the open bulk heads (OBH) connected to existing internal roads to cater to the harvest crop;
- Two 150m long, 35m wide OBH with a total capacity of 2x 19,650 tonne;
- OBH shall use 1.8m high wall frames on unsealed pads fixed to a 2.2m wide strip of cement stabilised to 200mm depth compacted gravel under seal;
- OBH shall be covered with tarpaulins once filled with grain;
- Stormwater drains shall be cut around the roads and connected to existing site-wide drainage.

The emergency OBH's are proposed to be in place for one year only. Any approval that is granted by the Council would be so conditioned that the approval be time limited to a specific period and that upon expiration of the approval period all structures cease to be used with immediate effect and be removed within a 60 day period.

STATUTORY ASSESSMENT:

The proposal has been assessed against the requirements of the Shire of Jerramungup Local Planning Scheme No.2 and generally complies.

The closest definition for the proposed land use is considered to be 'Industry-Rural' under the Scheme, it is defined as follows:

"industry-rural" means –

- a) an industry handling, treating, processing or packing rural products; or
- b) a workshop servicing plant or equipment used for rural purposes;"

'Industry-Rural' is an 'A' use or a "use that is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4."

The relevant objectives of the 'Rural' zone are:

- To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities where the land is capable of such development.
- To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment."

The proposed land use has little potential impact on the local environment and supports the broad-hectare farming in the district.

The Scheme Development Requirements and pertinent clauses are explored in the table below.

Scheme Clause	Officer Comment
5.26.1 Site Requirements The minimum building setbacks are to be: Front : 20.0m Rear : 20.0m Side : 10.0m	Complies

<p>5.26.2 (a) In considering an application for planning approval the local government will have due regard for the following, in addition to the provisions of the Scheme: (i) any sensitive or incompatible uses that may require buffer separation from the proposed use.</p>	<p>Complies Distance to closest residence greater than 1km and complies with EPA Guidelines.</p>
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The proposed development is relatively minor in scale and is consistent with the current approved use of the site. The existing access arrangements to and from the site are being retained and the open bulkhead will help to better manage the storage and transport of grain from growers to market.

Traffic Impact Statement:

As the existing access and egress to the property is taken from the South Coast Highway which falls to the management of MRWA, the applicant has engaged SHAWMAC, a Consulting Civil and Traffic Engineering company to prepare a Traffic Impact Statement (TIS). The purpose of the TIS is consider the impacts of traffic moving to and from the site on the surrounding road network.

A key takeaway from the TIS is that the volume of the anticipated 2021 harvest is expected to generate an additional 1,630 trucking movements to and from this site within the harvest period for out-loading. If the emergency OBH is constructed, then those movements still need to occur to move the grain for export, but this would occur outside the harvest period when there are less trucks on the road network.

The TIS concluded:

- The estimated traffic generation can be accommodated within the capacity of the adjacent road network.
- The additional traffic generated by the site is not considered to increase the likelihood of crashes to unacceptable levels.
- The sealed widths of the surrounding road are equal to or above the minimum road width for their relative RAV categories.
- Existing sight distances at the intersections are deemed satisfactory.
- The estimated traffic volumes do not warrant the installation of additional auxiliary lanes.
- Existing intersection geometry is adequate and no further widening required.

As previously identified, the South Coast Highway falls to the management of MRWA and the Shire would generally rely upon the advice of MRWA as to the whether the conclusions of the TIS are acceptable and as to what if any conditions should be applied to any planning approval.

At the time of preparing this report, the TIS had not been referred to MRWA for comment. As such, it proposed that any approval that is considered by Council is conditioned so that the TIS is referred to MRWA and that delegation is granted to the CEO to include any recommendations proposed by MRWA on the planning approval.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Shire of Jerramungup Local Planning Scheme No.2

EPA Guidance Statement No.3 – Separation Distances between Sensitive Land Uses

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

None arising from the consideration of a planning application.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

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

SUMMARY:

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

VOTING REQUIREMENT:

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

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

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

- The primary and major economic activity within the Shire is broad acre farming;
- The broader economy within the Shire provides goods and services to support the activities of the farming sector, thus there is a shared community interest in the industry;
- In this particular case, the proposed temporary OBH is being installed in response to an anticipated higher than average harvest and the installation of the OBH does not influence that level of production, rather it provides a better outcome for the local and broader community in terms of managing additional trucking movements during the harvest period when heavy road congestion already exists – thus there is an interest in common in managing that impact.

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

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

- (1) *If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter –*
- (a) *may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and*
 - (b) *may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –*
 - (i) *the disclosing member also discloses the extent of the interest; and*
 - (ii) *those members decide that the interest –*

- (I) *is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or*
- (II) *is common to a significant number of electors or ratepayers.***

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

(a) *the interest disclosed is an interest relating to a gift; and*

(b) *either –*

(i) *the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or*

(ii) *the gift is 1 of 2 or more gifts made by 1 person to the disclosing member at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection.*

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

(a) *the extent of any participation allowed by the council or committee; and*

(b) *if the decision concerns an interest relating to a gift, the information prescribed for the purposes of this paragraph.*

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

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

OFFICER RECOMMENDATION:

That Council;

1. Approve the application lodged by the Cooperative Bulk Handling for Two (2) Temporary Open Bulkheads (Industry-Rural) at Lot 55 South Coast Highway Gairdner subject to the following conditions:

a) Development shall be carried out and fully implemented in accordance with the approved plans numbered as follows:

- **590-ENG-C-1DCO-0002**
- **S119-ENG-ST-DGA-003**

b) That this planning approval is limited to 12 months, commencing for a period of no longer than 12 months from the date of the issue of a Building Permit for the construction of the Open Bulk Heads;

c) That the use of the temporary Open Bulk Heads is to cease with immediate effect by or upon the expiration of the 12 month term and that the applicant is to lodge a Demolition Permit with the Shire for the removal of all temporary structures within 60 days of the expiration of the 12 month period defined in Condition C above;

2. That Council delegates authority to the Chief Executive Officer to issue the Development Approval upon completion of the consultation period in accordance with the requirements of section 9.4 of Local Planning Scheme No.2. The delegation is granted on the basis there are no substantial objections received from surrounding land owners or referral bodies that cannot be satisfactorily resolved between the parties and to the satisfaction of the Chief Executive Officer. Should there be any issues that cannot be satisfactorily resolved between the parties then the matter would be referred back to the Council for determination at the next available Council meeting.

9.3.2 TEMPORARY EXPANSION – CBH JACUP

Location/Address:	Lot 10 South Coast Hwy, Jacup
Name of Applicant:	Cooperative Bulk Handling (CBH)
File Reference:	A1604695
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 July 2021
Attachments:	a) Jacup Plans/Designs b) Jacup Traffic Impact Statement
Authority/Discretion:	Administrative

SUMMARY:

Council is requested to consider a planning application for a temporary expansion to the existing CBH Grain Receival and Storage Facility at Lot 10 South Coast Highway, Jacup. The proposal is to install an additional temporary Open Bulk Head (OBH) at the existing facility that is required on a time limited basis to cater for the anticipated needs of the 2021 harvest.

Conditional approval is recommended.

BACKGROUND:Subject Site

The subject property is located 30km east of Jerramungup townsite and 1km west of the Jacup Road North intersection.

Lot 10 has an overall area of 14.9279ha and is developed with the existing Cooperative Bulk Handling (CBH) Grain Storage Facility. The subject site fronts South Coast Highway, which is controlled by Main Roads WA.

Zoning and Scheme Requirements:

- The subject site and surrounding properties are zoned 'Rural' under the Shire of Jerramungup Local Planning Scheme No. 2 (the Scheme);
- More recently, land at the eastern end of the facility was excised from the adjoining farmland in order to facilitate the construction of the Jacup Volunteer Fire Brigades new fire shed;
- The proposed open bulkhead can be considered to be an extension of the existing 'Industry-Rural' land use and is a discretionary land use that requires public advertising before consideration by Council.

CONSULTATION:

The consultation process required by the Scheme to be undertaken before the matter is determined by Council had not at the date of this report been completed. As an alternative, having due regard to the impending harvest season and the time it will take to construct the new overflow facilities, it is proposed that the Council delegate authority to the CEO to approve the application, subject to conditions once the requisite consultation has been completed.

Should there be any issues arising from that consultation that cannot be satisfactorily resolved between the parties and to the satisfaction of the CEO, then the matter would be referred back to the Council for determination at the next available Council meeting.

COMMENT:

CBH are proposing to construct an emergency open bulkhead (OBH) at their existing Jacup site in preparation for the 2021 harvest. It is proposed to construct a single new emergency OBH with 35,370t capacity which will utilise the existing site access/exit and marshal/sample/weigh facilities.

The scope of works includes the following:

- Unsealed internal roads to and around the open bulk heads (OBH) connected to existing internal roads to cater to the harvest crop;
- One 270m long, 35m wide OBH with a total capacity of 1x 35,370 tonne;
- OBH shall use 1.8m high wall frames on unsealed pads fixed to a 2.2m wide strip of cement stabilised to 200mm depth compacted gravel under seal;
- OBH shall be covered with tarpaulins once filled with grain;
- Stormwater drains shall be cut around the roads and connected to existing site-wide drainage.

The emergency OBH is anticipated to be in place for one year only. Any approval that is granted by the Council would be so conditioned that the approval be time limited to a specific period and that upon expiration of the approval period all structures cease to be used with immediate effect and be removed within a 60 day period.

Assessment

The proposal has been assessed against the requirements of the Shire of Jerramungup Local Planning Scheme No.2 and generally complies.

The closest definition for the proposed land use is considered to be ‘Industry-Rural’ under the Scheme, it is defined as follows:

“industry-rural means –

- a) an industry handling, treating, processing or packing rural products; or
- b) a workshop servicing plant or equipment used for rural purposes;”

‘Industry-Rural’ is an ‘A’ use or a “use that is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.”

The relevant objectives of the ‘Rural’ zone are:

- To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities where the land is capable of such development.
- To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.”

The proposed land use has little potential impact on the local environment and supports the broad-hectare farming in the district.

The Scheme Development Requirements and pertinent clauses are explored in the table below.

Scheme Clause	Officer Comment
5.26.1 Site Requirements The minimum building setbacks are to be: Front : 20.0m Rear : 20.0m Side : 10.0m	Complies
5.26.2 (a) In considering an application for planning approval the local government will have due regard for the following, in addition to the provisions of the Scheme: (i) any sensitive or incompatible uses that may require buffer separation from the proposed use,....	Complies Distance to closest residence greater than 1km and complies with EPA Guidelines.

The proposed development is relatively minor in scale and is consistent with the current approved use of the site. The existing access arrangements to and from the site are being retained and the open bulkhead will help to better manage the storage and transport of grain from growers to market.

Traffic Impact Statement:

As the existing access and egress to the property is taken from the South Coast Highway which falls to the management of MRWA, the applicant has engaged SHAWMAC, a Consulting Civil and Traffic Engineering company to prepare a Traffic Impact Statement (TIS). The purpose of the TIS is consider the impacts of the proposed emergency OBH storage on the surrounding road network.

A key takeaway from the TIS is that the volume of the anticipated 2021 harvest is expected to generate an additional 1,114 trucking movements to and from the site within the harvest period for out-loading. If the emergency OBH is constructed, then the 1,114 truck movements whilst still needing to occur to move the grain for export, but this would occur outside the harvest period when there are less trucks on the road network.

The TIS concluded:

- The estimated traffic generation can be accommodated within the capacity of the adjacent road network.
- The additional traffic generated by the site is not considered to increase the likelihood of crashes to unacceptable levels.
- The seal and carriageway widths of the surrounding road network meeting the relevant RAV network requirements.
- There is sufficient sight distance at the site exit onto South Coast Hwy.
- The swept path assessments for the entry movements show that the designated movements can be completed satisfactorily.
- The swept path assessments for the exit movements show encroachment over the shoulders and centreline and consideration should be given to widening the seal accordingly.
- For the designated RAV vehicle movements indicate that the designated movements can be completed satisfactorily.
- The existing BAR/BAL configuration of the site access off South Coast Hwy is appropriate to cater for the proposed additional traffic.
- Acceleration lanes on South Coast Hwy are not considered warranted.

As previously identified, the South Coast Highway falls to the management of MRWA and the Shire would generally rely upon the advice of MRWA as to the whether the conclusions of the TIS are acceptable and as to what if any conditions should be applied to any planning approval.

At the time of preparing this report, the TIS had not been referred to MRWA for comment. As such, it proposed that any approval that is considered by Council is conditioned so that the TIS is referred to MRWA and that delegation is granted to the CEO to include any recommendations proposed by MRWA on the planning approval.

This would be particularly relevant to any recommendation from MRWA that required widening of the seal of the South Coast Highway to resolve encroachments when trucks are exiting the facility.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Shire of Jerramungup Local Planning Scheme No.2

EPA Guidance Statement No.3 – Separation Distances between Sensitive Land Uses

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

None arising from the consideration of a planning application.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

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

SUMMARY:

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

VOTING REQUIREMENT:

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

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

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

- The primary and major economic activity within the Shire is broad acre farming;
- The broader economy within the Shire provides goods and services to support the activities of the farming sector, thus there is a shared community interest in the industry;
- In this particular case, the proposed temporary OBH is being installed in response to an anticipated higher than average harvest and the installation of the OBH does not influence that level of production, rather it provides a better outcome for the local and broader community in terms of managing additional trucking movements during the harvest period when heavy road congestion already exists – this there is an interest in common in managing that impact.

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

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

- (1) *If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter –*
- (c) *may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and*
 - (d) *may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –*
 - (iii) *the disclosing member also discloses the extent of the interest; and*
 - (iv) *those members decide that the interest –*
 - (III) *is so trivial or insignificant as to be unlikely to influence the disclosing member's*

conduct in relation to the matter; or
(IV) is common to a significant number of electors or ratepayers.

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

(a) the interest disclosed is an interest relating to a gift; and

(b) either –

(i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or

(ii) the gift is 1 of 2 or more gifts made by 1 person to the disclosing member at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection.

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

(a) the extent of any participation allowed by the council or committee; and

(b) if the decision concerns an interest relating to a gift, the information prescribed for the purposes of this paragraph.

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

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

OFFICER RECOMMENDATION:

That Council;

1. Approve the application lodged by the Cooperative Bulk Handling for a Temporary Open Bulkhead (Industry-Rural) at Lot 10 South Coast Highway Jacup subject to the following conditions:

a) Development shall be carried out and fully implemented in accordance with the approved plans numbered as follows:

- **594 – ENG-ST-DGA-003**
- **594-ENG-C1-DC0-001**

b) That this planning approval is limited to 12 months, commencing for a period of no longer than 12 months from the date of the issue of a Building Permit for the construction of the Open Bulk Head;

c) That the use of the temporary Open Bulk Head is to cease with immediate effect by or upon the expiration of the 12 month term and that the applicant is to lodge a Demolition Permit with the Shire for the removal of all temporary structures within 60 days of the expiration of the 12 month period defined in Condition C above;

2. That Council delegates authority to the Chief Executive Officer to issue the Development Approval upon completion of the consultation period in accordance with the requirements of section 9.4 of Local Planning Scheme No.2. The delegation is granted on the basis there are no substantial objections received from surrounding land owners or referral bodies that cannot be satisfactorily resolved between the parties and to the satisfaction of the Chief Executive Officer. Should there be any issues that cannot be satisfactorily resolved between the parties then the matter would be referred back to the Council for determination at the next available Council meeting.

9.3.3 FURTHER REPORT – PROPOSED NEW LEASE OVER LOT 2060 ON DP 93262 DOUBTFUL ISLAND BAY

Location/Address:	Lot 2060 on DP 9362 Doubtful Island Bay
Name of Applicant:	Shire of Jerramungup
File Reference:	LU.LI.3
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 July 2021
Attachments:	a) Applicant Request for Reconsideration b) Woha Report c) DPLH Letter
Authority/Discretion:	Administrative

SUMMARY:

Council previously considered and provided comment on a referral from the Department Planning Lands and Heritage Lands (DPLH) concerning the issue of a new lease over Lot 2060 on DP 93262 which is located on the Doubtful Island Bay Peninsula. Council considered the matter of the Ordinary Meeting of Council (OCM) held on 16 December 2020.

Since that time the DPLH have issued a Notification of Expiry of Lease/Non-Issue of Lease letter advising the former lessees that no new lease over the land would be granted.

Notwithstanding the decision of the DPLH, the former lease holders have provided additional information to that previously provided to the Council and are now requesting that Council consider the package of information with the view that Council may review/reconsider their previous resolution.

BACKGROUND:

The Council has previously considered a report on this matter at the OCM held 16 December 2020. The Council made the following resolution at that meeting:

MOVED: Cr Leenhouders SECONDED: Cr Parsons

1. That COUNCIL advises the Department of Planning, Lands and Heritage that the new lease over Lot 2060 on DP 93626 Doubtful Island Bay that:
 - a) Council is concerned that the grant of a new lease over the proposed Lot 2060 is contrary to the longer term vision for the area as articulated within the Council adopted Coastal Management Plan 2017-2027 and may set an undesirable precedent for the proper and orderly planning for the area insofar that it proposes to create exclusive tenure over areas that have been identified for investigation for greater public access and facilities;
 - b) That the existing development has not received any past planning or building approvals or approvals for the installation of septic waste systems and may not comply with current Local Planning Scheme and State Planning Policy requirements for development that is regarded as being a Vulnerable Land Use in a location that has been declared as being Bush Fire Prone by the Fire and Emergency Services Commissioner;
 - c) That the grant of a new lease without the development and land use being made to comply without all regulatory approvals being in place may set an undesirable precedent for other unauthorized development in the locality;
 - d) The Lease over Lot 2060 does not enjoy any legal access at present and that suitable arrangements should be established prior to the grant of any new lease.
2. That Council advises the Department of Planning, Lands and Heritage that should a new lease be contemplated then it should be contingent upon the following conditions;

- i) That all regulatory approvals be obtained for the development and land use and be to the satisfaction of the Shire of Jerramungup and relevant state agencies prior to the issue of a new lease;
 - ii) That suitable arrangements be put in place concerning access to the site to the satisfaction of the Department of Planning, Lands and Heritage;
 - iii) That a new lease be granted for no longer than five years and which excludes the lease area either being sub-let, on sold or rented for commercial gain or further developed in any way whatsoever.
3. That Council advises the Department of Planning, Lands and Heritage that in the event that the above conditions as proposed under Recommendation 2 above cannot be satisfactorily resolved prior to the expiration of the current lease, then the no further lease be granted and that all buildings be removed and improvements be cleared from the land.

CARRIED: 7/0

• **26 May 2021:**

Notification of Expiry of Lease/Non-Issue of Lease letter issued by DPLH – Land Use Management Unit to the former lessees advising them that no additional further term can be considered under the expired lease and that a new lease would not be granted.

A Copy of that letter is attached as an annexure to this report.

CONSULTATION:

No external consultation has taken place in respect to this matter.

COMMENT:

Further information:

Since the time of Council's past decision, representatives of the former lease holders have lobbied the DPLH, Councillors and the Administration to have the decision reviewed. This has culminated in a package of information being presented that seeks to address a number of the concerns raised by the Shire in its initial review of the matter and provide justifications for the Council to review its previous resolution.

In form that additional information consists of a letter from the former lessee's legal representatives and a report outlining the family's history with the area and providing conceptual management options for the locality.

Statutory Approvals:

The lease area is zoned Rural under the Shire of Jerramungup Local Planning Scheme No. 2. The proposed lease for the purpose of a residence is a "P" use (permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme) and the current use of holiday accommodation is a "D" use (not permitted unless the local government has exercised its discretion by granting planning approval). In this instance the use of the land would identify it as being Holiday Accommodation. This land use definition has further implications in that there are specific policy requirements and responses that arise under State Planning Policy 3.7 for the use and development of land that is located in areas that are identified as being bush fire prone.

Typically, approval for a use would only be granted once Council was satisfied that all relevant aspects of that Policy had been appropriately addressed. The previous report articulated concerns that as there had been no past planning or building approvals issued, Council could not be satisfied that the development met with all the requisite policy requirements.

The absence of past approvals has been acknowledged in the new submission and identifies that that at the time that the buildings were constructed the operating planning scheme did not require planning approval and that at the time of the construction no building licence was required to be issued under Part XV of the *Local Government Act 1960*. The inference put is that as such those requirements should be set aside.

The Administration had previously acknowledged that this situation may have existed, however, given that the statutory environment has evolved since that time and that the proposal at hand required the grant of a new tenure, any extension should be only be granted on the condition that all relevant planning and building approvals were obtained.

The Administration holds that this is an appropriate position to maintain having due regard to orderly and proper planning best practice. A decision to support non-compliant development could set an undesirable precedent and would potentially give rise and support for other known non-complaint development and could lead to further applications for approvals along the coast of the Shire that is contrary to the principles of proper and orderly planning.

As such the Administration does not propose any change to the past recommendation that a lease should only be issued upon the development being made to comply with all current statutory requirements.

Access

While the lease area is capable of being reached via 4x4 tracks through crown reserve and privately owned freehold land, there is no access through gazetted road reserves. There is a road reserve in the adjacent freehold land, however, it does not link up to the road network or have a constructed road/trail within it. The lease area also does not front a gazetted road reserve.

The lack of legal access to the site does conflict with those matters that Council is required to have regard to under the *Regulations*. Clause 67 (s) of the regulations requires that Council is to have regard to the adequacy of the proposed means of access to and egress from the site. The absence of a legal means of access would generally preclude support being given towards an application and if a new lease was to be granted to any party it should be contingent upon some form of easement or similar being created.

The lack of legal access in the interim will in turn have implications for any assessment of the proposal, should an application be submitted, against State Planning Policy 3.7.

The lack of legal access complicates the matter and there has been no solution provided to this issue in the new information provided. As such this issue continues to create a major impediment to the issue of any new lease.

Cultural History:

The lessees have provided a document (WOHA) that provides a comprehensive overview of the Hassell family's connection with the area. That connection and history is undisputed and there are meaningful ways to record that association through nominations to have the place entered onto both the Shires Municipal Inventory of Heritage Places and potentially the State Register of Heritage Places.

It is noted that the current building on the land has been identified as being of lesser heritage value however it is not unprecedented that places sans more contemporary buildings are included on the State Heritage List.

Future management options:

The WOHA document has provided commentary and conceptual plans as to how the locality may be developed into the future. It is accepted that the concepts are credible options however all is predicated on the basis that the existing building is retained notwithstanding the primary issues of concern that have been articulated by both the Shire and the DPLH Land Use unit regarding the issues of non-compliance and lack of legal access.

As was stated in the Shire's previous report, it is acknowledged that the roll out of the recommended actions within the Coastal Management Plan is likely to be a longer term proposal and is contingent upon a number of other actions such as the future direction of the South West Settlement that sits outside the Shire's remit.

STATUTORY ENVIRONMENT:

Land Administration Act 1997 – in respect to the leasing of land;

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

State Planning Policy 3.7 – Planning for Bushfire Prone Areas

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLCATIONS:

None arising from Council's consideration of this matter

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.

SUMMARY:

It is acknowledged that the Hassell family have enjoyed a long and enduring connection with the previous lease area and their desire to be able to secure a new lease is understandable. The future concept plans for the area have merit, however, it is also acknowledged that the future planning of that area can occur independently and is not contingent upon the continued holding of a lease that grants exclusive access to the land.

Notwithstanding the further information and arguments put by the party, the administration is not prepared to recommend that the Council set aside its previous resolution and it is recommended that the Council advises the lessee that it maintains its position in respect to a new lease as per Council resolution **MOTION: OCM201207** made 16 December 2020.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

- 1. That Council advises the former lessees of Lot 2060 on DP 93626 Doubtful Island Bay that it maintains its position on the issue of a new lease as resolved under MOTION: OCM201207 made at the Ordinary Meeting of Council held on 16 December 2020.**

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN JUNE 2021

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	20 July 2021
Attachments:	June 2021 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

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

BACKGROUND:

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

CONSULTATION:

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

COMMENT:

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

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

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

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

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

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

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

STRATEGIC IMPLICATIONS:

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

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

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

9.4.2 REVIEW OF RECORD KEEPING PLAN

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	GR.RL.2
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	14 July 2021
Attachments:	a) Current Record Keeping Plan b) Draft Record Keeping Plan
Authority/Discretion:	Legislative

SUMMARY:

This item presents the review of the Shire of Jerramungup Record Keeping Plan 2021 to Council for adoption.

BACKGROUND:

Under the *State Records Act 2000*, the Record Keeping Plan must be reviewed within five years of the approval date and a report of the review submitted to the State Records Commission. The Record Keeping Plan 2016003 has been reviewed and amended to reflect current records practices. The Plan describes how the organisation manages its record keeping compliance obligations, and the policies and process related to it. The purpose of this report is for Council to review and adopt the new Plan that is required to be submitted by 12 August 2021 to the State Records Office.

CONSULTATION:

Internal – Relevant Staff

State Records Commission

COMMENT:

The current Record Keeping Plan 2016003 has been reviewed and amended to reflect the changes in records management legislation, practices and processes.

A copy of the draft Record Keeping Plan 2021 is provided under separate cover due to the size of the document.

STATUTORY ENVIRONMENT:***State Records Act 2000******Part 3 — Record keeping plans for government organizations******Division 1 — General******16. Content of plans***

- (1) *A record keeping plan in respect of a government organization is a record setting out —*
 - (a) *the matters about which records are to be created by the organization; and*
 - (b) *how the organization is to keep its government records.*
- (2) *A government organization's record keeping plan must —*
 - (a) *comply with principles and standards established by the Commission under section 61; and*
 - (b) *ensure that the government records kept by the organization properly and adequately record the performance of the organization's functions; and*

- (c) *be consistent with any written law to which the organization is subject when performing its functions.*
- (3) *Without limiting subsection (1), a record keeping plan must set out —*
 - (a) *those government records that will be State archives;*
and
 - (b) *those State archives that will be restricted access archives and the ages at which they will cease to be restricted access archives; and*
 - (c) *the retention period for those government records that are not State archives; and*
 - (d) *the systems to ensure the security of government records and compliance with the record keeping plan.*
- (4) *A record keeping plan may set out the manner in which records will be created.*
- (5) *A record keeping plan may provide —*
 - (a) *for a government record to be reproduced in another form;*
 - (b) *for the destruction of a government record if a reproduction of it is being kept, even though the destruction occurs at a time when the record would otherwise not be able to be lawfully destroyed.*
- (6) *A government organization’s record keeping plan may provide that some or all of the organization’s State archives —*
 - (a) *are never to be transferred to the State archives collection under section 32(1); or*
 - (b) *are to be transferred at a time other than that prescribed by that section.*

17. Effect of plans

A government organization’s record keeping plan must be complied with by —

- (a) *the government organization; and*
- (b) *every government organization employee of the organization.*

19. Government organizations to have plans

Every government organization must have a record keeping plan that has been approved by the Commission under section 23.

Division 4 — Reviews of and periodic reports about plans

28. Review of plans

- (1) *A government organization may review its record keeping plan at any time.*
- (2) *A government organization must review its record keeping plan whenever there is any significant change to the organization’s functions.*
- (3) *The Commission may require a government organization, other than a Schedule 3 organization, to review its record keeping plan.*
- (4) *The relevant Minister may require a Schedule 3 organization to review its record keeping plan.*
- (5) *Not more than 5 years is to elapse between the approval of a government organization’s record keeping plan and a review of it or between one review and another.*
- (6) *When a government organization, other than the Commission or a Schedule 3 organization, has reviewed its record keeping plan it must submit a report of the review to the Commission.*

- (7) *When a Schedule 3 organization has reviewed its record keeping plan it must submit a report of the review to its relevant Minister.*

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

The Record Keeping Plan provide direction for all Shire of Jerramungup employees and Elected Members.

POLICY IMPLICATIONS:

AP4 – Records Management Policy.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council ADOPT the Shire of Jerramungup Record Keeping Plan 2021 (provided under separate cover) and endorse the submission of this Record Keeping Plan to the State Records Office.

9.4.3 ELECTRONIC VARIABLE MESSAGE BOARD POLICY

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 2021
Attachments:	a) Draft CP5 Electronic Variable Message Board Policy
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is to adopt a new policy (CP5 – Electronic Variable Message Board Policy) relating to the messages which can be displayed on the Shire’s new electronic variable message board.

BACKGROUND:

The Council allocated funds through the Local Roads and Community Infrastructure Program in the 2020/2021 budget for the purchase of a trailer mounted electronic variable message board (VMB). The Shire took delivery of the VMB during 2020 and has been used to date for public notices, fire notices and public events.

CONSULTATION:

Internal – Relevant Staff

COMMENT:

It is considered appropriate to formalise within a Council policy the types of messages which should be permitted on the VMB. Further, with increased usage and knowledge of the VMB, it is envisaged that the Shire will receive requests from external organisations for approval to advertise events and functions. A draft policy has been prepared which will guide the administration in dealing with such requests.

The various messages that were discussed by the administration were:

- Shire events and meetings;
- Shire originated community advice;
- Local government electoral notifications;
- Facility opening and closing times;
- Shire service delivery notifications;
- Emergency warnings;
- Notifications and reminders about Shire surveys and nominations for awards;
- High impact roadworks and road closures; and
- Community based or not-for-profit festivals, events and meetings.

It is recommended that the policy be confined to this list initially. The list aims to reflect Shire based activities in the main, but also includes community based events. There might be a need to refine this category depending on the number of events that could fall under this category.

STATUTORY ENVIRONMENT:

Local Government Act 1995 s.2.7(2)(b)

2.7. Role of council

1. *The council —*
 - (a) *governs the local government’s affairs; and*
 - (b) *is responsible for the performance of the local government’s functions.*

2. *Without limiting subsection (1), the council is to —*
(a) oversee the allocation of the local government’s finances and resources; and
(b) determine the local government’s policies.

STRATEGIC IMPLICATIONS:

This item relates to the following components from the Shire of Jerramungup Community Plan 2021 – 2031;
Work cohesively with groups across the community to improve engagement and to promote community participation.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

The proposal recommends establishment of a new policy.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council ADOPT CP5 – Electronic Variable Message Board Policy as attached to this report.

10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

(CONFIDENTIAL MATTERS)

10.1 CLOSURE OF MEETING TO THE PUBLIC

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

OFFICER RECOMMENDATION:

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

10.2: MEDICAL SERVICES PROVIDER CONTRACT

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

Simple Majority Vote Required

10.2 MEDICAL SERVICES PROVIDER CONTRACT

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: 14 July 2021
Attachments: a) Notice of Termination – With Notice
b) Notice of Termination – Immediate
Authority/Discretion: Administrative

OFFICER RECOMMENDATION:

That Council ENDORSE the Chief Executive Officer's actions in relation to clause 8.1 and schedule 2 of the Contract for the Provision of General Practitioner Medical Services and General Business Practice Support Services.

Simple Majority Vote Required

10.3 TENDER CONSIDERATION – CONSTRUCTION OF NEW BOAT RAMP AND JETTY

Location/Address: Shire of Jerramungup
Name of Applicant: Shire of Jerramungup
File Reference: CA.TD.13
Author: Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer: Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest: Nil
Date of Report: 19 July 2021
Attachments:
a) RFT 03-21 Tender Documentation
b) Tender Technical Specifications
c) Confidential – Tender Submissions Received
d) Confidential – Tender Assessment Matrix
Authority/Discretion: Executive

OFFICER RECOMMENDATION:

That Council, REJECT all tender submissions received for RFT 03/21, Construction of a new boat ramp and jetty at Fishery Beach Marina due to the prices submitted in excess of Councils budget.

Simple Majority Vote Required

10.4 REOPENING OF THE MEETING TO THE PUBLIC

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

OFFICER RECOMMENDATION:

That Council reopens the meeting to the public.

Simple Majority Vote Required

11.0 COUNCILLOR REPORTS

12.0 NEW BUSINESS OF AN URGENT NATURE

13.0 CLOSURE

13.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 25 August 2021, commencing at 2.00pm, in the Emergency Services Shed, Bremer Bay.

13.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atpm

These minutes were confirmed at a meeting held

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Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: