



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, 22 May 2024
At the Council Chamber,
Jerramungup
Commencing at 10:00am

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
16 May 2024

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.”

2024 MEETING DATES

At its Ordinary Meeting of Council on 25 October 2023, Council adopted the following meeting dates for 2024:

January	-	-	Council in Recess
Wednesday	28 February 2024	10.00am	Council Chamber, Jerramungup
Wednesday	27 March 2024	10.00am	Council Chamber, Jerramungup
Wednesday	24 April 2024	10.00am	Bremer Bay Hall, Bremer Bay
Wednesday	22 May 2024	10.00am	Council Chamber, Jerramungup
Wednesday	26 June 2024	10.00am	Council Chamber, Jerramungup
Wednesday	24 July 2024	10.00am	Council Chamber, Jerramungup
Wednesday	28 August 2024	10.00am	Bremer Bay Hall, Bremer Bay
Wednesday	25 September 2024	10.00am	Council Chamber, Jerramungup
Wednesday	23 October 2024	10.00am	Council Chamber, Jerramungup
Wednesday	27 November 2024	8.30am	Council Chamber, Jerramungup
Wednesday	18 December 2024	8.30am	Bremer Bay Hall, 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 atam by the Shire President.

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

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

Cr Gavin Mair

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****7.1 ORDINARY COUNCIL MEETING HELD 24 APRIL 2024**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Town Hall, Bremer Bay, on 24 April 2024 be CONFIRMED.

7.2 BREMER BAY COMMUNITY DEVELOPMENT COMMITTEE MEETING HELD 8 MAY 2024

Attachment 7.2 a)

That Council RECEIVE the Minutes of the Bremer Bay Community Development Committee Meeting held on 8 May 2024.

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

8.1 NIL

9.0 REPORTS

9.1 TECHNICAL SERVICES

9.1.1 WORKS REPORT FOR APRIL/MAY 2024

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Gordon Capelli, Works Supervisor
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 May 2024
Attachments:	Nil
Authority/Discretion:	Information

SUMMARY:

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

BACKGROUND:

Road Construction

The road construction crew have completed a gravel resheet on Cameron Road from SLK 3.45 to SLK 6.75, and have now moved to Cowalleup Road where they have started a gravel resheet from SLK 9.30 to SLK 12.20. Weather permitting, the works should be finished on 31 May 2024.

The construction crew will then move on to the last construction job for the 2023/24 budget, which is a 3km gravel resheet on Marnigarup Road.

Road Maintenance

The road maintenance grader has been grading Boxwood Hill townsite, Devil's Creek South Road, Meechi Road and Murray Road.

The construction grader has also graded Cowalleup Road and Carney Road while in that area.

Town Services

Bremer Bay

Over the last couple of weeks Town Services staff worked on a number of projects, including:

- Revitalisation of the Bremer Bay Cemetery, including pruning of trees, mulching of garden beds, and top dressing of the grassed areas with improved soils mixed with Kikuyu seeds.
- Pruning of street trees within the Bremer Bay townsite.
- Weed control along Point Henry Road and Wellstead Road, and along streets and footpaths within the townsite.
- Weed control within several reserves including Gnombup Reserve and John Street Reserve, with a key focus on targeting Vic Tea Tree and Polygala.
- Mulching of garden beds and general tidy up of Bremer Bay entry statement gardens.

Jerramungup

Town Services staff were kept busy in preparation for ANZAC Day with a number of on-ground maintenance activities including pruning of street trees, mowing of lawn areas, weed control and the removal of leaf litter from around drains and along kerbing.

Other work activities include the continuation of weed control of Fleabane, African Love Grass and Stink Weed along Jerramungup's Road Reserves, including the hand removal of Prickly Pear and several other invasive non-native Acacia species.

Over the last couple of weeks Town Services staff have been busy mulching gardens and spot spraying for weeds along footpaths and streets within the Jerramungup townsite.

Follow-up spraying of emergent winter weed was also carried out within the Jerramungup Airstrip.

Environment

Over the last couple of weeks, Town Services staff carried out several extensive weed control activities, with a key focus on controlling Vic Tea Tree populations, including the removal of over 2,000 trees and seedlings within two drainage systems along Don Ende Drive.

Other projects include the continuation of Vic Tea Tree control along Gairdner South Road, as well as mapping of Vic Tea Tree and Polygala populations within the Bremer Bay townsite and within Shire Reserves along the north western section of Mary Street.

CONSULTATION:

Internal

COMMENT:

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

STATUTORY ENVIRONMENT:

There are no statutory implications for this report.

STRATEGIC IMPLICATIONS:

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

Economy

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

Environment Built

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

Environment Natural

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

FINANCIAL/BUDGET IMPLICATIONS:

The works completed are included in the 2023/2024 Shire of Jerramungup budget.

WORKFORCE IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the works report for April/May 2024.

9.2 CORPORATE SERVICES

9.2.1 ACCOUNTS FOR PAYMENT – APRIL 2024

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	7 May 2024
Attachments:	<ul style="list-style-type: none"> a) List of Accounts Paid to 30 April 2024 b) Credit Card Statement - 27 February 2024 - 26 March 2024 c) Credit Card Statement – 2 April 2024 – 24 April 2024 d) Fuel Card Statement - March 2024
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 April 2024.

BACKGROUND:

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

Commencing 1 September 2023, Local Governments are required to report on payments by employees via purchasing cards, under new Regulation 13(A).

CONSULTATION:

Internal consultation within the Finance Department.

COMMENT:

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2023/24 Annual Budget as adopted by Council at its meeting held 26 July 2023 (Minute No. OCM230706 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 April 2024. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28181	
EFT Payments	21893 – 21991	\$400,991.55
Direct Deposits		\$84,280.66
Municipal Account Total		\$485,272.21
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$485,272.21

Included within the EFT payments from the Shire’s Municipal Account are Fuel Card Statement required to be reported under Regulation 13(A), totalling \$4,752.33.

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.

It is requested that any questions on specific payments are submitted to the Deputy Chief Executive Officer by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the meeting. This allows a detailed response to be given in a timely manner.

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.*

As part of the *Local Government Regulations Amendment Regulations 2023*, additional reporting is now required by Local Governments. Regulation 13(A), a new regulation, is required, as follows:

*Local Government (Financial Management) Regulations 1996 – Reg 13A***13A. Payments by employees via purchasing cards**

- (1) *If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared –*
- (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment;*
 - (d) *sufficient information to identify the payment.*
- (2) *A list prepared under subregulation (1) must 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.*

Regulation 13(A) came into operation from 1 September 2023.

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

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

FINANCIAL IMPLICATIONS:

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

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Finance Policy FP5 – Transaction Cards

Finance Policy FP6 – Procurement of Goods and Services

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

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

- The List of Accounts Paid to 30 April 2024 totalling \$485,272.21.
- The Credit Card Statement – 27 February 2024 - 26 March 2024 as detailed in Attachment 9.2.1 (b).
- The Credit Card Statement – 2 April 2024 – 24 April 2024 as detailed in Attachment 9.2.1 (c).
- The Fuel Card Statement March 2024 as detailed in Attachment 9.2.1(d).

9.2.2 MONTHLY FINANCIAL REPORT – APRIL 2024

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Tamara Pike, Finance Manager
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 May 2024
Attachments:	a) Monthly Financial Report for the period ending 30 April 2024
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 30 April 2024 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 April 2024.

BACKGROUND:

At its meeting held 26 July 2023 (Minute No. OCM230706 refers), Council adopted the annual budget for the 2023/24 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 April 2024 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 26 July 2023, Council adopted (Minute No. OCM230709 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2023/24 financial year:

Officer Recommendation 4: That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2023/2024 financial year for monthly reporting purposes.

CONSULTATION:

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

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

COMMENT:

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

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

STATUTORY ENVIRONMENT:

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

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

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

and

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

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

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

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

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

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 30 April 2024 has been incurred in accordance with the 2023/24 budget parameters, which have been structured on financial viability and sustainability principles.

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

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

AP3 – Regional Price Preference

FP1 – Accounting for Non-Current Assets

FP2 – Debt Recovery

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 30 April 2024 in accordance with section 6.4 of the *Local Government Act 1995*.

9.3 DEVELOPMENT SERVICES

9.3.1 PROPOSED BUILDING ENVELOPE RELOCATION – LOT 76 BLACK ROCKS ROAD, BREMER BAY

Location/Address:	Lot 76 Black Rocks Road, Bremer Bay
Name of Applicant:	Craig Pursey Planning Pty Ltd on behalf of Textile Pty Ltd
File Reference:	A100583
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	11 May 2024
Attachments:	a) Site Plan – Lot 76 Black Rocks Road
Authority/Discretion:	Administrative

SUMMARY:

The purpose of this application is for Council to approve the location of the building envelope.

The application is recommended for approval.

BACKGROUND:

Building Envelopes

A Subdivision Guide Plan (SGP) with building envelopes applies to all lots in Point Henry. The building envelopes on the approved SGP were established at the time of original subdivision and are regarded as being relatively nominal, as shown below:



Site Conditions

Lot 76 is virtually entirely covered in remnant vegetation with a small access track down the western boundary. A cleared portion of land in the southwestern corner was established recently as part of the marketing of the property. A slight ridge runs east-west through the southern portion of the lot.

No previous planning or building approvals have been granted for this property.

CONSULTATION:

In accordance with Local Planning Policy No.11 – Consultation, the proposal to relocate the building envelope and driveway was referred to those adjoining property owners who may have an interest in the matter.

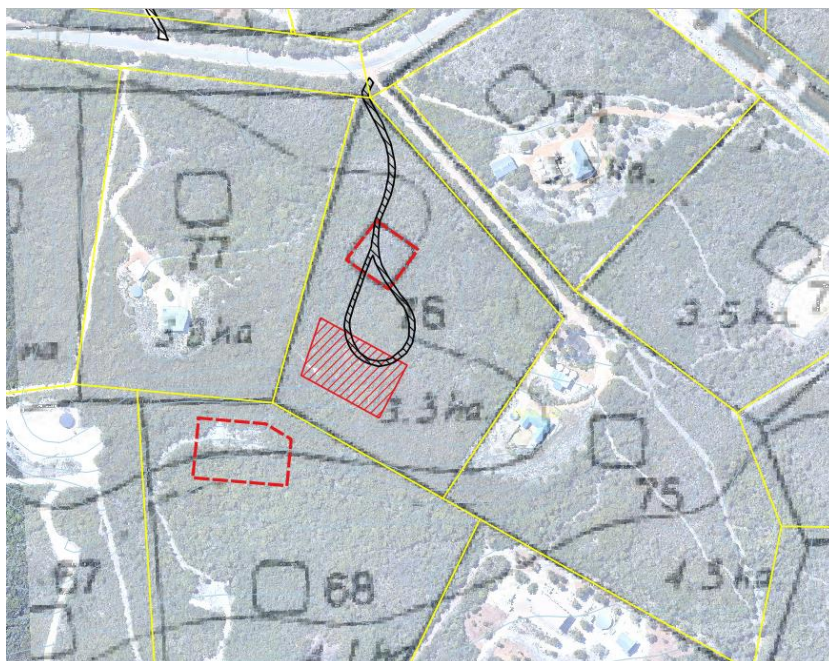
The application was referred nine (9) adjoining properties with one (1) objection being received.

The objection is from the owner of the property located immediately to the west of the subject site. The primary concerns are largely:

1. The nature of a future building and its potential site works; and
2. The future visual impact a development may have on their current amenity.

The proponent has provided a further submission in response to the concerns raised by the neighbour. This submission is summarised below:

- Note concerns are largely related to future building and potential site works;
- The Scheme will control height, colours, setbacks and site works at the time the house is applied for. If variations are proposed then an opportunity to comment will be provided at that time;
- The original building envelope shown on the SGP is 130m from the neighbouring house, the proposed building envelope is 115m, a barely discernable difference given the scale of the landscape;
- The neighbouring house (to the west of this site) is largely orientated away from the proposed building envelope with the primary views orientated towards Dillon Bay. Any new house in the proposed envelope would not be in that view line;
- The house site on the proposed building envelope is 3m lower than the existing house FFL to the west. If built no higher than 5m from natural ground level there will be little impact on visual amenity from the existing house to the west;
- It is suggested that building envelopes shown on the SGP were not well thought out, they were rudimentarily placed on the SGP at the time. This is borne out by the situation that almost every lot on Point Henry has moved their envelope as part of their planning process;
- The building envelope on Lot 77 was originally back parallel with the envelope on Lot 76. Lot 77 moved their envelope forward, moving the building envelope for Lot 76 forward brings parity with the original SGP (see diagram below).



- Current aerial photography overlaid with SGP shows every single property owner has moved their building envelope in this immediate area to the same high point/ridge.
- In addition to above, the applicant consider justification for the building envelope relocation includes the following considerations:
 - The location meets setback requirements of the Scheme and allows for a complaint single storey house to be built;
 - Future development in the proposed envelope will not be in any surrounding property's sight lines and is distant enough to existing and proposed housing to maintain everyone's privacy, even with fuel management of a future Asset Protection Zone;
 - The building envelope has been historically cleared as far back as 1998 and more recently as part of the marketing of the property. This would minimise clearing by using the existing cleared area as part of the proposed envelope. There may also be an expectation from nearby landowners that this is the future house location;
 - The owner understands that they are still required to prepare a compliant development application for a house at a time in the future; and
 - The owners are open to accepting a planning condition to plant screening vegetation compliant with Asset Protection Zone requirements between the proposed building envelope and the dwelling to the west.

It is the advice of the administration that it does not consider that there should be a 'first in, first served' approach to building envelopes and all owners should have equal and fair opportunity to apply for relocations within reason.

COMMENT:

Council is requested to grant development approval for a building envelope and driveway.

Elements of the development proposal include:

- Nomination of a 3,000m² building envelope (~45m x 65m in the south-western corner of Lot 76);
- A new driveway accessing the proposed building envelope, of dimensions and gradient to meet the requirements of the applicable bushfire planning framework;
- The 3,000m² building envelope is proposed in the southwest corner of the property, located on a small ridge that provides 270° views of Point Henry and surrounds. It is the same ridge that the other houses (including both of the adjacent lots) on Black Rocks Road are located on.

The building envelope is proposed to be accessed from a new driveway (utilising the existing crossover in Black Rocks Road – which is unavoidable given the lot dimensions) that curves through the property in a manner sympathetic to the natural topography and compliant with the requirements of the bushfire planning framework being:

- 4m wide all weather trafficable surface;
- A total of 6m horizontal and 4.5m vertical clearance;
- Maximum gradient of 1:10; and
- An emergency vehicle turnaround.

For this reason, the existing cleared access track down the western boundary is seen as unsuitable as the long term driveway location as it has a gradient greater than 1:10 for a portion of its length, in addition to privacy concerns for the neighbours to the west.

The existing cleared track would be retained as a boundary firebreak to the advantage of both Lots 76 and 77.

Future House

Application is being made to move the building envelope ahead of proposing a new house for the following reasons:

- The landowner advises they are still some time away from being able to progress with the construction of a new house. To undertake a site-specific design that responds to the site conditions, they need the surety that the new building envelope is acceptable to the Shire;
- The establishment of a new building envelope enables clearing that will allow for a feature survey of the building location and surrounds;
- The proposed building envelope is the only location on the site that the landowners wish to build. If this proved to not be possible, then it is advised they would be likely to sell the property.

The landowner has stated they understand that if the proposal to relocate the building envelope is successful, then the future house would need to meet the requirements of the Scheme, Local Planning Policies and Bushfire Planning Framework. They intend to develop a modest, single storey house in colours to blend with the landscape with a managed Asset Protection Zone to reduce bushfire risk but maintain screening to surrounding existing and proposed houses.

Zoning and Landuse Permissibility

- Lot 76 is Zoned ‘Rural Residential 1’ under Local Planning Scheme No.2 (LPS No.2).

Scheme Requirements

There are specific provisions applicable to the Rural Residential Zone. Clause 5.24.3 e) of LPS No.2 nominates that all buildings are to be contained within the building envelope defined in the SGP but the local government may permit a variation to the building envelope if it is satisfied that the proposed location of the building envelope will not be detrimental to the landscape or environment.

General compliance with the Scheme is summarised below;

5.24 Rural Residential Zone; Rural Residential Zone 1	
5.24.3 (e and f) Development Requirements	
Requirement	Proposed
All buildings on a lot are to be contained within the building envelope defined on the Subdivision Guide Plan but the local government may permit a variation to the building envelope if the local government is satisfied that the proposed location of the building envelope will not be detrimental to the landscape or the environment.	A variation is sought from the building envelope identified on the adopted Subdivision Guide Plan. The location has similar characteristics to building envelopes on surrounding properties, is already partially cleared and not seen from surrounding roads or public vantage points.
All buildings on a lot are to be contained within the building envelope, delineated on-site by owner and approved by the local government.	
The building envelope not exceed 10% of the lot area, or 3,000m ² whichever is the lesser.	The proposed building envelope is 3,000m ² in area being approximately 45m x 65m.

<p>Located having regard for the suitability of the soil for effluent disposal, wind protection and the objective to minimise erosion and the visual prominence of buildings.</p> <p>Be located on lots adjacent to major roads, tourist routes, the roads to the beaches on Point Henry Peninsula, and reserved land so that any building is not visually prominent when viewed from such roads or reserved land.</p> <p>Be located, wherever possible, so that new dwellings will not be visible from dwellings on adjacent or surrounding properties.</p>	<p>A new dwelling in the proposed building envelope will be partially seen from nearby residences. However, due to the nature of the vegetation on Lot 76 and surrounds a house would be seen anywhere on Lot 76.</p> <p>In this case a house located in the proposed building envelope will not be visually prominent from other existing and proposed housing for the following reasons:</p> <ul style="list-style-type: none"> • The house on Lot 77 is largely orientated to their westerly views and there is 110m between likely house sites leaving plenty of screening vegetation. • The existing house on Lot 75 is ~4m lower in the landscape and looks west-south-west to their view, past and below the proposed building envelope. Vegetation screens the proposed building envelope from this house. • The approved, alternate building envelope on Lot 68 Native Dog Beach Road (below Lot 76) is at least 6-7m lower in the landscape, a future house would be orientated to face west, is 90m away and, even with Asset Protection Zone in place, there would still be 30-40m of screening vegetation in place.
<p>Driveways are to be located and constructed to the satisfaction of the local government having regard for the objective to minimise soil erosion and the visibility of driveways.</p>	<p>The proposed driveway curves away from Black Rocks Road allowing existing vegetation to screen its length from that road. A curve linear design allows for effective drainage without the scouring that a long straight driveway may cause.</p>
<p>Schedule 11</p>	
<p>Minimum setbacks for building envelopes are to be 20 metres from road frontages and 15 metres from all other boundaries.</p>	<p>Complies - the proposed building envelope is 15m from the western boundary and 30m from the southern boundary.</p>

Based on the above assessment, the proposal to relocate the building envelope is justified as follows:

- The location meets the setback requirements of the Scheme and allows for a compliant single storey house to be built.
- Future development in this proposed envelope will not be in any surrounding property’s primary view corridors and is distant enough to existing and proposed housing to maintain everyone’s privacy, even with fuel management of a future Asset Protection Zone.
- The ridge affords the house access to winter sun, important for enabling a passive solar house and to meet the 7-star energy efficiency requirements of the BCA that will be in place in the near future.
- The envelope is located well away from Black Rocks Road and will not be seen from any tourist route or public vantage point.
- The building envelope location has been historically cleared since as far back as 1998 and more recently as part of the marketing of the property. This location would minimize clearing by utilising the existing cleared area as part of the proposed building envelope. There may also be an expectation from nearby landowners that this is the future house location.



Aerial photo December 1998 – Landgate – showing the proposed building envelope as the only cleared part of Lot 76.

STATUTORY ENVIRONMENT:

- LPS No.2 in terms of land use and development control;
- Local Planning Policy No.18 Point Henry Fire Management;
- Local Planning Policy No.11 - Consultation

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

WORKFORCE IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

- 1. Approve the application lodged by Craig Pursey Planning Pty Ltd for Textile Pty Ltd (owners) for a relocated building envelope and driveway on Lot 76 Black Rocks Road, Bremer Bay subject to the following conditions:**
 - i) A landscape plan which details the proposed planting schedule to be implemented along the western boundary of the approved building envelope and boundary of Lot 76 is to be submitted for approval by the Manager of Development prior to the commencement of any clearing works;**
 - ii) The landscape plan referred to in Condition i) above, once approved, is to be implemented and thereafter maintained in perpetuity.**

9.3.2 PROPOSED BUILDING ENVELOPE RELOCATION, TWO WATER TANKS AND UTILITY BUILDING – LOT 35 GNEISS HILL ROAD, BREMER BAY

Location/Address:	Lot 35 Gneiss Hill Road, Bremer Bay
Name of Applicant:	V Allen
File Reference:	A100825
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	11 May 2024
Attachments:	<ul style="list-style-type: none"> a) Site Plan – Lot 35 Gneiss Hill Road b) Building Envelope – Lot 35 Gneiss Hill Road – Original and Revised Locations c) Site Layout Plan – Lot 35 Gneiss Hill Road d) Plan and Elevations – Water Tanks – Lot 35 Gneiss Hill Road e) Plan – Construction Amenity Layout and Power Plan f) Elevations and Sections – Utility Building
Authority/Discretion:	Administrative

SUMMARY:

The purpose of this application is for Council to approve the location of the building envelope and the construction of two water tanks and an 11.7m² temporary utility building on Lot 35.

The application is recommended for approval.

BACKGROUND:

Building Envelopes

A Subdivision Guide Plan (SGP) with building envelopes applies to all lots in Point Henry. The building envelopes on the approved SGP were established at the time of original subdivision and are regarded as being relatively nominal as shown below:



Site Conditions

Lot 35 is virtually entirely covered in remnant vegetation with an access leg that links the lot back to a point near the cul-de-sac head of Gneiss Hill Road. A ridge runs north-south through the western end of the lot.

No previous planning or building approvals have been granted for this property.

CONSULTATION:

In accordance with Local Planning Policy No.11 – Consultation, the proposal to relocate the building envelope and driveway was referred to those adjoining property owners who may have an interest in the matter.

The application was referred to four (4) adjoining properties with one (1) objection being received. Two (2) letters of support were received.

The objection is from the owner of the property located immediately to the west of Lot 35. The primary concern is largely concerned with:

1. The visual impact of the two water tanks where they are proposed to be located; and
2. The visual impact of the temporary utility building where it is proposed to be located.

The concerns raised from the neighbour have been communicated to the applicant and a response to those concerns was provided. The matters raised in that response are summarised as:

- Prior to lodging the formal application, the applicant met the affected neighbours on-site to discuss the proposal and modified the proposed building envelope location to address some of the initial concerns;
- The applicant has located the proposed building envelope on the property with a minimum (boundary) setback of 68m in all directions to gain privacy, as opposed to the minimum dimensions of 20m adopted by adjacent properties and elsewhere on the peninsula;
- The (future) new house will be a single level residence (over the rainwater tanks) however the design will not be finalized until the property clearing has taken place and ground levels are established;
- The applicant makes no representations concerning the view of the new proposed residence. They highlight that the existing building envelope location (as per the SGP) would be significantly closer and have a visual impact on neighbours to the east, west, north-east and north-west;
- It is the intent to build the dwelling into the landscape and if necessary, supplement landscaping to ensure privacy to all neighbours;
- There are a considerable number of mature trees on the property that will remain and screen the neighbours property to the east;
- In summary, the applicant believes that the new building envelope provides more distance from neighbours and gains greater privacy for all;
- Utility building – the purpose of the building is for use as a toilet and shower amenity. The structure will also house a diesel generator for use during the construction phase and later to act as a backup source of power. The building is small and will be architecturally designed in a dark hard wood that will silver off to blend with the environment;
- Location of water tanks – two 107kl water tanks are proposed and the plan is to conceal these rain tanks in the ground under the (future) house. To achieve this the tanks are to be set 3.0m below the existing natural ground level;
- Absence of house plans – Lot 35 has a high density of trees and shrubs which makes it difficult to understand the best location for the dwelling until the applicant has cleared some land to create the building envelope to establish ground levels, sight lines and orientation.

It is the advice of the administration that it does not consider that there should be a ‘first in, first served’ approach to building envelopes and all owners should have equal and fair opportunity to apply for relocations within reason.

COMMENT:

Council is requested to grant development approval for a building envelope, driveway, two water tanks and a small utility building.

Elements of the development proposal include:

- Nomination of a 2,500m² building envelope (50m x 50m) located centrally on Lot 35.
- A new driveway accessing the proposed building envelope, of dimensions and gradient to meet the requirements of the applicable bushfire planning framework.
- The 2,500m² building envelope is proposed towards the central point of the lot that will afford westerly views towards Dillon Bay.

Lot 35 is effectively a battleaxe lot that is accessed via an access leg that follows a strategic firebreak that links between Gneiss Hill Road and Point Henry Road. As a consequence of the subdivision pattern, the lot is bound on all sides by other properties and therefore this constrains the opportunity to develop the property without having some unavoidable effect on surrounding lots.

Future House

Application is being made to move the building envelope ahead of proposing a new house for the following reasons:

- The landowner advises they are still some time away from being able to progress with the construction of a new house. To undertake a site-specific design that responds to the site conditions, they need the surety that the new building envelope is acceptable to the Shire;
- The establishment of a new building envelope enables clearing that will allow for a feature survey of the building location and surrounds.

The landowner has stated that they propose to develop the property with a single level house that will be built over the two water tanks so as to screen those structures, and to facilitate that, the tanks are to be set 3.0m below the existing natural ground level. Future plans will be assessed against the Scheme provisions for compliance and should there be any variations this would facilitate further consultation and consideration as to the acceptability of those variations.

Zoning and Landuse Permissibility

Subject Lot is Zoned 'Rural Residential 1' under Local Planning Scheme No.2 (LPS No.2).

Scheme Requirements

There are specific provisions applicable to the Rural Residential Zone. Clause 5.24.3 e) of LPS No.2 nominates that all buildings are to be contained within the building envelope defined in the Subdivision Guide Plan (SGP) but the local government may permit a variation to the building envelope if it is satisfied that the proposed location of the building envelope will not be detrimental to the landscape or environment.

General compliance with the Scheme is summarised below:

5.24 Rural Residential Zone; Rural Residential Zone 1	
5.24.3 (e and f) Development Requirements	
Requirement	Proposed
<p>All buildings on a lot are to be contained within the building envelope defined on the Subdivision Guide Plan but the local government may permit a variation to the building envelope if the local government is satisfied that the proposed location of the building envelope will not be detrimental to the landscape or the environment.</p> <p>All buildings on a lot are to be contained within the building envelope, delineated on-site by owner and approved by the local government.</p> <p>The building envelope not exceed 10% of the lot area, or 3,000m², whichever is the lesser.</p> <p>Located having regard for the suitability of the soil for effluent disposal, wind protection and the objective to minimise erosion and the visual prominence of buildings.</p> <p>Be located on lots adjacent to major roads, tourist routes, the roads to the beaches on Point Henry Peninsula, and reserved land so that any building is not visually prominent when viewed from such roads or reserved land.</p> <p>Be located, wherever possible, so that new dwellings will not be visible from dwellings on adjacent or surrounding properties.</p>	<p>A variation is sought from the building envelope identified on the adopted Subdivision Guide Plan.</p> <p>The location has similar characteristics to building envelopes on surrounding properties and is not likely to be seen from surrounding roads or public vantage points.</p> <p>The proposed building envelope is 2,500m² in area being 50m x 50m.</p> <p>A new dwelling in the proposed building envelope will be partially seen from nearby residences. However, due to the nature of the subdivision pattern and this property being a battleaxe, aspects of a house would be seen anywhere on Lot 35.</p> <p>In this case and for the reasons described above, a house located in the proposed building envelope on Lot 35 will be visible from other existing housing.</p> <p>The property owner of the house on Lot 29 Point Henry Road, which is located to the east of the subject property, relocated their building envelope towards the western end of their lot. As a result, this has placed the dwelling on that lot in a position and orientation so that it overlooks the subject property and consequently any development on Lot 35 would be visible to Lot 29.</p> <p>There is approximately 150m distance between the dwelling on Lot 29 and the proposed building envelope where the new dwelling would be constructed. The revised building envelope location generally follows the same ridge line that bisected the original building envelope location and as such the revised location does not substantially modify the visibility of the building that would be seen from the adjoining Lot 29. The eastern extent of the new building envelope is 83m from the lot boundary which would assist in retaining screening vegetation in place between the two developments.</p>

Driveways are to be located and constructed to the satisfaction of the local government having regard for the objective to minimise soil erosion and the visibility of driveways.	The proposed driveway to the building envelope leads from the 150m long access leg connecting the lot to Gneiss Hill Road – as such there are no amenity issues arising from the orientation of the driveway.
Schedule 11	
Minimum setbacks for building envelopes are to be 20 metres from road frontages and 15 metres from all other boundaries.	Complies - the proposed building envelope has a minimum setback of 68m from the closest boundary. All other setbacks exceed 80m.
Planning Policy No.5 – Use of Reflective Building Materials	
Use of reflective materials only able to be used where applicant demonstrates to satisfaction of Council that there will be no adverse glare, nuisance or potential impact on amenity.	Does not comply – application nominates water tanks to be constructed from zincalume. The location of the proposed tanks is likely to be visible from adjoining properties and raises potential for glare and nuisance. Whilst noted that the intent is to construct a future dwelling over the water tanks, no plans have been prepared or approved for this future development and therefore this cannot be relied upon to ameliorate the potential nuisance and glare.

Based on the above assessment, the proposal to relocate the building envelope is justified as follows:

- The location meets the setback requirements of the Scheme and allows for a compliant single storey house to be built.
- Future development in this proposed envelope will not unduly intrude into view corridors of adjoining properties to a significant extent beyond that associated with the original building envelope location.
- The envelope is located well away from any lot boundary and the subdivision pattern will mean the future development will not be seen from any tourist route or public vantage point.

It is noted in the applicant's submission that it is proposed that the water tanks would be constructed from zincalume materials. Whilst it is acknowledged that the intent is to construct a future dwelling over the top of those tanks, it also must be acknowledged that the applicant has stated they have not finalised plans for the location and position of the future building.

Given the intent is to locate the water tanks in advance of the house plans being approved, there can be no surety those structures will be adequately screened thus the use of zincalume materials is not supported and in accordance with Council's Local Planning Policy No.5, it will be recommended that any support to this application is given on the basis that the water tanks are constructed out of non-reflective materials as per Council Policy.

STATUTORY ENVIRONMENT:

- LPS No.2 in terms of land use and development control
- Local Planning Policy No.18 Point Henry Fire Management
- Local Planning Policy No.11 – Consultation
- Local Planning Policy No.5 - Use of Reflective Materials

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:

Nil

WORKFORCE IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

None

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

- 1. Approve the application lodged by Vanessa Allen (owner) for a relocated building envelope, driveway, two water tanks and utility building on Lot 35 Gneiss Hill Road, Bremer Bay subject to the following condition:**
 - i) The two water tanks shall be constructed of materials which blend with the natural landscape. Please note that unpainted zincalume, white and off-white colours are not permitted. Details of materials and colour pallets are to be submitted for approval by the Manager of Development prior to the submission of an application for a Building Permit.**

9.3.3 DISPOSITION OF INTEREST IN PROPERTY – PORTION RESERVE 51778 PT. LOT 9001 BREMER BAY ROAD/SEADRAGON AVENUE, BREMER BAY

Location/Address: Portion Reserve 51778 Pt Lot 9001 Bremer Bay Road/Seadragon Avenue, Bremer Bay
Name of Applicant: Z & S Mitchell
File Reference:
Author: Noel Myers, Manager of Development
Responsible Officer: Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest: Nil
Date of Report: 14 May 2024
Attachments: a) Concept Plans and Certificate of Title
Authority/Discretion: Executive

SUMMARY:

The proprietors of the Bremer Bay Brewing Company (Zane and Simone Mitchell) have submitted a Crown Land Enquiry request to the Department of Planning, Lands and Heritage to purchase a 1,760m² parcel of land from the adjoining Pt. Lot 9001 Bremer Bay Road/Seadragon Avenue, Bremer Bay. Pt Lot 9001 is the land identified for the future development of the Bremer Bay Town Centre.



Diagram 1: Proposed land acquisition area identified in yellow.

It is proposed that the land would be amalgamated into the applicant’s existing property to facilitate the expansion of their established business and enable construction of a new mixed commercial/residential development as set out in the attached Concept Development Plans.

BACKGROUND:

The subject land is currently held as a Crown Land Reserve with a Management Order in favour of the Shire of Jerramungup, with the nominated land use being *Government Requirements – State*.

The site forms part of the land holding for the proposed Bremer Bay Town Centre for which a Structure Plan was adopted in April 2012. The vision for the area as set out within that Structure Plan is to facilitate the development of a new Town Centre providing a range of commercial and retail and residential opportunities.

Council subsequently adopted Planning Policy No.19 – Bremer Bay Design Guidelines to guide and inform future development and land use applications within the Town Centre Zone.

CONSULTATION:

- The proposal to excise a portion of the land has been discussed with officers from the Department of Planning Lands and Heritage (DPLH) Divestment team.
- The land disposition processes under the *Local Government Act 2005* were discussed with officers from the Department of Local Government, Sport and Cultural Industries (DLGSC).

COMMENT:

The proposed sale of land requires Council to formally relinquish its interest in the land and agree to surrender the current Management Order over the area of land.

The following comments are provided in support of this action:

1. The land is to be acquired by the proprietors of an established business;
2. The size and configuration of the land being sought is consistent with the general development intent for the area as set out within the adopted Bremer Bay Town Centre Structure Plan;
3. The further development of the Town Centre post the completion of the initial Stage 1 development works has been modest with the only development intent and progress being made by the current applicant;
4. The release of land within the Town Centre has been hindered by change in government policy (demise of the State government's Super Lot Policy) and the absence of demand. To this end the Council has acknowledged that it does not have the resources to further progress the release of land and is working with the Department of Planning, Lands and Heritage Land Disposition team to have the State assume carriage for future land releases;
5. The land being in its current state is not providing any civic, utility or community purpose nor is any rental revenue being generated by the land. Being held in Reserve means that the land cannot be sold by the Shire for financial return but can be sold by the State where it is no longer required by the local government.
6. The release and sale of the land will enable the land to be developed to its full capacity and to influence and generate future economic activity;
7. The disposal of the land aligns with the Council's strategic objectives and plan for the area;
8. DPLH have advised that the process to effect the sale of the land to the applicant is able to be expedited given the applicant already holds the adjacent land (Lot 1) in Freehold Title. This enables the land to be excised from Reserve 51778 and amalgamated into the adjoining Lot 1.

Concept Plan:

The proponent has provided a Concept Plan that demonstrates the future development of the property. It is acknowledged that this Concept Plan has no standing, and support for the sale of the land does not infer that the development as detailed within that Plan would be approved.

Notwithstanding, the Plan would be generally regarded as meeting with the objectives for future development of the Town Centre insofar that it offers a mixed use form of development and the proposed area, location and configuration of the lot does not unreasonably compromise the future development of the area.

SUMMARY:

Having regard to the matters set out above, it is the recommendation of the administration that the Council resolve to relinquish its interest and agree to surrender its Management Order over the land in question.

STATUTORY ENVIRONMENT:

The requirements concerning the proposed disposition of the land under Section 3.58 of the *Local Government Act 1995* have been considered.

Section 3.58 establishes the process that a local government must consider and follow when disposing of land. The section also identifies when exemptions may apply.

In this instance it is assessed that s.3.58 (1) does not apply as it is the State that will be disposing of the property and not the Shire. This position has been affirmed with the DLGSC. The Shire needs only to make a resolution that it is willing to relinquish its interest and agree to surrender its Management Order over the portion of the land to be disposed of.

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:

There are no direct implications with the current action.

The future sale and development of the land will generate additional rates income for the Shire and contribute to the local and broader economy.

WORKFORCE IMPLICATIONS:

There are no additional workforce implications as a result of these projects.

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 agrees to:

1. Formally relinquish its interest in the 1,760m² parcel of land described as Portion Reserve 51778 Pt. Lot 9001 Bremer Bay Road/Seadragon Avenue, Bremer Bay, identified on Diagram 1.
2. Surrender Management Order M847850 and M847851 as set out on Certificate of Title Volume LR3164 Folio 965 in relation to Reserve 51778 over the portion of land to be excised, as identified on Diagram 1.

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN APRIL/MAY 2024

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Glenda Gray, Executive Assistant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 May 2024
Attachments:	a) April/May 2024 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for April/May 2024 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 April 2024.

CONSULTATION:

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

COMMENT:

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

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

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

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

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

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

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

STRATEGIC IMPLICATIONS:

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

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 April 2024.

9.4.2 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Location/Address:	Shire of Jerramungup
Name of Applicant:	N/A
File Reference:	N/A
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 May 2024
Attachments:	a) Policy CP4 – Appointment of Acting Chief Executive Officer
Authority/Discretion:	Executive

SUMMARY:

The purpose of this report is for Council to appoint an Acting Chief Executive Officer for a period of 15 weeks while the Chief Executive Officer takes long service leave.

BACKGROUND:

The Chief Executive Officer intends to take 15 weeks of long service leave from 17 June 2024 to 27 September 2024. This has been approved by the Shire President.

Council's Policy CP4 – Appointment of Acting Chief Executive Officer provides guidance for the employment of an Acting Chief Executive Officer in the absence of the Chief Executive Officer due to annual, long service or extended sick leave.

Under Policy CP4, for Chief Executive Officer vacancy periods over 30 days the appointment of the Acting Chief Executive Officer shall be determined by Council.

In addition, Policy CP4 requires the Chief Executive Officer to report to Council any proposal to fill an Acting Chief Executive Officer role over 30 days with as much advanced notice as possible. In this case the Chief Executive Officer may recommend a suitable internal candidate for higher duties and must also provide an alternative recommendation to Council, to convene a Chief Executive Officer Recruitment and Selection Committee to progress the Acting Chief Executive Officer recruitment.

CONSULTATION:

Charmaine Solomon, Deputy Chief Executive Officer

Noel Myers, Manager of Development

COMMENT:

Noel Myers, Manager of Development, is suitably qualified, experienced and knowledgeable and could fill the Acting Chief Executive Officer role.

Alternatively, Council may choose to recruit externally for an Acting Chief Executive Officer.

If Council chooses to appoint the Manager of Development to the position, it would leave a void in the development services area, however staff are investigating options to backfill his position temporarily.

If Council chooses to appoint an external Acting Chief Executive Officer, there are agencies who can assist with this. Accommodation would need to be provided.

STATUTORY ENVIRONMENT:

Local Government Act 1995

5.39 Contracts for CEO and senior employees

(1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*

(1a) Despite subsection (1) –

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

5.39C Policy for temporary employment or appointment of CEO

- (1) A local government must prepare and adopt a policy that sets out the process to be followed by the local government in relation to the following –*
 - (a) the employment of a person in the position of CEO for a term not exceeding 1 year;*
 - (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.*
- (2) A local government may amend the policy.*
- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) The CEO must publish an up-to-date version of the policy on the local government’s official website.*

STRATEGIC IMPLICATIONS:

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

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

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

FINANCIAL IMPLICATIONS:

An existing staff member appointed to the position of Acting Chief Executive Officer would be paid higher duties. A negotiated salary would be paid to an external appointment. Accommodation costs would also be expected. Given the majority of the period in question falls in 2024/2025, an allocation can be made in Council’s 2024/2025 budget.

WORKFORCE IMPLICATIONS:

The Chief Executive Officer is the most senior position employed by the Shire and an Acting Chief Executive Officer is required to meet statutory obligations.

POLICY IMPLICATIONS:

Policy CP4 – Appointment of Acting Chief Executive Officer applies.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION 1:

That Council appoint the Manager of Development, Noel Myers, as the Acting Chief Executive Officer for the period from 17 June 2024 to 27 September 2024 inclusive and pay higher duties during this timeframe.

OFFICER RECOMMENDATION 2:

That Council request the Chief Executive Officer to convene a Chief Executive Officer Recruitment and Selection Committee to progress the recruitment of an Acting Chief Executive Officer for the period 17 June 2024 to 27 September 2024 inclusive.

9.4.3 REVIEW OF CORPORATE BUSINESS PLAN 2021-2025

Location/Address:	N/A
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	14 May 2024
Attachments:	a) Corporate Business Plan 2021-2025
Authority/Discretion:	Executive

SUMMARY:

Council is requested to consider the adoption of the review of the Shire of Jerramungup's Corporate Business Plan 2021-2025.

BACKGROUND:

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

The Strategic Community Plan provides the long term view (10 plus year timeframe) for the Shire and sets out the vision, aspirations and objectives of the community. Council adopted the initial Strategic Community Plan at the Ordinary Meeting of Council held 21 November 2012 (Minute No. OC121107 refers).

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

CONSULTATION:

Senior Staff

COMMENT:

The content of the Corporate Business Plan has been reviewed by staff with no major changes recommended given that a major review of the Integrated Planning and Reporting Framework was undertaken during the 2020-21 financial year, with a new Strategic Community Plan adopted May 2021 (Minute No. OCM210511 refers) and Corporate Business Plan adopted June 2021 (Minute No. OCM210613 refers). A new Action was included under Community at 1.1.5 to include a reference to education opportunities within the Shire during the 2023 review.

As per the requirements of the *Local Government (Administration) Regulations 1996* the Corporate Business Plan has been updated to be a rolling four year document, with 2024-2025 being the final year of the adopted Plan. A local government is to review its current Corporate Business Plan every year, of which reference is made to the Corporate Business Plan annually when developing the annual budget.

As part of the *Local Government Act 1995* reform the Department of Local Government, Sport and Cultural Industries has indicated that it will be amending legislation to incorporate the Strategic Community Plan and Corporate Business Plan into one document, being the Council Plan. It is anticipated that a Council Plan will be developed by the Shire during the 2024/2025 year.

STATUTORY ENVIRONMENT:**Local Government Act 1995****5.56. Planning for the future**

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

Local Government (Administration) Regulations 1996**19BA. Terms used**

In this Part —

corporate business plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;

strategic community plan means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

19CA. Information about modifications to certain plans to be included (Act s.5.53(2)(i))

- (1) *This regulation has effect for the purposes of section 5.53(2)(i).*
- (2) *If a modification is made during a financial year to a local government’s strategic community plan, the annual report of the local government for the financial year is to contain information about that modification.*
- (3) *If a significant modification is made during a financial year to a local government’s corporate business plan, the annual report of the local government for the financial year is to contain information about that significant modification.*

19C. Strategic community plans, requirements for (Act s.5.56)

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

**Absolute majority required.*

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

19DA. Corporate business plans, requirements for (Act s.5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

STRATEGIC IMPLICATIONS:

The Corporate Business Plan has been developed based on the priority areas and aspirations expressed by the community as contained within the Strategic Community Plan.

FINANCIAL/BUDGET IMPLICATIONS:

The Corporate Business Plan, once adopted by Council, will provide guidance on the priorities for resource allocations for the next four (4) years.

Officers are currently preparing the Draft 2024-2025 Annual Budget.

It must be noted that a majority of capital projects outlined within the Corporate Business Plan are reliant on external funding. If external funding is not forthcoming, projects could be delayed or will not be completed.

WORKFORCE IMPLICATIONS:

The Corporate Business Plan will set direction for staff over the next four years.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY, ADOPTS the review of the Shire of Jerramungup Corporate Business Plan 2021-2025 as contained within Attachment a).

10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.0 COUNCILLOR REPORTS

13.0 NEW BUSINESS OF AN URGENT NATURE

14.0 CLOSURE

14.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 26 June 2024, commencing at 10.00am, in Jerramungup.

14.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atam

<p>These minutes were confirmed at a meeting held</p> <p>.....</p> <p>Signed:</p> <p>Presiding Person at the meeting at which these minutes were confirmed</p> <p>Date:</p>
