



SHIRE OF JERRAMUNGUP

ORDINARY COUNCIL MEETING

Held at the Town Hall,
Bremer Bay, on
Wednesday, 20 December 2023

MINUTES

This page has been left intentionally blank

**Shire of Jerramungup
Table of Contents
Ordinary Meeting of Council
Wednesday 20 December 2023**

| | | |
|-------------|--|-----------|
| 1.0 | DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS | 5 |
| 2.0 | RECORD OF ATTENDANCE | 5 |
| 2.1 | ATTENDANCE | 5 |
| 2.2 | APOLOGIES..... | 5 |
| 2.3 | APPROVED LEAVE OF ABSENCE..... | 5 |
| 2.4 | ABSENT | 5 |
| 2.5 | DISCLOSURE OF INTERESTS..... | 6 |
| 2.5.1 | <i>DECLARATIONS OF FINANCIAL INTERESTS.....</i> | <i>6</i> |
| 2.5.2 | <i>DECLARATIONS OF PROXIMITY INTERESTS.....</i> | <i>6</i> |
| 2.5.3 | <i>DECLARATIONS OF IMPARTIALITY INTERESTS</i> | <i>6</i> |
| 3.0 | APPLICATIONS FOR LEAVE OF ABSENCE | 6 |
| 4.0 | ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS..... | 6 |
| 5.0 | RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE..... | 6 |
| 6.0 | PUBLIC TIME..... | 7 |
| 6.1 | PUBLIC QUESTION TIME..... | 7 |
| 6.2 | PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS | 7 |
| 7.0 | CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS | 7 |
| 7.1 | ORDINARY COUNCIL MEETING HELD 22 NOVEMBER 2023..... | 7 |
| 8.0 | RECOMMENDATIONS AND REPORTS OF COMMITTEES | 8 |
| 8.1 | REVIEW OF TERMS OF REFERENCE – BREMER BAY COMMUNITY DEVELOPMENT COMMITTEE..... | 8 |
| 8.2 | ACCEPTANCE OF 2022/2023 ANNUAL FINANCIAL REPORT..... | 11 |
| 9.0 | REPORTS | 18 |
| 9.1 | TECHNICAL SERVICES | 18 |
| 9.1.1 | WORKS REPORT FOR NOVEMBER/DECEMBER 2023 | 18 |
| 9.2 | CORPORATE SERVICES | 21 |
| 9.2.1 | ACCOUNTS FOR PAYMENT – NOVEMBER 2023..... | 21 |
| 9.2.2 | MONTHLY FINANCIAL REPORT – NOVEMBER 2023 | 25 |
| 9.2.3 | OUT OF BUDGET EXPENSE – BREMER BAY PROGRESS ASSOCIATION..... | 28 |
| 9.3 | DEVELOPMENT SERVICES | 32 |
| 9.3.1 | MANAGEMENT OPTIONS – WELLSTEAD ESTUARY, BREMER BAY | 32 |
| 9.3.2 | SOUTH WEST NATIVE TITLE SETTLEMENT – LAND BASED CONSULTATION | 37 |
| 9.4 | EXECUTIVE SERVICES | 41 |
| 9.4.1 | INFORMATION BULLETIN NOVEMBER/DECEMBER 2023 | 41 |
| 9.4.2 | CORPORATE BUSINESS PLAN SCORECARD – QUARTERLY REPORT | 43 |
| 9.4.3 | ST JOHN WA – NEW AMBULANCE DEPOT, BREMER BAY | 46 |
| 9.4.4 | ANNUAL REPORT 2022/2023..... | 52 |
| 9.4.5 | ANNUAL MEETING OF ELECTORS | 58 |
| 10.0 | MATTERS FOR WHICH THE MEETING MAY BE CLOSED | 61 |
| 10.1 | CLOSURE OF MEETING TO THE PUBLIC | 61 |
| 10.2 | CONFIDENTIAL – AUSTRALIA DAY AWARDS 2023 | 61 |
| 10.3 | REOPENING OF THE MEETING TO THE PUBLIC..... | 63 |
| 11.0 | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 64 |
| 12.0 | COUNCILLOR REPORTS..... | 64 |

| | | |
|-------------|---|-----------|
| 13.0 | NEW BUSINESS OF AN URGENT NATURE | 64 |
| 14.0 | CLOSURE | 65 |
| 14.1 | DATE OF NEXT MEETING | 65 |
| 14.2 | CLOSURE OF MEETING | 65 |

ORDINARY COUNCIL MEETING MINUTES

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 8.43am by the Shire President.

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

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

| | |
|----------------------|-------------------------|
| Cr Joanne Iffla | Shire President (Chair) |
| Cr Julie Leenhouders | Deputy Shire President |
| Cr Neil Foreman | Councillor |
| Cr Paul Barrett | Councillor |
| Cr Nathan Brown | Councillor |
| Cr Gavin Mair | Councillor |

STAFF:

| | |
|-------------------|--------------------------------------|
| Martin Cuthbert | Chief Executive Officer |
| Charmaine Solomon | Deputy Chief Executive Officer |
| Gordon Capelli | Works Supervisor |
| Glenda Gray | Executive Assistant |
| Tamara Pike | Finance Manager |
| Janna Cheshire | Building Surveyor / Projects Officer |

VISITORS:

Nil.

GALLERY:

Darcy Roberts, Bremer Bay

Tara Pittard, Bremer Bay

2.2 APOLOGIES

Noel Myers, Manager of Development

2.3 APPROVED LEAVE OF ABSENCE

Cr Raegan Zacher

2.4 ABSENT

Nil.

2.5 DISCLOSURE OF INTERESTS

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

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

2.5.1 DECLARATIONS OF FINANCIAL INTERESTS

Nil.

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

Cr Joanne Iffla declared a Proximity Interest in Item 9.4.3 St John WA – New Ambulance Depot. The nature of the interest is that she owns land adjacent to the proposed site.

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

Cr Gavin Mair declared an Impartiality Interest in Item 9.2.3 Out of Budget Expense – Bremer Bay Progress Association. The nature of the interest is that he is a financial member of the applicant organisation.

Charmaine Solomon, Deputy Chief Executive Officer, declared an Impartiality Interest in Item 10.2 Australia Day Awards 2023. The nature of the interest is that one nominee is a family relative and she assisted with information on a second nomination.

Cr Joanne Iffla declared an Impartiality Interest in Item 10.2 Australia Day Awards 2023. The nature of the interest is that one nominee is a family relative.

Cr Julie Leenhouders declared an Impartiality Interest in Item 10.2 Australia Day Awards 2023. The nature of the interest is that one nominee is a family relative.

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

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

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

Mrs Pittard questioned what was being done about removal of old star pickets and wire on the far side of the Wellstead Estuary.

The Works Supervisor was unaware of what works were being undertaken. The Deputy Chief Executive Officer advised that staff were dealing with this.

Mrs Pittard requested that the trees were overgrowing the footpath near the Tennis Club could this be pruned, and the warning pedestrians crossing sign is in the gutter and appears to be there for quite some time.

The requests were noted.

Mrs Pittard then talked about the contracted Traffic Management company requiring closure of Frantom Way for the January Bombs Beasts and Beauties event at the Sports Club. Mrs Pittard commented that at prior, smaller events people have parked along the road, and now that slashing has been carried out along the road, which is fantastic, there is clear view for parked vehicles. This time buses will be running as well. Members of sports clubs will still have access. Closure of Frantom Way will transfer parking issues to other points around town.

Mrs Pittard stated that she does not think closing the road is a good idea.

Noted that this is not a Shire requirement but was an outcome of the Event Management Plan prepared by the event organisers and the Traffic Management company's assessment.

Mr Roberts expressed concerns about the Traffic Management Plan and that the Sports Club had not been consulted regarding this. Bowls and Tennis Clubs will be operating on the same day and members will still have access. At markets previously held parking along the road has been okay.

Mr Roberts expressed concern about the Sports Club sign not being fully visible.

Noted that the traffic management is the responsibility of the event organisers.

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil.

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 ORDINARY COUNCIL MEETING HELD 22 NOVEMBER 2023

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

MOTION: OCM231201

MOVED: Cr Leenhouders

SECONDED: Cr Barrett

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

CARRIED: 6/0

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

8.1 REVIEW OF TERMS OF REFERENCE – BREMER BAY COMMUNITY DEVELOPMENT COMMITTEE

| | |
|------------------------------------|--|
| 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 December 2023 |
| Attachments: | a) BBCDC Terms of Reference – Draft b) BBCDC Terms of Reference – Current |
| Authority/Discretion: | Legislative |

SUMMARY:

The purpose of this report is for Council to review the Terms of Reference for the Bremer Bay Community Development Committee.

BACKGROUND:

The Bremer Bay Community Development Committee (BBCDC) have undertaken a review of their Terms of Reference and have proposed changes to be endorsed by Council.

The BBCDC Terms of Reference were last amended in 2017 after a review of the membership and number of meetings to be held each year.

CONSULTATION:

Bremer Bay Community Development Committee.

COMMENT:

At the meeting of the Bremer Bay Community Development Committee held 11 October 2023 discussion was held regarding a review of the Terms of Reference with the following motion being carried by the Committee:

Moved: Leonie McMahon Seconded: Troy Treeby

That the Bremer Bay Community Development Committee recommends to Council that the Terms of Reference be amended as follows:

3.0 Purpose

Delete:

“To provide opportunity for various community groups in Bremer Bay to make recommendations to Council on matters which aim to improve the community of Bremer Bay.”

Replace with:

“To provide opportunity for community groups in Bremer Bay and the Shire of Jerramungup to:

- *Share information about Shire of Jerramungup current projects, development plans and issues.*
- *Be informed about priority activities of other community groups in Bremer Bay.*
- *Identify collaboration opportunities.*

- ***Collectively problem-solve issues affecting the community.***
- ***Make recommendations to Council.”***

6.0 Membership

- **Additional active community groups to be invited to join the Committee.**
- **For each member group, add the option of Member 2 under Member, and remove Proxy 2, to read:**

Member

Member 2

Proxy 1

9.2 Committee Meetings

Delete *three (3)* and replace with *four (4)*, to read:

The committee is required to hold four (4) meetings per year.

CARRIED

The draft Terms of Reference have been updated to reflect the proposed changes to the number of representatives from each organisation on the Committee from one to two (with each organisation still only having one vote) and the frequency of meetings increased from three to four each year.

The officer recommendation is that the Purpose of the Committee remains as is with the focus being for the various organisations in Bremer Bay to bring their items and/or proposals to Council.

The recommendation from the Committee to change the intent of the meetings to a more information sharing forum loses the purpose and intent the meetings. Although items such as projects that Council are working on or plans being developed can be discussed informally at the meetings if they become the main focus it turns the meetings into more of a “town meeting” instead of an avenue for organisations to bring projects to Council. The current format was specifically developed so that focussed discussions could occur on specific projects where a common interest may exist between different groups.

Council has numerous existing opportunities for disseminating information to the entire Shire of Jerramungup residents such as open monthly Council Meetings, Annual Electors Meetings, Shire website, Shire Facebook page, Council Buzz, Jerry Journal, Bremer Bulletin etc.

The proposed amendments to the Committee Purpose would be a replication of that which would place a substantial burden on the Shire’s limited staff resources. Council does not have dedicated resources in Media, Communications or Community Development that larger Councils have and would be unable to hold regular town meetings across the Shire with its existing staff structure.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Subdivision 2 – Committees and their meetings

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) *A committee is to comprise —*

- (a) *council members only; or*
- (b) *council members and employees; or*
- (c) *council members, employees and other persons; or*
- (d) *council members and other persons; or*
- (e) *employees and other persons; or*
- (f) *other persons only.*

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

Work cohesively with groups from across the community to improve engagement and to promote community participation.

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

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council ADOPT the Terms of Reference for the Bremer Bay Community Development Committee as amended and attached to this report (Attachment 8.1 a)).

8.55am – Tara Pittard and Darcy Roberts departed the meeting and did not return.

MOTION: OCM231202

MOVED: Cr Foreman

SECONDED: Cr Leenhouders

That Council ADOPT the Terms of Reference for the Bremer Bay Community Development Committee as amended and attached to this report (Attachment 8.1a))

CARRIED: 6/0

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

8.2 ACCEPTANCE OF 2022/2023 ANNUAL FINANCIAL REPORT

| | |
|------------------------------------|---|
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | |
| Author: | Charmaine Solomon, Deputy Chief Executive Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 13 December 2023 |
| Attachments: | a) 2022/2023 Annual Financial Report b) 2022/2023 Auditors Report – Office of the Auditor General/Linolns c) Auditors Opinion – Office of the Auditor General |
| Authority/Discretion: | Legislative |

SUMMARY:

For Council to accept the 2022/2023 Annual Financial Report as recommended by the Audit Committee.

BACKGROUND:

The Audit Committee of the Shire of Jerramungup met on 20 December 2023 to consider the 2022/2023 Annual Financial Report and Auditor's Report. The recommendation from the Audit Committee was for Council to adopt the 2022/2023 Annual Financial Report and Auditors Report.

One of the principle objectives of the Audit Committee is to accept responsibility for the annual external audit and to liaise with the Auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs. The Committee's duties and responsibilities in relation to the Annual Financial Report and the external audit are to consider and recommend adoption of the Annual Financial Report to Council.

The Annual Financial Report for the period ending 30 June 2023 has been prepared in accordance with the *Local Government Act 1995* and *Local Government Financial Management Regulations 1996* and is now presented to the Audit Committee for consideration and recommends adoption by Council. The audit this year was undertaken by Linolns Accountants and Business Advisors under direction of the Office of the Auditor General.

CONSULTATION:

Senior Staff

Linolns Accountants and Business Advisors

Office of the Auditor General

COMMENT:

The following presents Lincolns Accountants and Business Advisors Audit Findings for the year ended 30 June 2023:

| Area of Risk | Audit Outcomes |
|--|---|
| Grant Funding and Other Revenue | <ul style="list-style-type: none"> • Significant grant revenue was agreed to third party documentation. • Audit included additional analysis of revenue allocation in accordance with AASB 15 Revenue from Contracts with Customers and AASB 1058 Income for Not For Profit Entities. • Risk of fraud in the revenue cycle was also considered including testing of key controls and analytical review Audit procedures undertaken rebutted the risk of fraud to an acceptable level. • We also reviewed related party transactions. The financial statements adequately disclose related party transactions for Councillors and Key Management Personnel. <p>Grant Funding and Other Revenue as disclosed in the financial statements is materially correct.</p> |
| Rates | <p>Audit work included the following:</p> <ul style="list-style-type: none"> • Rateable values agreed to the Valuer General rates. • We checked control procedures for the transfer of rates from Valuer General to Internal Software system. • Testing of rates notices was undertaken both on a sample basis and analytically. <p>Results supported the rate revenue and financial statement disclosures.</p> |
| Expenses | <p>Our audit of expenses included testing of key financial controls over the recognition of expenses, vouching significant expenses and analytical reviews.</p> <p>Expenditure as disclosed in the financial statements is materially correct.</p> |
| Payroll/Provisions | <p>Audit sampling tested payroll records to the following:</p> <ul style="list-style-type: none"> • Employee awards • Employee contracts • Check calculation of superannuation and tax • Check authority to deduct salary sacrifice • Check the control procedures in payroll department in line with internal policies • Our audit of provisions included reviewing the reasonableness of assumptions used to calculate annual leave and long service leave • Analytical review <p>Results of audit procedures indicate employee costs are materially correct and disclosed correctly in the financial statements.</p> |

| Area of Risk | Audit Outcomes |
|---|---|
| Management’s monitoring of the control environment | <p>We reviewed council minutes for the following:</p> <ul style="list-style-type: none"> • Process for reviewing internal control procedures including evidence of periodic review of policy manual. • Management’s implementation and monitoring of new control procedures. • Management’s implementation and monitoring for amending current control procedures. • Impact of COVID 19 on the control environment <p>We are satisfied that management is applying effective controls and that Council are aware of the control environment.</p> |
| Management Override of Controls | <p>Audit processes were undertaken to:</p> <ul style="list-style-type: none"> • Sample test and judgementally review general journals • Understand and test the adequacy and effectiveness of division of duties • Controls testing • Substantive procedures <p>Sufficient audit evidence was obtained to support the view that controls are operating effectively.</p> |
| Fixed Assets | <p>Council undertook revaluation process in the 2023 financial year for infrastructure assets.</p> <p>Audit Processes were undertaken to:</p> <ul style="list-style-type: none"> • Sample test additions and disposals • Check profit/loss on sale of assets • Confirm ownership and existence of assets • Recalculate Depreciation <p>Results of audit procedures indicate fixed assets are materially correct and disclosed correctly in the financial statements.</p> |
| Accounting Estimates | <ul style="list-style-type: none"> • We reviewed the method and underlying data that management use when determining critical accounting estimates. This included considering the reasonableness of assumptions and corroborating representations. • For infrastructure, property, plant and equipment we reviewed Management’s assessment of the useful lives and existence of assets. We reviewed managements monitoring of impairment and determined that adequate processes exist. • For provisions relating to waste site rehabilitation costs and the pool asset decommissioning costs we reviewed the method and underlying data that management use when determining critical accounting estimates. This included considering the reasonableness of assumptions and corroborating representations. <p>Audit review determined that estimates are reasonable and supported by appropriate data.</p> |

Uncorrected Audit Misstatements

| | Financial Statements Accounts Impacted | Statement of Financial Position Adjustment | Effect on Operating Surplus | Effect on Other Comprehensive Income | Comment |
|----|---|---|--|---|--|
| 1. | Provisions Annual Leave Gross Wages | \$5,423 CR | | | Variance in provisions for annual leave |
| | | | \$5,423 DR | | |

Corrected Audit Misstatements

| | Financial Statements Accounts Impacted | Statement of Financial Position Adjustment | Effect on Operating Surplus | Effect on Other Comprehensive Income | Comment |
|----|--|---|--|---|---|
| 1. | Provision Pool Decommissioning | \$890,712 DR | | | Adjustment to Initial Recognition of Pool Decommissioning Costs and amortisation and interest cost for year |
| | Pool Decommissioning Asset | (\$911,962 CR) | | | |
| | Pool Decommissioning Asset Accumulated Depreciation | \$30,398 DR | | | |
| | Interest Expense | | \$21,249 DR | | |
| | Depreciation | | (\$30,398 CR) | | |

| | | | | | |
|----|---|----------------|------------|--|---|
| 2. | Provision Waste Rehab | (\$137,585 CR) | | | Adjustments to CPI and Discount rate estimate for waste rehab provision current year and adjusting current year interest expense and amortisation |
| | Landfill Rehab Asset | \$127,795 DR | | | |
| | Landfill Rehab Asset Accumulated Depreciation | (\$6,024 CR) | | | |
| | Interest Expense | | \$9,791 DR | | |
| | Depreciation | | \$6,023 DR | | |
| | | | | | |
| | | | | | |

Once the Council has accepted the Annual Financial Report, the Chief Executive Officer is to give local public notice of its availability and send a copy to the Department of Local Government, Sport and Cultural Industries.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

51. Annual financial report to be signed etc, by CEO and given to Department

- (1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form1.
- (2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report.

Local Government Act 1995

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (f) the financial report for the financial year; and

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* Absolute majority required.
- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

Division 3 – Reporting on activities and finance**6.4. Financial report**

- (1) *A local government is to prepare an annual report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to*
 - (a) *be prepared and presented in the manner and form prescribed; and*
 - (b) *contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor –*
 - (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) *the annual financial report of the local government for the preceding financial year.*

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The Annual Financial Statements set out the operating results for the Shire for the year ended 30 June 2023 and the assets and liabilities as at that date, together with other relevant financial information.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY:

- 1. ADOPTS the 2022/2023 Annual Financial Report for the Shire of Jerramungup and the accompanying 2022/2023 Audit Report-Opinion, as attached to this report;**
- 2. ACCEPTS the Auditor’s “Report to the Audit Committee”, as attached to this report, for the year ended 30 June 2023 supplied by Council’s Auditors, Lincolns Accountants and Business Advisors and Office of the Auditor General.**

MOTION: OCM231203

MOVED: Cr Leenhouders

SECONDED: Cr Foreman

That Council, BY AN ABSOLUTE MAJORITY:

- 1. ADOPTS the 2022/2023 Annual Financial Report for the Shire of Jerramungup and the accompanying 2022/2023 Audit Report Opinion, as attached to this report;**
- 2. ACCEPTS the Auditor’s “Report to the Audit Committee”, as attached to this report, for the year ended 30 June 2023 supplied by Council’s Auditors, Lincolns Accountants and Business Advisors and Office of the Auditor General.**

CARRIED BY ABSOLUTE MAJORITY: 6/0

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

9.0 REPORTS

9.1 TECHNICAL SERVICES

9.1.1 WORKS REPORT FOR NOVEMBER/DECEMBER 2023

| | |
|------------------------------------|--|
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | |
| Author: | Gordon Capelli, Works Supervisor |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 11 December 2023 |
| Attachments: | Nil |
| Authority/Discretion: | Information |

SUMMARY:

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

BACKGROUND:

Road Construction

The Road Construction Crew has recently completed the sealing of the EV Charging station on Moorshead Road. The kerbing and footpath will both be completed in January.

The Crew are now carrying out a gravel re-sheet of Monjebup Road SLK 0.00 to SLK 3.00. This will take them up to the Christmas break. On return, they will carry out some road maintenance and then head to Doubtful Island Road for a full reconstruction and realignment of the top corner.

Road Maintenance

The road maintenance grader has been grading east of Jerramungup on Mallee Road, Lake Road, Fitzgerald Road and Cameron Road.

The contractor has assisted with grading of Meechi Road, Swamp Road and Marnigarup South Road.

Town Services

Jerramungup

Over the last four weeks leading up to Christmas, Town Services staff have been busy preparing the parks and gardens for the holiday period, including:

- Pruning the street trees along Vasey Street and Memorial Road.
- Weed control of verges, entry statements and footpaths.
- Pruning trees and roses around the Rootpickers Hall grounds, the War Memorial, and the CRC grounds.
- Mowing and whipper snipper treatment of Roe Park, Entertainment Centre grounds, Child Care grounds and Cemetery grounds.
- Checking of all reticulation systems to ensure they are running at optimum levels over the Christmas holiday period.
- Rubbish removal within the townsite and along the major roads leading into Jerramungup.

Bremer Bay

Town Services staff were kept busy attending a number of sites that were vandalised including the Bennett Street revegetation site where fencing was pulled down and nesting boxes destroyed. Staff were also busy repairing damaged signage.

In preparation for the Christmas period, Town Services staff have been busy on a number of projects including:

- Repainting white lines (No Parking Zones) from the Bremer Bay CRC grounds to the local store, and re-stenciling the shared bicycle/walking path along Bremer Bay Road opposite the Wellstead Estuary.
- Town Services staff and local gardening contractors worked on the Fisheries Boat Harbour reserves, removing rubbish, pruning vegetation, reinstating bollards and signage, slashing weeds and low vegetation around the Fisheries ablutions.
- Weed control targeting Fleabane along Wellstead Road, Borden-Bremer Road and White Trail Road.
- Weed control along Seadragon Road and entry statements.
- Pruning of street trees, mowing and slashing of verges within the townsite.
- Revitalisation of the top garden in Pelican Park.
- Weed control of the CRC grounds, Cemetery grounds and Paperbarks.
- Pruning and weed control along the Bremer Bay walk trails including the Snail Trail.

Environment

Over the last couple of weeks, invasive weed control activities were carried out within the Riparian vegetation zones of the Wellstead Estuary, the key focus was to target the removal of Polygala, Vic Tea Tree, Boxthorn and Kikuyu. Stage 2 of this project is the habitat restoration works along The Esplanade, opposite the Wellstead Walk Trail.

In support of the installation of the Wellstead Estuary fence-line and signage, Environment staff carried out an extensive Shorebird Survey within the protected zones of the Wellstead Estuary. These surveys resulted in locating seven active Red Capped Plovers nests with each next supporting two eggs and a Hooded Plover's nest supporting two eggs.

A big thank you must go out to the Bremer Bay Primary School students who participated in the habitat restoration works on the Estuary. Several weeks ago students placed habitat nesting materials on the Estuary, which resulted in a pair of Red Capped Plovers laying their eggs within one of the nesting materials.

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 November/December 2023.

MOTION: OCM231204**MOVED: Cr Brown****SECONDED: Cr Barrett****That Council RECEIVE the works report for November/December 2023.****CARRIED: 6/0**

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

Cr Iffla thanked the Works Supervisor and his staff for their good work during 2023 and wished them a Merry Christmas.

9.2 CORPORATE SERVICES

9.2.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2023

| | |
|------------------------------------|--|
| 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 December 2023 |
| Attachments: | a) List of Accounts Paid to 30 November 2023 b) Credit Card Statement 26 October 2023 – 27 November 2023 c) Fuel Card Statement October 2023 |
| Authority/Discretion: | Information |

SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer’s delegated authority during the month of November 2023.

BACKGROUND:

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

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 November 2023. Lists detailing the payments made are appended as an attachment.

| FUND | VOUCHERS | AMOUNTS |
|--------------------------------|---------------|---------------------|
| Municipal Account | | |
| Last Cheque Used | 28181 | |
| EFT Payments | 21416 – 21432 | \$48,384.99 |
| EFT Payments | 21433 | CANCELLED |
| EFT Payments | 21434 - 21526 | \$530,021.60 |
| Direct Deposits | | \$37,626.11 |
| Municipal Account Total | | \$616,032.70 |
| Trust Account | | |
| Trust Account Total | | \$0.00 |
| Grand Total | | \$616,032.70 |

Included within the EFT payments from the Shire’s Municipal Account are Fuel Card Statement required to be reported under Regulation 13(A), totalling \$4,393.07.

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) comes 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 November 2023 totalling \$616,032.70.**
- **The Credit Card Statement 26 October 2023 – 27 November 2023 as detailed in attachment 9.2.1b).**
- **The Fuel Card Statement October 2023 as detailed in Attachment 9.2.1c).**

MOTION: OCM231205**MOVED: Cr Foreman****SECONDED: Cr Leenhouders**

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 November 2023 totalling \$616,032.70.**
- **The Credit Card Statement 26 October 2023 – 27 November 2023 as detailed in attachment 9.2.1b).**
- **The Fuel Card Statement October 2023 as detailed in Attachment 9.2.1c).**

CARRIED: 6/0

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

9.2.2 MONTHLY FINANCIAL REPORT – NOVEMBER 2023

| | |
|------------------------------------|---|
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | N/A |
| Author: | Tamara Pike, Senior Finance Officer |
| Responsible Officer: | Charmaine Solomon, Deputy Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 11 December 2023 |
| Attachments: | a) Monthly Financial Report for the period ending 30 November 2023 |
| Authority/Discretion: | Information |

SUMMARY:

For Council to note the statement of financial activity for the period ended 30 November 2023 as required by the *Local Government Act 1995* ('the Act').

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 30 November 2023.

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 November 2023 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

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

Additionally, and pursuant to regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting on 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 November 2023 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 November 2023 in accordance with section 6.4 of the *Local Government Act 1995*.

MOTION: OCM231206

MOVED: Cr Barrett

SECONDED: Cr Foreman

That Council RECEIVE the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 30 November 2023 in accordance with section 6.4 of the *Local Government Act 1995*.

CARRIED: 6/0

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

9.2.3 OUT OF BUDGET EXPENSE – BREMER BAY PROGRESS ASSOCIATION

| | |
|------------------------------------|--|
| Location/Address: | Bremer Bay Sports Club |
| Name of Applicant: | Bremer Bay Progress Association |
| File Reference: | CR.SP.1 |
| Author: | Charmaine Solomon, Deputy Chief Executive Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 11 December 2023 |
| Attachments: | <ul style="list-style-type: none"> a) Bremer Bay Car Show Risk Management Plan b) Event approval correspondence (attachment to be included) c) CONFIDENTIAL – Bremer Bay Car Show Supporting documentation d) CONFIDENTIAL – Bremer Bay Car Show Financial information |
| Authority/Discretion: | Executive |

SUMMARY:

The purpose of this report is to place before Council a request from the Bremer Bay Progress Association for financial assistance towards their proposed event *Bombs, Beasts & Beauties Bremer Bay Car Show* to be held in January 2024.

The Shire is not authorised to incur this expenditure as it has not been included in 2023/2024 adopted annual budget, therefore a formal Council resolution for the out of budget expense is required.

BACKGROUND:

On 21 September 2023, the Bremer Bay Progress Association advised the Shire that they were looking at hosting a fundraising event (*Bremer Bay Bombs, Beasts & Beauties*) at the Bremer Bay Sports Club oval on 20 January 2024.

The Association was advised that the Shire had committed a cash contribution of \$9,000 in the 2023/2024 budget towards the FBG event 'Dancing in the Dirt Gala Ball 2024' as the Council's community event contribution. If the Progress Association were to seek a financial contribution from the Shire in the 2023/2024 financial year the application for financial support would need to be considered by Council as it is an out of budget expense request.

The Shire received a formal request from the Bremer Bay Progress Association for financial assistance towards the event on 31 October 2023. The Association advised that they were aware this was a request outside of Council's annual community budget requests, so they also provided a sponsorship option for Council's consideration.

At the Ordinary Meeting of Council held 22 November 2023 Council considered the out of budget request and an alternative motion was adopted by Council:

MOTION: OCM231110**MOVED: Cr Leenhouders****SECONDED: Cr Zacher****That Council:**

- 1. Provide in-principle support for the Bremer Bay Progress Association’s proposed event being *Bombs, Beasts & Beauties Bremer Bay Car Show* on the condition that an Event Management Plan is provided to the Shire of Jerramungup by 1 December 2023; and**
- 2. Consider a financial contribution towards the proposed event at the December 2023 Ordinary Meeting of Council, once the Event Management Plan has been granted approval and a detailed event budget has been provided to the Shire.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Zacher, Cr Brown, Cr Mair

Against: Nil.

Reason for variation: The Shire is required by legislation to ensure community events comply with basic requirements to ensure public safety. Until an Event Management Plan and a detailed event budget have been provided to the Shire the request for a financial contribution is unable to be considered by Council.

Following the November Council meeting, consultation has occurred between the Shire of Jerramungup, City of Albany Environmental Health Officer and the Bremer Bay Progress Association.

On 1 December 2023 the Bremer Bay Progress Association provided the Shire with a detailed Event Management Plan for consideration and approval. The Plan has clearly addressed the requirements and risks associated to run an Event of this size.

The City of Albany have granted formal event approval and outlined special conditions in the approval confirmation letter.

Traffic Force have been engaged to prepare a Traffic Management Plan for the event. Traffic Force have indicated they will be able to provide the Plan within three weeks and it is likely that the Plan will be on the basis that Frantom Way is closed to the public. The Bremer Progress Association will be encouraging patrons attending the event to walk where possible however they will be providing a regular bus service to allow public access to the event.

Shire staff have also followed up with the Bremer Progress Association to provide evidence of adequate Public Liability Insurance for the event. The inflatable rides operators have provided evidence of applicable insurances and risks have been identified and addressed in the Event Risk Management Plan.

It is the responsibility of the Bremer Bay Progress Association to adhere to the conditions and to remain in regular contact with relevant departments until necessary approvals are obtained. After thoroughly reviewing the Event Management Plan, staff are satisfied that event organisers are complying with the conditions of the event approval process.

A detailed event budget has been provided. Please refer to confidential attachment 9.2.3 d).

The Bremer Bay Progress Association event budget indicates that the total expenses to run the event is expected to be \$39,466 and they are expecting approximately \$71,740 in income.

| | Budgeted | Actual |
|---------|-----------------|---------------|
| Income | \$71,740.00 | \$30,545.00 |
| Expense | \$39,466.00 | \$0.00 |
| Total | \$32,274.00 | \$30,545.00 |

The Bremer Bay Progress Association has requested a financial contribution towards the event, offering the following sponsorship tiers as one way Council could contribute:

- Platinum - \$2,000 and over
- Gold - \$1,000 – \$2,000
- Silver - \$500 – \$1,000
- Bronze - Under \$500

Alternatively, they submitted a funding application for \$5,000 for consideration.

CONSULTATION:

Bremer Bay Progress Association

COMMENT:

The Shire is required by legislation to ensure community events comply with basic requirements to ensure public safety. The Event Management Plan has been completed and submitted for assessment (as per Council's previous decision) which was a prerequisite for Council to reconsider making a financial contribution towards the event.

It is acknowledged that the Bremer Bay Progress Association is a newly created community group and has not yet had the opportunity to develop strategic plans, projects and priorities that help better inform Council when setting their annual budget, and are standard requirements for other community groups seeking funding from Council. In this light, it needs to be emphasised that any agreement of the Council to a budget amendment must be viewed as a 'once only matter' and future budget requests will only be considered through Council's annual budget setting processes and procedures.

Notwithstanding, in this instance it is considered that there are sufficient community and economic benefits that will accrue from the event that warrants consideration of the request.

The Officer recommendation is for Council to consider a financial request towards the event. Given the considerable profit the Association has anticipated within their budget it is being recommended that Council support this proposed community event with a \$1,500 donation.

STATUTORY ENVIRONMENT:

Section 6.8 of the *Local Government Act 1995* applies;

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) is authorised in advance by resolution*; or*
- (c) is authorised in advance by the mayor or president in an emergency.*

* *Absolute majority required.*

(1a) *In subsection (1) —*

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

(2) *Where expenditure has been incurred by a local government —*

(a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*

(b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

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.

Work cohesively with groups from across the community to improve engagement and to promote community participation.

FINANCIAL/BUDGET IMPLICATIONS:

If Council resolves to support the event, the provision of funds will create a shortfall in the annual budget which will need to be considered through the budget review process.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY, AUTHORISE the out of budget expense of \$1,500 ex GST Gold Sponsorship to the Bremer Bay Progress Association to fund the proposed event being *Bombs, Beasts & Beauties Bremer Bay Car Show* on 20 January 2024.

MOTION: OCM231207

MOVED: Cr Leenhouders

SECONDED: Cr Foreman

That Council, BY AN ABSOLUTE MAJORITY, AUTHORISE the out of budget expense of \$1,500 ex GST Gold Sponsorship to the Bremer Bay Progress Association to fund the proposed event being *Bombs, Beasts & Beauties Bremer Bay Car Show* on 20 January 2024.

CARRIED BY ABSOLUTE MAJORITY: 6/0

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

9.3 DEVELOPMENT SERVICES

9.3.1 MANAGEMENT OPTIONS – WELLSTEAD ESTUARY, BREMER BAY

| | |
|------------------------------------|--|
| Location/Address: | Wellstead Estuary Location – Bremer Bay |
| Name of Applicant: | Shire of Jerramungup and Fitzgerald Biosphere Group |
| File Reference: | |
| Author: | Noel Myers, Manager of Development |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | None |
| Date of Report: | 10 December 2023 |
| Attachments: | a) Table of Submissions – Wellstead Estuary Management Options |
| Authority/Discretion: | Administrative |

SUMMARY:

The purpose of this report is to consider submissions received in relation to the prospective management options for the Wellstead Estuary, following the conclusion of the public submission period on 1 December 2023, and to determine future management options.

BACKGROUND:

- The environmental values of the Wellstead Estuary are well established and the area has been the subject of various management practices that have been implemented over an extended period of time.
- A report concerning future management options for the Estuary was considered at the Ordinary Meeting of Council held 21 December 2022. The decision of Council at that meeting was:

MOTION: OCM221207

MOVED: Cr Lester

SECONDED: Cr Parsons

That COUNCIL:

- 1. Authorises staff to prepare information on the proposed installation of the barrier fencing across the bar to the Wellstead Estuary and for such information to be circulated for community feedback for a period of no less than 28 days;**
- 2. Instructs that the matter be brought back to Council at the next available Council Meeting following the close of the consultation period for final determination as to whether to proceed with the retention of the fencing insitu on a semi-permanent basis or to adopt alternative solutions that may arise from the community consultation process;**
- 3. Reserves the right to erect the barrier fencing as a temporary measure to preserve the integrity of the habitat in the eventuality that the bar to the Wellstead Estuary closes prior to Council making a final determination as to whether the barrier fence or alternative solution is to be reinstalled on a semi-permanent basis;**
- 4. Advises the Fitzgerald Biosphere Group that in providing its in-principal support does not bind the Council to the project should issues arise in the opinion of the Council prove to be fatal flaws from an environmental, engineering and financial perspective.**

CARRIED: 6/0

- Since that date, a public notice was posted on 11 January 2023 advising the community that due to the changing environmental conditions the Council would proceed with the reinstatement of the fence as an interim measure. This action was in accordance with Condition 3 of Council’s resolution set out above.
- The Estuary remained open and water levels higher for a longer period than was anticipated post the publication of the public notice, and as a consequence, the fence was not reinstalled until late October 2023.
- A further public notice was posted on 31 October 2023, to coincide with the reinstatement of the fence. This notice outlined the rationale and purpose for the action and invited submissions on the longer term management options for the Estuary. Submissions were to be received by 1 December 2023.

STRATEGIC IMPLICATIONS:

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

Environment Natural

- *Work with relevant stakeholders to promote and manage sustainable tourism within the Fitzgerald Biosphere.*
- *Support and promote the conservation values and the unique attractions in the Shire.*
- *Deliver a sustainable and progressive approach to natural resource and water management. Natural resources and waste facilities are managed and maintained sustainably.*

COMMENT:

The purpose and intent of erecting the barrier fence is to afford protection to a vulnerable coastal habitat which a significant number of bird species are dependent upon. The primary focus of the report and consultation centres on whether the barrier fence should or shouldn’t be retained as a management tool.

Four submissions were received, two in support of the current management practices and two objecting to the installation and long term retention of the barrier fence.

Submissions objecting to the current management practice (fence) shared a number of common key themes:

- Acknowledged need for the area to be protected;
- Raised concern over poor past management of the fence that had resulted in it being swept out when the river mouth opened, further resulting in debris being scattered around the coastline and ocean creating a danger for wildlife, mariners and beach users;
- Poor management of existent sections of the fence located in sand dunes causing a danger to persons from projecting sections;
- Objection to the fence being erected prior to consultation being concluded;
- Poor amenity created by the presence of the fence;
- Proposed an alternative method whereby the fence be replaced with a wind-row and signage;
- That the presence of natural predators would diminish some of the effectiveness and function of the fence.

Submissions supporting the retention of the fence included the following key themes:

- Protection of drying estuary from traffic impacting estuarine ecology;
- Protection of feeding and roosting areas for local and migrant birds;
- Construction of the fence in sections allows for easy removal in times of high river levels;

- Minimal impact on other community members given immediate proximity of alternative exercise and recreational areas;
- Fence option is easiest, cheapest and most effective way to protect the area;
- Extensive surveys on bird life have been undertaken which identified the estuary is used by 111 bird species which includes both vulnerable and protected species;
- Education and awareness campaigns of the Estuary's values are being promoted but awareness alone is not enough;
- No workable alternatives that will provide the same around the clock protection as the use of a barrier fence are apparent;
- Concerns regarding the visual presence and aesthetic considerations of the fence are subjective however the benefits that accrue would outweigh the slight inconvenience of its visual presence.

A table summarising the key themes of all submissions with officer comments is attached.

Council has previously publicly acknowledged that the loss of the fence when the Estuary opened was regrettable and did have potential to cause a threat to marine life, however, in the absence of any other practicable solution this event should not preclude reinstatement of the fence being reconsidered.

There are straightforward management practices that can be set in place to ensure the fence is not swept out again. This extends to the Shire monitoring rising water levels and taking responsibility for the oversight of the fence as part of its Town Services function. The modified configuration of the current fence and lightweight materials used will make its removal quicker and easier if and when required.

The Shire has management responsibility of the Estuary surrounds via a Management Order granted in its favour and management practices over the area is consistent with a number of the Council's key strategic planning documents including the Strategic Community Plan, Wellstead Estuary Plan, Shire of Jerramungup Coastal Management Plan, Local Planning Strategy and Trail Management Plan. The proposal also accords with other strategic planning documents developed for the region and, in particular, is consistent with the Fitzgerald Biosphere Action Plan. It is a practical example of implementing actions that manage the natural environment and how people interact with it.

The reinstatement of the fence in advance of the conclusion of the submission period was foreshadowed in Council's resolution having regard to its management responsibilities set out above and it stands that if there are alternative viable solutions that are identified from the call for submissions, then it is open to replace the fence with another management tool. The management of the Estuary will be an ongoing matter for the Shire.

Included in the submissions is a proposal that the fence be removed and thereafter be replaced with a windrow and warning signage. This option would involve heavy plant grading the windrow to an undetermined height and a number of signage posts being installed at regular intervals along its alignment. The following considerations arise with this option:

- The action would create a small primary dune feature that would be highly susceptible to coastal processes and drift, and would likely require regular maintenance by machinery that would heavily disturb nesting and roosting birds;
- This option would modify the natural environment that bird life has adapted to and the effects of additional sand drift onto the sand bar where birds nest is not fully understood;

- The windrow would create a straight lineal dune extending across the full width of the sandbar. It would be inconsistent with the natural landscape and its presence likely to be further emphasized by signposts placed at regular intervals along its alignment. The cumulative impact of the windrow and associated signage may serve to create a great visual intrusion into the landscape than would the current lightweight fence option.

Fencing in coastal locations to protect sensitive environmental areas is a common practice that yields numerous benefits, contributing to the overall health and preservation of fragile ecosystems. The presence of such fencing is often not an unexpected feature and is a proven and effective method. A local example exists at Short Beach where fencing has been installed to support a successful dune revegetation project.

SUMMARY:

In summary, the benefits of fencing in coastal locations to protect sensitive environmental areas are multifaceted, encompassing ecological preservation, wildlife conservation, erosion control, and the promotion of sustainable human interaction with these fragile ecosystems. When implemented with care and consideration, coastal fencing becomes an integral part of responsible environmental stewardship.

Having regard to the above and those submissions received, it is the recommendation of the Administration that Council retain the existing barrier fence in its current form and configuration and that it receives submissions, acknowledges those parties who provided submissions, and notifies them of Council's decision.

FINANCIAL/BUDGET IMPLICATIONS:

Ongoing maintenance from within operational Town Services budget.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority.

OFFICER RECOMMENDATION:

That COUNCIL:

1. Receive submissions made in respect to future management options for the Wellstead Estuary;
2. Retain the barrier fence across the Wellstead Estuary in its current form to preserve the integrity of the habitat; and
3. Notify the parties who provided submissions regarding future management options for the Wellstead Estuary of this decision.

MOTION: OCM231208

MOVED: Cr Barrett

SECONDED: Cr Brown

That COUNCIL:

- 1. Receive submissions made in respect to future management options for the Wellstead Estuary;**
- 2. Retain the barrier fence across the Wellstead Estuary in its current form to preserve the integrity of the habitat; and**
- 3. Notify the parties who provided submissions regarding future management options for the Wellstead Estuary of this decision.**

CARRIED: 6/0

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

9.3.2 SOUTH WEST NATIVE TITLE SETTLEMENT – LAND BASED CONSULTATION

| | |
|------------------------------------|---|
| Location/Address: | Vacant Crown Land – Dillon Beach Location |
| Name of Applicant: | Department Planning, Lands and Heritage |
| File Reference: | CP.AD.2 |
| Author: | Noel Myers, Manager of Development |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | None |
| Date of Report: | 11 December 2023 |
| Attachments: | a) Location Plan – PIN 625245 b) Table 1 – Land List No.1297 |
| Authority/Discretion: | Administrative |

SUMMARY:

The purpose of this report is for Council to consider the possible future disposition of a further single Crown Land parcel (Dillon Beach) to the Noongar Estate as part of the South-West Native Title Settlement.

This is the ninth such List of Land Parcels the Council has been requested to provide comment on.

This report provides recommendations as to the possible transfer of the property detailed on Land List 1297.

BACKGROUND:

The State of Western Australia has committed to allocating up to 320,000 hectares of Crown Land to the Noongar People to create the Noongar Land Estate in accordance with the six registered Indigenous Land Use Agreements (ILUA) for the South West Native Title Settlement (the Settlement).

The six ILUAs comprising the Settlement were conclusively registered on 27 January 2021. With the ILUAs conclusively registered, the Settlement became effective and commenced as from 25 February 2021.

The Noongar Boodja Trust (NBT) was appointed as Trustee for the Noongar Land Estate on 15 March 2021 and since that time the Western Australian Government has made the first financial payments into the Trust and commenced the process to transfer land assets for the establishment of the Noongar Land Estate (NBT).

The Noongar Land Estate:

Over five years of implementation, the Department of Planning Lands and Project Team will continue the work required to establish the NBT in accordance with the Noongar Land Base Strategy. This involves ongoing consultation with key stakeholders which includes the Shire in relation to land that is potentially suitable for inclusion into the NBT.

It is noted that the Shire has previously been consulted and provided response on possible land parcels that may be eligible for transfer to the NBT on seven separate occasions:

- Ordinary Council Meeting 20 February 2013 – Item 10.3.5;
- Ordinary Council Meeting 18 March 2020 – Item 9.3.1;
- Ordinary Council Meeting 15 April 2020 – Item 9.3.1;
- Ordinary Council Meeting 24 February 2021 – Item 9.3.1;
- Ordinary Council Meeting 27 October 2021 – Item 9.3.1;
- Ordinary Council Meeting 26 October 2022 – Item 9.3.1;
- Ordinary Council Meeting 22 February 2023 – Item 9.3.1; and
- Ordinary Council Meeting 27 September 2023 – Item 9.3.1.

The DPLH Project Team has prepared a spreadsheet detailing the land parcel identified for possible transfer. The Shire is being requested to provide comments on the property in relation to the following:

1. Is the Shire of Jerramungup (Shire) supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire have any interest in the land?
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? If so – provide detail of what is proposed and in what timeframe?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
7. Advise of any proposed planning scheme amendments that may affect the zoning of this land at a State of Local Government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
8. Advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorized land use and environmental considerations (such as inundation or similar site constraints).
9. Provide any additional comments on the proposed transfer of this land as part of the Settlement.

CONSULTATION:

The Shire acts as a referral body in this instance, providing advice back to the South West Settlement Team within the Department of Planning, Lands and Heritage (DPLH).

COMMENT:

The conclusive registration of the six Indigenous Land Use Agreements for the South West Native Title Settlement is a significant matter for the Native Title holders.

An objective of the Noongar Land Estate (NBT) is to provide the Noongar People with an asset base that may be developed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

The current matter Council is being asked to provide comment on is for the future possible transfer of a single Vacant Crown Lot which is located in the rural area that encompasses the Dillon Beach area, west of the Bremer Bay townsite.

A location plan that identifies the subject lot is attached.

An overview of the lot under consideration for transfer follows:

Land List 1297: PIN Lot 625245

The subject lot is a 1,473ha parcel of Rural Zoned Vacant Crown Land (VCL) located due west of the Bremer Bay townsite that captures the western half of the Dillon Beach frontage. The lot is bound by another parcel of VCL land to the east, a freehold Rural Zoned property to the north and another VCL to the east. The majority of the lot is undeveloped and fully vegetated with the exception of a commercial fishing shack that is located outside but adjacent to an expired fishing lease at the western end of Dillon Beach.

Key Issues

- i) The land is proposed to be transferred as Reserve with the Power to Lease;
- ii) The property is zoned Rural;
- iii) The Dillon Beach area is an area highly valued by both the local community and visitors to the regions, and tracks bisecting the lot connect to other popular coastal locations further to the west;
- iv) An expired fishing lease is located in the western end of Dillon Beach;
- v) The Shire's Local Planning Strategy (LPS) notes the following in respect to the area:

'... beaches in the area are used for commercial fishing, recreational fishing, or holiday and recreation activities. Associated with this use there are a large number of indiscriminate coastal tracks that need rationalisation. Professional fishermen's camps have been located at Dillon Bay, Bremer Bay, and Doubtful Island for over 45 years. Currently there is no formal rubbish disposal in the coastal areas and that is creating an impact. There is also uncontrolled access and camping that requires rationalisation.'

'There is potential for tourist and eco-tourism activities that could impact on coastal areas. In considering any development near the coast the Shire may liaise with the Department for Planning over appropriate coastal setbacks. Significant sections of the coast are adjacent to Recreation and Open Space.'

- vi) Council has provided previous comments on the possible transfer of other parcels of VCL in this coastal strip and suggested that, due to the high level of public interest in the land, consideration be given to the creation of a coastal reserve that would preserve long term access rights and allow for better control of camping and other land management issues foreshadowed in the Shire's Local Planning Strategy. The impact of unmanaged activities that are currently occurring in the area have been a constant cause of complaint to Council from the community.
It is acknowledged that the creation of a coastal reserve would require substantial resources to identify what was an appropriate area of land to be excised for the new tenure and such work would be beyond the capacity of the Shire in the foreseeable future.

Given the matters set out above, it is recommended that the transfer of the land in its current configuration *not be supported*. There would be no substantive objection to the balance of the land being transferred as a Reserve once an appropriate coastal reserve area was identified for excision and vesting.

Comment:

Notwithstanding the possible transfer of ownership, all current Scheme, Local and State Policy provisions would continue to apply to the lot and a change in ownership would not infer any additional development rights or exemptions from having to obtain land use and development approvals. This statement excludes any rights afforded to the traditional owners under the terms of the Settlement.

Table 1 (Attachment b)) to this Report sets out the responses to the nine questions put by the Project Team pertaining to each of the lots proposed to be transferred to the NBT.

It is the recommendation of the Administration that the comments within Table 1 form the Shire's response to the DPLH regarding the suite of land parcels proposed to be transferred to the NBT.

STATUTORY ENVIRONMENT:

Native Title Act 1993

STRATEGIC IMPLICATIONS:

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

Environment Natural

Work with relevant stakeholders to promote and manage sustainable tourism within the Fitzgerald Biosphere.

Support and promote the conservation values and the unique attractions in the Shire.

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil in respect to consideration of this matter –costs would arise if Council was to assume future management of the area.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That COUNCIL endorses the comments provided in Table 1 in respect to the possible transfer of Land List 1297 to the Noongar Boodja Trust as its formal response to the Department of Planning, Lands and Heritage (DPLH).

MOTION: OCM231209**MOVED: Cr Foreman****SECONDED: Cr Barrett**

That COUNCIL endorses the comments provided in Table 1 in respect to the possible transfer of Land List 1297 to the Noongar Boodja Trust as its formal response to the Department of Planning, Lands and Heritage (DPLH).

CARRIED: 6/0

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN NOVEMBER/DECEMBER 2023

| | |
|------------------------------------|--|
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | N/A |
| Author: | Glenda Gray, Executive Assistant |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 11 December 2023 |
| Attachments: | a) Information Bulletin November/December 2023 |
| Authority/Discretion: | Information |

SUMMARY:

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

BACKGROUND:

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

CONSULTATION:

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

COMMENT:

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

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

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

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

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

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

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

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

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

MOTION: OCM231210

| | |
|--|-----------------------------|
| MOVED: Cr Leenhouders | SECONDED: Cr Barrett |
| That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the months of November/December 2023. | |
| | CARRIED: 6/0 |
| For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair | |
| Against: Nil | |

9.4.2 CORPORATE BUSINESS PLAN SCORECARD – QUARTERLY REPORT

| | |
|------------------------------------|---|
| Location/Address: | Shire of Jerramungup |
| Name of Applicant: | Shire of Jerramungup |
| File Reference: | IM.PU.11 |
| Author: | Martin Cuthbert, Chief Executive Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 12 December 2023 |
| Attachments: | a) Corporate Business Plan Quarterly Report - November 2023 |
| Authority/Discretion: | Executive |

SUMMARY:

For Council to receive the Corporate Business Plan Corporate Scorecard for the period ending November 2023.

BACKGROUND:

The Council adopted a new Strategic Community Plan 2021 – 2031 at the Ordinary Meeting of Council held 26 May 2021 and a new Corporate Business Plan 2021 – 2025 at the Ordinary Meeting of Council held 23 June 2021. The Corporate Business Plan outlines a suite of actions that effectively form Council’s priority commitments to the community.

The Corporate Scorecard Quarterly Report provides Council with high level oversight of the status of these commitments.

CONSULTATION:

Executive Management Team.

COMMENT:

While the Strategic Community Plan establishes the results the community expects Council to achieve through the Shire, the Corporate Business Plan describes the specific actions necessary to achieve those results.

The Progress Report intends to provide an update of progress made in the applicable quarter towards the services and projects in the Corporate Business Plan and the achievement of the strategic goals set out in the Strategic Community Plan. Performance reporting assists with continuous improvement and the achievement of community outcomes and improvements to Shire services.

Progress reports are used to assist with the annual review of the Corporate Business Plan, to prioritise projects and services capturing Council’s decision making, planning and evaluation.

The attached Progress Report provides commentary on the Shire’s services, actions and projects to date of this financial year. It is important to note that this is “as at 30 November 2023” i.e. a snapshot in time of the status at the end of the reporting period and that at the time of reporting the current status of a project may have since changed.

STATUTORY ENVIRONMENT:

There are no direct statutory implications, however the Corporate Scorecard supports the Shire’s obligations under *Local Government (Administration) Regulations 1996*, regulation 19DA in relation specifically to the Corporate Business Plan:

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, which states:

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:

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

Governance and Leadership

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Details on the budget summary will continue to be reported though the monthly financial report presented to Council.

WORKFORCE IMPLICATIONS:

The Strategic Community Plan and Corporate Business Plan provide direction for staff on the priorities of Council.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council receives the Shire of Jerramungup Corporate Scorecard Progress Report for July to November 2023, as attached to this report.

MOTION: OCM231211

MOVED: Cr Brown

SECONDED: Cr Mair

That Council receives the Shire of Jerramungup Corporate Scorecard Progress Report for July to November 2023, as attached to this report.

CARRIED: 6/0

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

9.4.3 ST JOHN WA – NEW AMBULANCE DEPOT, BREMER BAY

| | |
|------------------------------------|--|
| Location/Address: | Portion Reserve No. 48293 Lot 500 Bremer Bay Road, Bremer Bay. |
| Name of Applicant: | St John WA |
| File Reference: | |
| Author: | Charmaine Solomon, DCEO / Janna Cheshire, Project Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Janna Cheshire, Project Officer |
| Date of Report: | 12 December 2023 |
| Attachments: | a) CONFIDENTIAL - Project Budget, Construction quotes, site plan, floor plan, elevations, SJA cash contribution confirmation, SJA lease obligation acknowledgement |
| Authority/Discretion: | Administrative, Financial |

SUMMARY:

The purpose of this report is for Council to consider becoming the main applicant seeking funding under the Federal Government’s “Growing Regions Program Round 1” grant scheme to enable the construction of a new ambulance depot in Bremer Bay.

This would entail adopting the project management and construction of the proposed ambulance depot as a Shire owned asset to be leased to and run by St John Ambulance WA (SJA) on behalf of the Jerramungup Sub Centre into the future.

As this project has not been identified in the 2023/2024 adopted annual budget, a formal Council resolution for the out of budget project is required.

BACKGROUND:

- The Bremer Bay SJA Depot is presently located within the Volunteer Fire and Emergency Services Shed (VFES) which they cohabit with the Bremer Bay Volunteer Bush Fire Brigade, Volunteer Road Crash Rescue unit and Volunteer Marine Rescue group. The current ambulance depot consists of one isolated garage bay, holding the ambulance vehicle, some stock and equipment and multiple lockers for volunteers.
- The local SJA volunteer group has not only outgrown this space but is also restricted in their operations by co-sharing the facility.
- Additionally, DFES has indicated a desire to claim the area currently occupied by SJA, to upgrade their facility in accordance with requirements under their infrastructure policies to cater for a growing number of volunteers.
- In support of the project, Council has previously instigated and successfully finalised the amalgamation of Lots 802 and 803 on DP47189 to create one consolidated lot forming Reserve No. 48293 to provide sufficient area on which to establish an Emergency Services Precinct whereby SJA WA, DFES and WA Police could all locate their buildings and operations.
- The action to progress the land amalgamation to create the Emergency Services Precinct was determined at **Ordinary Meeting of Council held 26 May 2021 – MOTION: OCM210509**
- Since the date of that meeting, SJA have progressed with the planning and design of their new building to the point where they now have a full set of drawings and specifications that are fit to apply for a building permit.

- To cover the gap between available funding and anticipated project expenditure SJA initiated discussion with the Growing Region grant funding body to establish eligibility to apply for the federal funding independently. However, SJA were deemed ineligible due to their corporate business structure. Resulting from this, SJA approached Council to evaluate appetite to take on project and apply for funding as main applicant.
- Council declared in principal support and agreed to submit an Expression of Interest (Stage 1) to the Growing Regions Program Round 1, subject to further consideration if our EOI application was successful.
- An EOI application was submitted on 31 July 2023. The Shire received correspondence regarding our successful application on 21 November 2023 and has now been invited to submit a full application for funding.

CONSULTATION:

After DFES declared an interest in occupying the current SJA garage bay, the local SJA volunteers seized the opportunity to investigate the option of a freestanding ambulance depot. The group engaged an architectural consultant to lead them through the design progress, considering all aspects of future use and growth. The proposed building was designed around the parameters of multiple garage bays to allow for additional ambulances and emergency services vehicles during peak visitor season, on site accommodation to attract volunteers from other sub centres to take up on-call rosters when local volunteers require support, provisions for secure drug storage to allow for better pain management options (currently not supported due to occupying a co-shared facility), sufficient space for volunteer training and public courses as well as an on-site office/retail outlet for paid staff.

Simultaneously, the Shire facilitated a meeting with DFES, WA Police and SJA to foster a consolidated approach to use of the reserve and to establish all current and future occupants of the site's requirements for space. Through this process, an overall concept plan for the site was developed, identifying area allocations for all agencies involved. Following on from this process, not only SJA but also WA Police have substantially progressed with their development intent. Subject to funding, SJA could potentially commence their project after May 2024 and WA Police anticipate the delivery of their facility by November 2024. DFES is awaiting the outcome of the SJA project before scheduling their construction works.

COMMENT:

Financial background:

When this project first started taking shape in 2021, the local SJA sub centre received some indicative costings from two registered builders with quotes ranging between \$800,000 to \$1,500,000. Additionally, a quantity survey was done, pricing the project at \$2,100,000. This started the local volunteers fundraising journey consisting of grain drives, grand raffles, a go-fund-me page and frequent sausage sizzles etc. Together with contributions from the Shire and fellow SJA sub centres, the local volunteers procured a budget of \$746,000 towards the construction of their new facility. In sight of any potential grant funding being allocated to projects that are "shovel-ready", the subcentre committed to a design and advanced the architectural drawings to a stage where they are now ready to be submitted for a building permit. The costs of \$85,805 for the services of the architect, civil and structural engineers, hydraulic and mechanical engineers and energy efficiency assessors have been absorbed by the local volunteers in addition to their cash-contribution for the construction.

At this point in time, SJA, with help of their internal grant specialist, researched potential funding opportunities both nationally and internationally and eventually found a match in the assessment criteria of the federal “Growing Regions Program”. To verify their budget figures and gap in the construction budget, the sub centre initiated a request for quotes for the construction of the proposed depot and received three sound responses. With those financial details, SJA commenced drafting an application to submit their Expression of Interest (EOI) for this funding stream. However, during communications with the grant body it was established that SJA was ineligible to apply for this funding as their business structure precludes them from receiving funding under this grant scheme.

In lieu of this, Council was approached to consider adopting the project and applying for the funding.

The project budget and associated financial documentation are provided as confidential attachments.

Financial Implications

- Council adopted the provision of a financial contribution towards this project of \$300,000 in total, \$150,000 at **Ordinary Meeting of Council – 27 July 2022 MOTION: OCM220707 and \$150,000 plus balance brought forward from 2022/23 budget at Ordinary Meeting of Council – 26 July 2023 MOTION: OCM230706**. This commitment remains the same, regardless of Council adopting project ownership or not.
- The project is not currently identified in the adopted 2023/2024 budget and if adopted will accrue some administrative expenses in staff wages and incidentals (ie legal fees for licence agreement, fees for quantity surveyor etc.)
- Contractor procurement must be in line with Local Government tender requirements due to the overall project value, meaning Council will have to conduct an official Request for Tender to award the works if successful in procuring funding.
- The completed asset will initially be owned by the Shire, therefore requirements to plan for asset decommissioning/replacement at end of life cycle have to be met.
- Council intends to make an application for funding under the same grant scheme for a future Cultural Precinct. If the ambulance depot project runs over time this might preclude us from applying for funding for a different project. Awaiting response from grant body on this question within next 1-5 business days.
- Onus of servicing ongoing operational costs for completed facility (insurance, utilities, pest management, maintenance work, asset replacement costs etc.) will be with SJA. This will be captured through a binding Heads of Agreement prior to accepting funding deed if successful and formalised through lease agreement (like Jerramungup Pool arrangement with DoE).
- SJA is required to meet any expenses exceeding the project budget.
- SJA is assumed to become asset owner following the lease.
- SJA Jerramungup received a financial contribution from neighboring SJA subcentres, conditioned upon the inclusion of on-site accommodation to allow for “Volun-tourism”.

Administrative implications

- Shire staff to project managing the construction phase offers opportunity for quality control and monitoring of project budget.
- Ongoing reporting requirements through SJA need to be monitored/assessed on an annual basis.

CONCLUSION:

Council have been aware and supportive of the proposal by SJA to establish a stand-alone depot in Bremer Bay for some time and have provided previous endorsements and budget allocations towards the project.

The proposed project is not considered to be contentious in terms of the location, scope and scale and will have a range of flow on beneficial effects for local Emergency Services and the broader community.

It will create a better office facility for SJA paid staff and volunteers and provides accommodation options to encourage volunteers from other regions to support local operations during peak season.

Progressing the project would enable other emergency services agencies to upgrade and expand the existing facility as well as tie in with the development proposal from WA Police to have their facility delivered by November 2024. It will foster the establishment of the emergency services precinct and by creating this momentum potentially attract other Health Care Services to revisit their development intent for Bremer Bay.

Adopting the project would not impose further significant financial burden on the Shire other than the already pledged cash-contribution. In fact, the Shire would have better opportunity to oversee and track the project budget as well as contractual matters (including variations etc.) and intervene early to ensure no overspend.

SJA have committed to taking on the lease of the completed facility, including taking care of all outgoings, insurances, maintenance and upkeep of the building and a Heads of Agreement will be formulated to capture this prior to an official lease agreement being executed. SJA has also indicated their intent to take on ownership of the building as soon as the Council is legally in a position to dispose of the asset, understanding it would be a simple transfer of the asset rather than a sale.

The proposal does have some potential to impact Council's future strategic and financial direction in the short term as a result of the acquisition of an additional facility and possible funding limitations for future projects of a similar nature. However, this risk can be managed by ensuring the project is progressed and closely monitored to ensure it is completed within timelines and budget.

The requirement and timing for an official Request for Tender process (in addition to the previously received quotes), poses the risk of not being able to procure a contractor that can deliver the project in the timeframes as set out in the funding agreement. However, this risk can be mitigated through proper grant reporting.

There is also a potential reputational risk for Council if the project is not delivered on time and on budget or dismissed.

Contemplating all aspects of this request, there stand two feasible options for Council to consider:

1. Support the request in full, adopt ownership of the project subject to making a successful application for the Growing Regions Program funding and initiating a Heads of Agreement with SJA for the future occupation of the building.

This option reserves the right for Council to review its support towards the project if:

- a. the funding cannot be procured; or
 - b. funding cannot be procured in full and alternative measures (scaling back the scope of the project) cannot be negotiated to our satisfaction; or
 - c. no valid tender has been received; and
 - d. an ongoing future lease agreement cannot be formalised to Council's satisfaction.
2. Decline the request to adopt ownership of the project and apply for the Growing Regions Program funding.

STATUTORY ENVIRONMENT:

Shire of Jerramungup Local Planning Scheme No.2

STRATEGIC IMPLICATIONS:

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

Community

Deliver programs and services that bring people together and support community health and wellbeing.

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

Economy

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

Environment Built

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

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

Advocate for strategic projects that will benefit residents, workers and visitors to the Shire

Governance and Leadership

Work cohesively with groups from across the community to improve engagement and to promote community participation.

FINANCIAL/BUDGET IMPLICATIONS:

The financial commitment from the Shire towards this project is \$300,000 ex GST which was identified in the 2022/2023 and 2023/2024 budget. The funds will be drawn from the Capital Works Reserve if project funding is successful. If Council agrees to assume project ownership there will be additional administrative and legal costs associated with the project being delivered. These costs will be factored into the 2023/2024 budget if the recommendation is supported.

As the Shire has capital projects identified that will require significant funding in the future the Growing Your Regions grant team was contacted to discuss the ramifications of the Shire submitting future grant applications under the next round if construction of the St John building had not yet been completed. The Department advised:

'If you are successful and receive grant funding for a specific project in this round of the Growing Regions program, there is nothing to prevent you from applying in a subsequent round for a different and completely separate project.

You would not be able to apply in a subsequent round for supplementary funding for the project already funded in the current round. However, if you receive funding for, say, Stage One of a project in this round and apply for funding for Stage 3 in a subsequent round, this would be acceptable provided there is absolutely no cross over in grant funding between the two stages.'

The onus of ongoing operational and capital costs, ie insurance, utilities, pest management, maintenance work, asset replacement costs etc, will be the sole responsibility of SJA once the facility is constructed. This will be captured through a binding Heads of Agreement prior to accepting the funding deed if successful and formalised through a lease agreement as per our existing agreement with the Minister for Education for the Jerramungup swimming pool. SJA advised there would be no issues with them assuming all costs and they confirmed that these similar agreements are currently in place with other organisations. The legal costs and administrative costs associated with the preparation of the agreement may need to be absorbed in the 2023/2024 budget however there is currently a provision in the budget for legal advice and matters.

WORKFORCE IMPLICATIONS:

The Shire will be responsible for overseeing the project management and financial reporting of the proposed construction. Administration and legal costs will need to be committed in the 2023/2024 budget if a funding application is submitted.

POLICY IMPLICATIONS:

Nil

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council:

1. **AGREES** to assume project ownership of the Bremer Bay St John Ambulance Depot project and submit a funding application to the Growing Regions Program Round 1 grant scheme;
2. **AUTHORISES** the Chief Executive Officer and Shire President to take all necessary actions to prepare, execute and finalise a Heads of Agreement with St John WA in respect to ongoing financial management of the completed building;
3. **AGREES** to project manage the construction of the proposed facility and carry out the administration of grant funds if the application is successful;
4. **AUTHORISES** the Chief Executive and Shire President to take all necessary actions to prepare, execute and finalise a lease agreement with St John WA for the occupation and use of the completed building.

Cr Iffla declared a Proximity Interest but was not required to leave the meeting due to the interest disclosed.

MOTION: OCM231212

MOVED: Cr Brown

SECONDED: Cr Foreman

That Council:

1. **AGREES** to assume project ownership of the Bremer Bay St John Ambulance Depot project and submit a funding application to the Growing Regions Program Round 1 grant scheme;
2. **AUTHORISES** the Chief Executive Officer and Shire President to take all necessary actions to prepare, execute and finalise a Heads of Agreement with St John WA in respect to ongoing financial management of the completed building;
3. **AGREES** to project manage the construction of the proposed facility and carry out the administration of grant funds if the application is successful;
4. **AUTHORISES** the Chief Executive and Shire President to take all necessary actions to prepare, execute and finalise a lease agreement with St John WA for the occupation and use of the completed building.

CARRIED: 6/0

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

9.4.4 ANNUAL REPORT 2022/2023

| | |
|------------------------------------|---|
| Location/Address: | Shire of Jerramungup |
| Name of Applicant: | Shire of Jerramungup |
| File Reference: | N/A |
| Author: | Charmaine Solomon, Deputy Chief Executive Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 13 December 2023 |
| Attachments: | a) 2022/2023 Annual Report (under separate cover) |
| Authority/Discretion: | Legislative |

SUMMARY:

For Council to accept the Shire of Jerramungup's 2022/2023 Annual Report.

BACKGROUND:

In accordance with section 5.53 of the *Local Government Act 1995* the 2022/2023 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The Shire's external auditor, in conjunction with the Office of the Auditor General, has completed the audit of Council's Annual Financial Statements for the 2022/2023 financial year and these statements are the subject of a separate report to Council. The Annual Financial Statements form part of the 2022/2023 Annual Report.

The 2022/2023 Annual Report forms the main item of business discussed at the Annual General Meeting of Electors. Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the Annual Report is accepted. The Annual Report contains statements from the Shire President, Chief Executive Officer, and the Annual Financial Statements for the 2022/2023 financial year.

CONSULTATION:

Senior Staff

Lincolns Accountants and Business Advisors

Office of the Auditor General

COMMENT:

The Department of Local Government, Sport and Cultural Industries Integrated Planning and Reporting Framework sets out the requirements for local governments to undertake planning and reporting on their activities. This includes the annual reporting to the community on achievements and the financial statements. The Annual Report is also seen as an essential tool to inform the community and key stakeholders about its performance and future plans.

The *Local Government Act 1995* requires every local government to prepare an Annual Report. The Annual Report provides progress on the performance, highlights and achievements of the previous financial year to the community. The Annual Report also contains the audited Financial Statements from the previous financial year. It is a statutory requirement that Council accepts an Annual Report and for the report to be presented to the Annual General Meeting of Electors.

The 2022/2023 Annual Report has been prepared addressing the highlights and achievements of the year. The Annual Report also includes measurements against the Shire of Jerramungup Corporate Business Plan. Reports against statutory requirements are also included in the Annual Report.

Once adopted by Council the Annual Report, incorporating the Annual Financial Report, will be made available on the Shire’s website. A minimal number of printed, bound colour copies will be available for viewing at Libraries and Customer Services Areas of the Shire.

In order for the Shire of Jerramungup to meet its legislative requirements, it is recommended that Council accepts the Annual Report for the financial year 2022/2023.

STATUTORY ENVIRONMENT:

Section 5.53 of the *Local Government Act 1995* states the following in relation to the contents of the Annual Report:

5.53 Annual Reports

- (1) *The local government is to prepare an annual report each financial year.*
- (2) *The annual report is to contain:*
 - (a) *a report from the Mayor or President;*
 - (b) *a report from the Chief Executive Officer;*
 - (c) *deleted;*
 - (d) *deleted;*
 - (e) *an overview of the Plan for the Future of the District made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year;*
 - (f) *the financial report for the financial year;*
 - (g) *such information as may be prescribed in relation to the payments made to employees;*
 - (h) *the auditor’s report for the financial year;*
 - (ha) *a matter on which a report must be made under Section 29(2) of the Disability Services Act 1993*
 - (hb) *details of entries made under Section 5.121 during the financial year in the register of complaints, including –*
 - I. *the number of complaints recorded in the register of complaints;*
 - II. *how the recorded complaints were dealt with; and*
 - III. *any other details that the regulations may require; and*
 - (i) *such other information as may be prescribed.*

Section 5.54 of the *Local Government Act 1995* states the following in relation to the acceptance of the Annual Report:

5.54 Acceptance of Annual Reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after the financial year.*
- *Absolute Majority required.*
- (2) *If the auditor’s report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.*

Section 5.55 of the *Local Government Act 1995* states the following in regard to the notice regarding the availability of the Annual Report:

5.55 Notice of Annual Reports

The Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by the Local Government.

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the Annual General Meeting of Electors. They include the contents of the Annual Report for the previous financial year and then any other general business.

5.55A Publication of Annual Reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

Part 5 – Annual Reports and Planning of the *Local Government (Administration) Regulations 1996* states the following in relation to the contents of the Annual Report:

Division 2 — Annual reports

19B. Information to be included in annual report (Act s. 5.53(2)(g) and (i))

(1) *In this regulation —*

remuneration *has the meaning given in the Salaries and Allowances Act 1975 section 4(1).*

(2) *For the purposes of section 5.53(2)(g) and (i), the annual report for a financial year beginning on or after 1 July 2020 must contain the following —*

- (a) *the number of employees of the local government entitled to an annual salary of \$130,000 or more;*
- (b) *the number of employees of the local government entitled to an annual salary that falls within each band of \$10,000 over \$130,000;*
- (c) *any remuneration and allowances paid by the local government under Schedule 5.1 clause 9 during the financial year;*
- (d) *any amount ordered under section 5.110(6)(b)(iv) to be paid by a person against whom a complaint was made under section 5.107(1), 5.109(1) or 5.114(1) to the local government during the financial year;*
- (e) *the remuneration paid or provided to the CEO during the financial year;*
- (f) *the number of council and committee meetings attended by each council member during the financial year;*
- (g) *if available, the gender, linguistic background and country of birth of council members;*
- (h) *if available, the number of council members who are aged —*
 - (i) *between 18 years and 24 years; and*
 - (ii) *between 25 years and 34 years; and*
 - (iii) *between 35 years and 44 years; and*
 - (iv) *between 45 years and 54 years; and*
 - (v) *between 55 years and 64 years; and*
 - (vi) *over the age of 64 years;*

- (i) *if available, the number of council members who identify as Aboriginal or Torres Strait Islander;*
- (j) *details of any modification made to a local government’s strategic community plan during the financial year;*
- (k) *details of any significant modification made to a local government’s corporate business plan during the financial year.*

[Regulation 19B inserted: SL 2020/213 r. 20.]

19BB. Information about trading undertakings to be included in annual report (Act s. 5.53(2)(i))

(1) *In this regulation —*

income statement *has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 3(1);*

major trading undertaking *has the meaning given in section 3.59(1);*

statement of financial position *has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 3(1);*

trading undertaking *has the meaning given in section 3.59(1).*

(2) *For the purposes of section 5.53(2)(i), the annual report for a financial year beginning on or after 1 July 2022 must include the following —*

(a) *separately, in relation to each trading undertaking carried on during the financial year —*

(i) *an income statement; and*

(ii) *a statement of financial position; and*

(iii) *any other information that is necessary to provide full and complete information on the undertaking;*

(b) *in relation to each major trading undertaking, in addition to the information required under paragraph (a), a statement setting out all other revenue and expenditure that is not included in the income statement referred to in paragraph (a)(i) but that has been used in the pricing structure for goods or services to be provided by the undertaking.*

[Regulation 19BB inserted: SL 2023/106 r. 33.]

19BC. Information about land transactions to be included in annual report (Act s. 5.53(2)(i))

(1) *In this regulation —*

major land transaction *has the meaning given in section 3.59(1);*

nature classification *has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 3(1).*

(2) *For the purposes of section 5.53(2)(i), the annual report for a financial year beginning on or after 1 July 2022 must include the following, separately in relation to each major land transaction (according to nature classification) —*

(a) *all income and expenditure for the transaction received or expended during the financial year;*

(b) *details of assets and liabilities at 30 June;*

(c) *any other information that is necessary to provide full and complete information on the transaction;*

(d) *if the transaction is to span more than 1 financial year, a brief statement showing the cash flows expected during the lesser of the following periods —*

- (i) *the term of the transaction;*
 - (ii) *the period covered by the corporate business plan.*
- (3) *For the purposes of section 5.53(2)(i), if a major land transaction has spanned more than 1 financial year and it is completed during a financial year beginning on or after 1 July 2022, the annual report for that financial year must —*
- (a) *disclose —*
 - (i) *details of the total income and expenditure for the transaction from the date of commencement to the date of completion; and*
 - (ii) *details of the amount or value of any surplus of money or assets distributed to the local government or a person other than the local government; and*
 - (iii) *the amount or value of any loss and the resources used to cover the loss;*
 - and*
 - (b) *include —*
 - (i) *a comparison of the outcomes over the life of the transaction with expected outcomes in the business plan prepared for the transaction; and*
 - (ii) *an explanation of the benefits of the transaction to the local government and the community.*
- [Regulation 19BC inserted: SL 2023/106 r. 33.]*

19BD. Information about fees, expenses and allowances to be included in annual report (Act s. 5.53(2)(i))

For the purposes of section 5.53(2)(i), the annual report for a financial year beginning on or after 1 July 2022 must include, in relation to fees, expenses or allowances paid during the financial year to council members, the mayor or the president, for each person —

- (a) *the nature of the fee, expense or allowance; and*
- (b) *the total amount or value of each class of fee, expense or allowance.*

[Regulation 19BD inserted: SL 2023/106 r. 33.]

19BE. Information about capital grants, subsidies and contributions to be included in annual report (Act s. 5.53(2)(i))

- (1) *In this regulation —*

renew, *in relation to an asset, means to return the asset to its original state by rebuilding, repairing or restoring the asset;*

replace, *in relation to an asset, does not include to upgrade the asset or to replace the asset with a different version of the asset.*

- (2) *For the purposes of section 5.53(2)(i), the annual report for a financial year beginning on or after 1 July 2022 must include the amount of all capital grants, subsidies and contributions, for replacing and renewing assets, that were received by the local government during —*

- (a) *the financial year; and*
- (b) *the 2 financial years before the financial year.*

[Regulation 19BE inserted: SL 2023/106 r. 33.]

[19CA. Deleted: SL 2020/213 r. 20.]

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications resulting from the recommendations of this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY:

1. Pursuant to section 5.54 of the *Local Government Act 1995*, **ACCEPTS** the Annual Report for the 2022/2023 financial year, as attached to this report;
2. Pursuant to section 5.55 of the *Local Government Act 1995*, **GIVES** local public notice of the availability of the 2022/2023 Annual Report.

MOTION: OCM231213

MOVED: Cr Barrett

SECONDED: Cr Leenhouders

That Council, BY AN ABSOLUTE MAJORITY:

1. Pursuant to section 5.54 of the *Local Government Act 1995*, **ACCEPTS** the Annual Report for the 2022/2023 financial year, as attached to this report;
2. Pursuant to section 5.55 of the *Local Government Act 1995*, **GIVES** local public notice of the availability of the 2022/2023 Annual Report.

CARRIED BY ABSOLUTE MAJORITY: 6/0

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

Cr Iffla congratulated the Deputy Chief Executive Officer and her staff for their good work during 2023.

9.4.5 ANNUAL MEETING OF ELECTORS

| | |
|------------------------------------|---|
| Location/Address: | N/A |
| Name of Applicant: | Shire of Jerramungup |
| File Reference: | N/A |
| Author: | Charmaine Solomon, Deputy Chief Executive Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 13 December 2023 |
| Attachments: | Nil |
| Authority/Discretion: | Legislative |

SUMMARY:

For Council to determine the meeting date and time for the Annual General Meeting of Electors.

BACKGROUND:

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors be held on a day selected by the local government, but not more than 56 days after the Annual Report is accepted. It is anticipated that Council will accept the Annual Report at its meeting to be held Wednesday, 20 December 2023.

Furthermore, section 5.29 of the *Local Government Act 1995* states that the Chief Executive Officer is to convene an Electors Meeting by giving at least 14 days public notice.

Should Council adopt the Annual Report at its meeting to be held 20 December 2023, the earliest date to issue local public notice is Thursday 21 December 2023, meaning that the earliest date the Annual General Meeting of Electors can be held is Thursday 4 January 2024, with the last date being Thursday 15 February 2024.

It is proposed to hold the Annual General Meeting of Electors on Wednesday 7 February 2024.

CONSULTATION:

The *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the Annual Report to be made publicly available.

While the Shire advertises the meeting in accordance with the *Local Government Act 1995*, the Shire will promote the scheduled meeting date as soon as possible and will publicise the Annual Report through the Shire's website and Facebook page once it is adopted by Council.

COMMENT:

The audited Annual Financial Statements for 2022/2023 are the subject of a separate report to the Audit Committee and then Council. Once these statements are adopted by Council, they are inserted into the 2022/2023 Annual Report which is also adopted by Council as a separate item.

In order for the Shire of Jerramungup to meet its legislative requirements, it is recommended that Council convenes the Annual General Meeting of Electors at 8.30am on Wednesday 7 February 2024 at the Town Hall, Bremer Bay.

STATUTORY ENVIRONMENT:

Section 5.27 of the *Local Government Act 1995* states the following in regard to Annual General Meeting of Electors:

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Section 5.29 states the following in respect to convening Electors Meetings:

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving:*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under Section 1.7(1)(a) and is to continue by way of exhibition under Section 1.7(1)(b) and (c) until the meeting has been held.*

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the AGM of Electors. They are the contents of the Annual Report for the previous financial year and then any other general business. It is suggested therefore, that the agenda format for the Annual Meeting of Electors be:

- Attendance and Apologies
- Contents of the 2022/2023 Annual Report
- General Business

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications resulting from the recommendations of this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:**That Council:**

1. Pursuant to section 5.27 of the *Local Government Act 1995*, CONVENES the Annual General Meeting of Electors on Wednesday 7 February 2024 commencing at 8.30am at the Town Hall, Bremer Bay; and
2. ADVERTISE the Annual General Meeting of Electors in accordance with section 5.29 of the *Local Government Act 1995*.

MOTION: OCM231214**MOVED: Cr Foreman****SECONDED: Cr Barrett****That Council:**

1. Pursuant to section 5.27 of the *Local Government Act 1995*, CONVENES the Annual General Meeting of Electors on Wednesday 7 February 2024 commencing at 8.30am at the Town Hall, Bremer Bay; and
2. ADVERTISE the Annual General Meeting of Electors in accordance with section 5.29 of the *Local Government Act 1995*.

CARRIED: 6/0

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**(CONFIDENTIAL MATTERS)****10.1 CLOSURE OF MEETING TO THE PUBLIC****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 CONFIDENTIAL – AUSTRALIA DAY AWARDS 2023

Simple Majority Vote Required

MOTION: OCM231215**MOVED:** Cr Leenhouders**SECONDED:** Cr Foreman

That Council closes the meeting to the public under section 5.2 (2) (c) and (e) of the *Local Government Act 1995* so that it can consider the following items:

10.2 CONFIDENTIAL – AUSTRALIA DAY AWARDS 2023**CARRIED: 6/0**

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

Cr Iffla, Cr Leenhouders and Charmaine Solomon, Deputy Chief Executive Officer, declared Impartiality Interests in Item 10.2 but did not leave the room due to the nature of the interest declared. Cr Leenhouders did not wish to participate in discussions for the specific award category she had an interest in.

10.2 CONFIDENTIAL – AUSTRALIA DAY AWARDS 2023

| | |
|------------------------------------|---|
| Location/Address: | N/A |
| Name of Applicant: | Shire of Jerramungup |
| File Reference: | CR.AW.1 |
| Author: | Charmaine Solomon, Deputy Chief Executive Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Charmaine Solomon, Deputy Chief Executive Officer |
| Date of Report: | 15 December 2022 |
| Attachments: | a) Award Eligibility and Assessment Criteria b) CONFIDENTIAL – Award Nominations |
| Authority/Discretion: | Confidential |

SUMMARY:

This item addresses Council's annual Citizen, Community Group or Event and Sporting Awards which are presented at the Australia Day Breakfast.

BACKGROUND:

As part of Council's annual traditions Citizen, Community Group or Event and Sporting Awards are presented each year at the Australia Day Breakfast.

CONSULTATION:

Community nominations are sought for these awards.

COMMENT:

Copies of the nominations will be presented to the Council meeting and Council will need to close the meeting to the public to consider the nominations in “committee”.

Nominations opened on 17 October 2023 and were advertised via the Shire website, Facebook page, displayed on local notice boards, circulated via email and in the Jerry Journal and Bremer Bulletin newsletters. The call for nominations was also emailed out to the three sporting clubs and various community groups. Nominations for the awards closed on 1 December 2023 at 4pm.

This year nominations have been received for each category.

The award winners will be recorded in the official minutes however in order to maintain confidentiality the names will not be published in community minutes until after the presentation on Australia Day.

STATUTORY ENVIRONMENT:

Nil

STRATEGIC IMPLICATIONS:

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

Community

Deliver programs and services that bring people together and support community health and wellbeing.

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no additional 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 REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

- 1) That Council AWARD the 2023 Citizenship Award to _____, with it being presented to the recipient on 26 January 2024 at the Australia Day Breakfast Event.
- 2) That Council AWARD the 2023 Community Group of Event Award to _____, with it being presented to the recipient on 26 January 2024 at the Australia Day Breakfast Event.
- 3) That Council AWARD the 2023 Senior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2024 at the Australia Day Breakfast Event.
- 4) That Council AWARD the 2023 Junior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2024 at the Australia Day Breakfast Event.

MOTION: OCM231216**MOVED: Cr Foreman****SECONDED: Cr Brown**

- 1) That Council AWARD the 2023 Citizenship Award to Anthony Armstrong, with it being presented to the recipient on 26 January 2024 at the Australia Day Breakfast Event.
- 2) That Council AWARD the 2023 Community Group or Event Award to Kokoda Op Shop, with it being presented to the recipient on 26 January 2024 at the Australia Day Breakfast Event.
- 3) That Council AWARD the 2023 Senior Sportsperson Award to Jayden Brooks, with it being presented to the recipient on 26 January 2024 at the Australia Day Breakfast Event.
- 4) That Council AWARD the 2023 Junior Sportsperson Award to Keegan Lemon, with it being presented to the recipient on 26 January 2024 at the Australia Day Breakfast Event.

CARRIED: 6/0

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

10.3 REOPENING OF THE MEETING TO THE PUBLIC**Author:** Martin Cuthbert, Chief Executive Officer**Responsible Officer:** Martin Cuthbert, Chief Executive Officer**Disclosure of any Interest:** Nil**OFFICER RECOMMENDATION:**

That Council reopens the meeting to the public.

Simple Majority Vote Required**MOTION: OCM231217****MOVED: Cr Leenhouders****SECONDED: Cr Barrett****That Council reopens the meeting to the public.****CARRIED: 6/0**

For: President Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown, Cr Mair

Against: Nil

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12.0 COUNCILLOR REPORTS

Cr Foreman

Attended Great Southern Recreation Advisory Group. Noted that nominations for scholarships for elite sports are available to our community.

Advised that he is working on a project for ANZAC Day to document past and present members of the Shire who gave any war service and has requested information via the Jerramungup Past and Present Facebook page.

Cr Leenhouders

Attended the South Coast Alliance meeting at the Shire of Plantagenet with the Shire President and Chief Executive Officer. Is of the view that there is value in the South Coast Alliance moving forward. The Climate Dashboard has now gone live. The Waste Alliance still has some work to do.

Attended the Audit Exit Meeting via Zoom with the Shire President, Chief Executive Officer, Deputy Chief Executive Officer and Manager of Finance.

Cr Mair

Attended the Bremer Bay Primary School Christmas windup with Cr Zacher at the Sports Club and acted as official handshaker.

Attended the Bremer Bay Tennis Club windup with 18 members. Probably the strongest sports club in Bremer Bay currently.

Attended the Volunteer Marine Rescue monthly meeting. Members have now engraved life rings with the relevant BEN number, so if found they can be returned to the correct location.

The Chief Executive Officer commented that this initiative had been discussed at the LEMC Meeting and was likely to be rolled out across the State.

Cr Iffla

Met with the WA Country Health Board including the Chair along with their CEO.

Attended the Audit Exit Meeting via Zoom with the Deputy Shire President, Chief Executive Officer, Deputy Chief Executive Officer and Manager of Finance.

Attended the South Coast Alliance meeting and agreed with Cr Leenhouders' comments.

Attended the LEMC meeting. Cr Iffla advised there will be twelve police in Bremer Bay over the holiday period. The Shire Ranger gave a good rundown of his activities.

Discussion with Peter Rundle MLA regarding community matters.

13.0 NEW BUSINESS OF AN URGENT NATURE

Nil.

14.0 CLOSURE

14.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 28 February 2024, commencing at 10.00am, in Jerramungup.

14.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at 11.10am

These minutes were confirmed at a meeting held

.....

Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: