



SHIRE OF JERRAMUNGUP

NOTICE OF COUNCIL MEETING

To the President and Councillors,

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

Wednesday, 22 February 2023
At the Council Chambers,
Jerramungup
Commencing at 10:00am

Council Meeting Procedures

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

Martin Cuthbert
CHIEF EXECUTIVE OFFICER
16 February 2023

AGENDA

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OUR GUIDING VALUES

Progressive, Prosperous and a Premium Place to Live and Visit

DISCLAIMER

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

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

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

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

NOTES FOR MEMBERS OF THE PUBLIC

PUBLIC QUESTION TIME

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

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

MEETING FORMALITIES

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

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NOTES FOR ELECTED MEMBERS

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

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

ALTERNATIVE MOTIONS

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

DECLARATIONS OF INTERESTS

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

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

Section 5.60B states;

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

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

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

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

Regulation 34C (Impartiality) states;

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

2023 MEETING DATES

At its Ordinary Meeting of Council on 26 October 2022, Council adopted the following meeting dates for 2023:

January	-	-	Council in Recess
Wednesday	22 February 2023	10.00am	Council Chambers, Jerramungup
Wednesday	22 March 2023	10.00am	Council Chambers, Jerramungup
Wednesday	26 April 2023	10.00am	Emergency Services Shed, Bremer Bay
Wednesday	24 May 2023	10.00am	Council Chambers, Jerramungup
Wednesday	28 June 2023	10.00am	Council Chambers, Jerramungup
Wednesday	26 July 2023	10.00am	Council Chambers, Jerramungup
Wednesday	23 August 2023	10.00am	Emergency Services Shed, Bremer Bay
Wednesday	27 September 2023	10.00am	Council Chambers, Jerramungup
Wednesday	25 October 2023	10.00am	Council Chambers, Jerramungup
Wednesday	22 November 2023	8.30am	Council Chambers, Jerramungup
Wednesday	20 December 2023	8.30am	Emergency Services Shed, Bremer Bay

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

APPLICATION FOR LEAVE OF ABSENCE

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

Shire of Jerramungup
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ORDINARY COUNCIL MEETING AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened atam by the Shire President.

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

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

2.4 ABSENT

2.5 DISCLOSURE OF INTERESTS

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

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

2.5.1 DECLARATIONS OF FINANCIAL INTERESTS**2.5.2 DECLARATIONS OF PROXIMITY INTERESTS****2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS****3.0 APPLICATIONS FOR LEAVE OF ABSENCE****4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

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

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC TIME**6.1 PUBLIC QUESTION TIME****6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS****7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****7.1 ORDINARY COUNCIL MEETING HELD 21 DECEMBER 2022**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Emergency Services Shed, Bremer Bay on 21 December 2022 be CONFIRMED.

7.2 ANNUAL GENERAL MEETING OF ELECTORS HELD ON 8 FEBRUARY 2023

That the Minutes of the Annual General Meeting of Electors held at the Shire of Jerramungup Council Chambers on 8 February 2023 be CONFIRMED.

7.3 BREMER BAY COMMUNITY DEVELOPMENT COMMITTEE (BBCDC) MEETING HELD 1 FEBRUARY 2023

That Council RECEIVE the Minutes of the BBCDC Meeting HELD ON 1 FEBRUARY 2023.

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

9.0 REPORTS

9.1 TECHNICAL SERVICES

9.1.1 WORKS REPORT FOR JANUARY 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:	10 February 2023
Attachments:	Nil
Authority/Discretion:	Information

SUMMARY:

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

BACKGROUND:

Road Construction

The Construction Crew finalised a couple of jobs before commencing construction work on Stock Road (SLK 0.00 to 3.00) in late January. This consists of forming up the road, drainage, and gravel sheeting of the 3km. With all going well it should be completed by 24 February 2023, after which works on Doubtful Island Road will be started.

Road Maintenance

The Maintenance Crew has been working on back slopes, shoulders and off chutes on both Jerramungup North Road and Cameron Road. They will complete this type of work on as many roads as they can before it rains. In winter the Crew will bring all the material back up onto the road surface to form a 3 per cent crown on the road.

Town Services

Bremer Bay

Over the next couple of weeks all Town Services staff will be working on various projects within the Bremer Bay town site.

The works projects that are currently being carried out include:

- The revitalization of Bremer Bay Entry Statements and associated garden beds.
- Reinstatement of signage, including street signs, Bremer Bay Primary School (can donation signage) and various coastal reserves signage.
- Weed control of Bremer Bay streets and footpaths including pruning of vegetation.
- Revitalization of the front garden beds of the Bremer Bay CRC grounds.
- Coastal Reserves maintenance, including both mechanical and chemical control of weeds around structures and buildings.
- Pruning of vegetation of beach access points at Fisheries Boat Harbour including weed control around public amenities.
- Installation of a new reticulation system for Pelican Park, including the revitalization of the grassed area and associated garden beds, including weed control around public amenities.
- Town Services are currently developing a watering regime for the grassed areas of the Bremer Bay Cemetery grounds. The works program also includes pruning of trees, weed control and general maintenance of the grounds.

- Weed control of invasive weeds along Point Henry Road, Wellstead Road, and White Trail Road. Boom spray operations will be employed to combat Fleabane, Thistle, Vic Tea Tree and Polygala.
- The reinstatement of the Wellstead Estuary fence line will be carried out on Wednesday, 15 February. This will ensure the protection of critical feeding and breeding zones for both Migratory and Australian Shorebird Species, including the Critically Endangered Curlew Sandpiper.

Jerramungup

- During February, Town Services will be carrying out general maintenance of parks and gardens, including weed control activities and responding to customer requests as required.

CONSULTATION:

Internal

COMMENT:

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

STATUTORY ENVIRONMENT:

There are no statutory implications for this report.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031; Advocate for improved road and communication connectivity to support rural and agricultural businesses and environmental tourism.

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

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

FINANCIAL/BUDGET IMPLICATIONS:

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

WORKFORCE IMPLICATIONS:

This report provides an overview of the outside workforce operations for the previous month and upcoming works schedule.

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 January 2023.

9.2 CORPORATE SERVICES**9.2.1 ACCOUNTS FOR PAYMENT – DECEMBER 2022**

Location/Address:	N/A
Name of Applicant:	N/A
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	6 February 2023
Attachments:	a) List of Accounts Paid to 31 December 2022 b) Credit Card Statement 28 November 2022 – 28 December 2022
Authority/Discretion:	Information

SUMMARY:

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

BACKGROUND:

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

CONSULTATION:

Internal consultation within the Finance Department.

COMMENT:

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

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

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28180	
EFT Payments	20296 – 20401	\$561,022.51
Direct Deposits		\$30,846.30
Municipal Account Total		\$591,868.81
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$591,868.81

CERTIFICATE

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

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

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

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

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

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

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

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

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

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

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

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

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

WORKFORCE IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Finance Policy FP5 – Transaction Cards

Finance Policy FP6 – Procurement of Goods and Services

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

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

- a) The List of Accounts Paid to 31 December 2022 as detailed in Attachment 9.2.1(a).**
- b) The Credit Card Statement 28 November 2022 – 28 December 2022 as detailed in attachment 9.2.1(b).**

9.2.2 ACCOUNTS FOR PAYMENT – JANUARY 2023

Location/Address:	N/A
Name of Applicant:	N/A
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	6 February 2023
Attachments:	a) List of Accounts Paid to 31 January 2023 b) Credit Card Statement 28 December 2022 – 27 January 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 January 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 Office is to be provided to Council.

CONSULTATION:

Internal consultation within the Finance Department.

COMMENT:

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

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

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28180	
EFT Payments	20402 – 20453	\$206,096.44
Direct Deposits		\$42,544.71
Municipal Account Total		\$248,641.71
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$248,641.71

CERTIFICATE

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

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

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

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

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

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

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

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

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

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

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

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

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

WORKFORCE IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Finance Policy FP5 – Transaction Cards

Finance Policy FP6 – Procurement of Goods and Services

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

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

- a) **The List of Accounts Paid to 31 January 2023 as detailed in Attachment 9.2.2(a).**
- b) **The Credit Card Statement 28 December 2022 – 27 January 2023 as detailed in attachment 9.2.2(b).**

9.2.3 MONTHLY FINANCIAL REPORT – DECEMBER 2022

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Tamara Pike, Senior Finance Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	6 February 2023
Attachments:	a) Monthly Financial Report for the period ending 31 December 2022
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 December 2022 as required by the *Local Government Act 1995* ('the Act').

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year-to-date basis for the period ending 31 December 2022.

BACKGROUND:

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

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year-to-date position to 31 December 2022 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

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

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

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

CONSULTATION:

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

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

COMMENT:

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

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

STATUTORY ENVIRONMENT:

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

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

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

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

and

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

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

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

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

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

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

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*

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

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

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

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

AP3 – Regional Price Preference

FP1 – Accounting for Non-Current Assets

FP2 – Debt Recovery

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 December 2022 in accordance with section 6.4 of the *Local Government Act 1995*.

9.2.4 MONTHLY FINANCIAL REPORT – JANUARY 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:	6 February 2023
Attachments:	a) Monthly Financial Report for the period ending 31 January 2023
Authority/Discretion:	Information

SUMMARY:

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

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

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

BACKGROUND:

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

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

The following detail is included in the financial report:

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

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

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

CONSULTATION:

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

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

COMMENT:

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

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

STATUTORY ENVIRONMENT:

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

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

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

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

and

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

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

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

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

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

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

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*

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

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

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

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

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

AP3 – Regional Price Preference

FP1 – Accounting for Non-Current Assets

FP2 – Debt Recovery

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

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

9.3 DEVELOPMENT SERVICES

9.3.1 SOUTH WEST NATIVE TITLE SETTLEMENT – LAND BASED CONSULTATIONS

Location/Address:	Various Land Parcels
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:	Nil
Date of Report:	13 February 2023
Attachments:	a) Location Plan – PIN Lots 625571, 625572 and 625573 b) Location Plan – PIN Lot 624855 c) Location Plan – PIN Lot 11209332 d) Location Plan – PIN Lot 1372744
Authority/Discretion:	Administrative

SUMMARY:

For Council to consider the possible future disposition of Crown land parcels at various locations across the Shire to create the Noongar Land Estate as part of the South-West Native Title Settlement.

This is the seventh such List of Land Parcels that Council has been requested to provide comment for.

This report provides recommendations as to the possible transfer of six (6) properties which are detailed on Land List numbers 11253, 11136, and 11242.

BACKGROUND:

The State of Western Australia has committed to allocating up to 380,000 hectares of Crown Land to the Noongar People to create the Noongar Land Estate (NLE), in accordance with the six registered Indigenous Land Use Agreements (ILUA) for the South-West Native Title Settlement (the Settlement).

The Department of Planning, Lands and Heritage (DPLH) has confirmed that the six ILUAs comprising the Settlement were conclusively registered on 27 January 2021, and the Settlement became effective and commenced from 25 February 2021.

The Noongar Boodja Trust (the Trust) was appointed as Trustee for the Noongar Land Estate on 15 March 2021. 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.

The Noongar Land Estate (NLE):

The DPLH Project Team is preparing land already offered and accepted in Annexure X of the ILUAs to be transferred within a few months after the Trust Effective Date.

Annexure X land is comprised of:

- 89 parcels of Crown land with a total area of 1,087.3 hectares; and
- 32 parcels of Aboriginal Lands Trust/Aboriginal Affairs Planning Authority land with a total area of 25.9 hectares.

Over the next five years of implementation, the DPLH Project Team will continue the work required to establish the Noongar Land Estate in accordance with the Noongar Land Base Strategy – Annexure J to the ILUAs. This will necessitate ongoing consultation with key stakeholders, which includes the Shire, in relation to land that is potentially suitable for inclusion. The Project Team will provide updates as establishment of the Noongar Land Estate progresses, and upfront notice where consultation with the Shire is planned.

It is noted that the Shire has previously been consulted and provided responses regarding possible land parcels that may be eligible for transfer to the Noongar Land Estate on six 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; and
- Ordinary Council Meeting 26 October 2022 – Item 9.3.1

The DPLH Project Team has prepared a spreadsheet comprising land parcels identified for possible transfer. The Shire is being requested to provide comments on each of the land parcels 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 or 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, unauthorised 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 DPLH Settlement team.

COMMENT:

The conclusive registration of the six ILUAs for the South-West Native Title Settlement is a significant matter for the Native Title holders.

One objective of the Noongar Land Estate 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.

Council is being asked to provide comment on the future possible transfer of six (6) parcels of Vacant Crown Lots, all of which are located within the Bremer Bay townsite.

Location plans that identify each of the lots subject to this current consideration can be found at Attachments 9.3.1 (a)-(d).

A brief overview of the lots under consideration for transfer follows:

Land List 11253: PIN Lots 625571, 625572, and 625573 – Bremer Bay Townsite Location

- The three parcels are contiguous lots that are generally situated around the north-east end of George Street and near the George Street Boat Ramp (Attachment 9.3.1(a));
- PIN 625571 is a 1058m² parcel of land located to the northern side of George Street, and is the most western of the three lots. The land is designated as being a closed road and adjoins PIN lot 625572, which is a 3,950m² parcel of Vacant Crown Land. PIN lot 625573 is a 913m² lot located to the northern side of George Street with direct street frontage. This parcel is currently described as being Vacant Crown Land and is regularly used as an informal parking area for people accessing the boat ramp;
- All of the above lots are vacant and vegetated and are Reserved Recreation and Open Space under the Shire's Local Planning Scheme No.2;
- PIN lot 625571, which is the most western of the lots, adjoins Lot 771 which was the subject of a report to Council in October 2022 and was similarly identified for possible transfer under the South-West Native Title Settlement. The addition of the three land parcels described above means that the entire strip of land on the northern side of George Street that extends eastward from the George Street Boat Ramp to Gunn Place has been nominated for consideration of transfer;
- In providing its comment on the possible transfer of Lot 771, Council and Officers identified that by virtue of topography and vegetation, land in this area represents a high bush fire risk to the surrounding residential areas, and its proximity to the Wellstead Estuary may limit land use suitability to anything other than the existing Recreation and Open Space uses designation;
- Bushfire risk in the area has had to be managed. It does continue to present a level of bushfire risk insofar that the area creates a 'wick' that exposes the adjoining residential areas. The Shire has previously conducted some works in this area as part of the annual bushfire mitigation program that is undertaken on Crown land, with financial assistance from DFES;
- It is proposed that the various lots would be transferred as Reserves with the Power to Lease.

Concern is held regarding the proposal to transfer land parcels that have inherent bushfire risks associated with them, whilst also having limited economic opportunities within the townsite and being close to residential areas. The Shire has developed, and continues to develop and implement, a comprehensive bushfire mitigation program, which requires significant finance and resourcing to deliver. The ability to fund those programs on land that falls to third party management, as well as the capacity of other parties to implement those programs on an ongoing basis, would need to be considered.

Given these outstanding concerns, it is not recommended that the lots 625571, 625572, and 625573 on Land List 11253 be transferred.

Land List 11253: PIN Lot 624855 – Bremer Bay Road, Bremer Bay

- Single 7,122m² triangular shaped parcel of land located approximately 40 metres east of the intersection of Bremer Bay Road and Wellstead Road, forward of the Bremer Bay Resort and extending east towards Progress Drive (Attachment 9.3.1(b));
- The land is vacant and vegetated and Reserved Recreation and Open Space under the Shire's Local Planning Scheme No.2;

- Bushfire risk in the area has had to be managed. It does continue to present a level of bushfire risk insofar that the area creates a ‘wick’ that exposes the adjoining residential areas. The Shire has previously conducted some works in this area as part of the annual bushfire mitigation program that is undertaken on Crown land, with financial assistance from DFES;
- The land is un-serviced and has not been identified for any alternative uses beyond the existing passive recreation use it affords towards the town’s entry statement, as viewed from the Bremer Bay Road;
- The irregular shape of the property would cause difficulties when contemplating any future alternative form of development and may be better served by its amalgamation into the adjoining Recreation Reserve No.511;

Concern is held regarding the proposal to transfer land parcels that have inherent bushfire risks associated with them, whilst also having limited economic opportunities within the townsite and being close to residential areas. The Shire has developed, and continues to develop and implement, a comprehensive bushfire mitigation program, which requires significant finance and resourcing to deliver. The ability to fund those programs on land that falls to third party management, as well as the capacity of other parties to implement those programs on an ongoing basis, would need to be considered.

Given these outstanding concerns, it is **not** recommended that the lot 624855 on Land List 11253 be transferred.

Land List 11242 – PIN Lot 11209332 Lot 802 White Trail Road, Bremer Bay

- Lot 802 is the most northern of three lots that serve to form the area identified for future use and development for aquaculture purposes (Attachment 9.3.1(c));
- The land is Zoned as Special Use Site 6 – *Aquaculture and other compatible ancillary uses including caretakers dwelling, outbuildings, and other structures*;
- The land is vacant and vegetated with native vegetation species;
- The operators of the existing abalone farm have previously approached the DPLH with a request to secure a s.87 lease over the subject land to enable them to expand their existing operations;
- In response to a referral from DPLH, Council provided written support for the request to lease on 3 June 2021. Council advised it had been aware for some time of the operator’s intention to acquire the land for the purposes of expanding their operations, and supported the issue of the lease noting that:
 1. *The lot adjoins an existing, proven operator/producer;*
 2. *The existing operations occupy a footprint of over 8.5ha and there was a query as to whether lot 802 in isolation is of sufficient area to support another commercially viable stand-alone aquaculture business; and*
 3. *Supported the transfer and the amalgamation of Lot 802 and Lot 775 as was proposed as this would better accommodate the future layout and installation of infrastructure than would two separate parcels of land.*

Council’s past support for the grant of lease to the existing owners of 888 Abalone was also influenced by an acknowledgement of the important economic function that the business delivers to the local, regional and state economies. The abalone farm is the single largest employer within Bremer Bay, providing both direct and indirect employment opportunities, and it is considered that the preservation of those critical opportunities is best served by the management of the land resting with the State, rather than the land being held by other interests.

On the above basis and given Council's past support to the request for lease, it is recommended that the Council advises that in this instance it does **not** support the transfer of the lot 11209332 on Land List 11242.

Land List 11242 – PIN Lot 1372744 Lot 780 Wellstead Road, Bremer Bay

- Lot 780 is a 4.1ha parcel of vacant land located on the south-eastern corner of the intersection of Bremer Bay Road and Wellstead Road (Attachment 9.3.1(d));
- The land is Zoned Service Commercial under LPS No.2;
- The land is not presently serviced and requires a comprehensive planning assessment to be undertaken in order to establish its capability and capacity for development in the usual manner;
- The future use and development of the land would be subject to all relevant planning considerations;
- Whilst land of this type and form is in low supply, there would be no significant barrier towards the land being transferred in the proposed freehold tenure, which may have the benefit of progressing its future release to the market.

Notwithstanding the possible transfer of ownership, all current Scheme and local and State policy provisions will continue to apply to all the lots and a change in ownership does 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.

As a general comment, those lots proposed to be transferred from Vacant Crown Land to Freehold will increase land availability and development opportunities within the townsite.

Table 1 (below) 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 Noongar Boodja Trust.

It is the Officer's recommendation 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 Noongar Boodja Trust.

Table 1

Land List No. 11253

<p>Parcel No.1: PIN 625573 – Lot 129 George Street, Bremer Bay</p>	<ul style="list-style-type: none"> • Lot 129 is a 913m² parcel of Vacant Crown Land; • The land is Zoned Recreation and Open Space under LPS No.2; • The land forms part of the area associated with use of a local boat ramp on the Wellstead Estuary and serves as a passive recreational and informal parking area.
<p>1. Is the Shire of Jerramungup (Shire) supportive of the transfer of this land to the Noongar People under the Settlement?</p>	<p>The Shire acknowledges the standing of the South-West Native Title Determination and of the intent to transfer lands into the Noongar Estate as part of that settlement.</p> <p>The Shire does not support the transfer of this parcel in recognition of its inherent bushfire risk and its close proximity to adjoining residential areas. It requires ongoing mitigation programmes to manage the risk and it lacks alternative uses as a consequence of proximity to the shoreline to the estuary.</p>
<p>2. Does the Shire have any interest in the land?</p>	<p>Yes – in relation to management of bushfire risk and the community’s use of the area for passive recreation.</p>
<p>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.</p>	<p>None at this time, however increasing population and visitor numbers may necessitate some formalisation of the area in the future.</p>
<p>4. Is the land parcel subject to any mandatory connection to services?</p>	<p>No</p>
<p>5. Are any future proposals for the land identified? If so – provide detail of what is proposed and in what timeframe?</p>	<p>No</p>
<p>6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?</p>	<p>Surrounding land on the northern side of George Street has the same Reservation as the subject lot. Residential zoned properties located on adjacent side of George Street, lots developed with residential housing.</p>
<p>7. Advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?</p>	<p>None – Council has resolved to review Town Planning Scheme No.2 and its Local Planning Strategy. No specific proposals have previously been identified for the subject lot.</p> <p>No proposals to amend existing Zoning of subject land or those lots abutting subject parcel have previously been identified within strategic planning documents.</p>

<p>8. Advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).</p>	<p>No known contamination issues.</p> <p>The land is located immediately adjacent to Wellstead Estuary and therefore development would need to have regard to State Coastal Planning Policy.</p> <p>This site has been in a designated bush fire prone area for longer than four months. Additional planning and building requirements may apply to development on this site in accordance with State Planning Policy 3.7.</p>
<p>9. Provide any additional comments on the proposed transfer of this land as part of the Settlement.</p>	<p>The area has been the subject of some past land management practices to manage bushfire risk, however, it does continue to present a level of bushfire risk insofar that the area creates a ‘wick’ that exposes the adjoining residential areas. The Shire has implemented some previous mitigation works as part of the annual bushfire mitigation program that is undertaken on crown land with financial assistance from DFES;</p> <p>There are concerns held regarding the proposal to transfer land parcels that have inherent bushfire risks associated with them whilst also having limited economic opportunities within the townsite and being in close proximity to residential areas. The Shire has developed, and continues to develop and implement, a comprehensive bushfire mitigation program which requires significant finances and resourcing to deliver. Concerns arise about the ability to fund those programs on land that falls to third party management and the capacity of other parties to implement those programs on an ongoing basis.</p> <p>Given these outstanding concerns, it is not recommended that the subject PIN lot 625573 on Land List 11253 be transferred.</p>

<p>Parcel No.2: PIN 625572 – 4 George Street, Bremer Bay</p>	<ul style="list-style-type: none"> • Subject lot 625572 which is a 3,950m² parcel of vacant, vegetated crown land; • The land is Zoned Recreation and Open Space under LPS No.2; • The land serves as vegetated buffer between residential areas and the Wellstead Estuary.
<p>1. Is the Shire of Jerramungup (Shire) supportive of the transfer of this land to the Noongar People under the Settlement?</p>	<p>The Shire acknowledges the standing of the South-West Native Title Determination and of the intent to transfer lands into the Noongar Estate as part of that settlement.</p> <p>The Shire does not support the transfer of this parcel in recognition of its inherent bushfire risk and its close proximity to adjoining residential areas that requires ongoing mitigation programmes to manage the risk and also to its lack of alternative uses as a consequence of proximity to the shoreline to the estuary.</p>
<p>2. Does the Shire have any interest in the land?</p>	<p>Yes – in relation to management of bushfire risk.</p>
<p>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.</p>	<p>No</p>
<p>4. Is the land parcel subject to any mandatory connection to services?</p>	<p>No</p>

<p>5. Are any future proposals for the land identified? If so – provide detail of what is proposed and in what timeframe?</p>	<p>No</p>
<p>6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?</p>	<p>Surrounding land on the northern side of George Street has the same Reservation as the subject lot. Residential zoned properties located on adjacent side of George Street, lots developed with residential housing.</p>
<p>7. Advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?</p>	<p>None – Council has resolved to review Town Planning Scheme No.2 and its Local Planning Strategy. No proposals to amend existing Zoning of subject land or those lots abutting subject parcel have previously been identified within strategic planning documents.</p>
<p>8. Advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).</p>	<p>The land is Zoned Recreation and Open Space under TPS No.2 and future use and development of the land would need to be in accordance with Scheme provisions.</p> <p>No known contamination issues affect the land.</p> <p>This site has been in a designated bush fire prone area for longer than four months. Additional planning and building requirements may apply to development on this site in accordance with State Planning Policy 3.7.</p> <p>As land is in proximity to coastline (Wellstead Estuary) any future development proposal would also need to have regard to State Planning Policy 2.6.</p>
<p>9. Provide any additional comments on the proposed transfer of this land as part of the Settlement.</p>	<p>The area has been the subject of some past land management practices to manage bushfire risk, however, it does continue to present a level of bushfire risk insofar that the area creates a ‘wick’ that exposes the adjoining residential areas. The Shire has implemented some previous mitigation works as part of the annual bushfire mitigation program that is undertaken on crown land with financial assistance from DFES;</p> <p>There are concerns held regarding the proposal to transfer land parcels that have inherent bushfire risks associated with them whilst also having limited economic opportunities within the townsite and being in close proximity to residential areas. The Shire has developed, and continues to develop and implement, a comprehensive bushfire mitigation program which requires significant finances and resourcing to deliver upon. Concerns arise about the ability to fund those programs on land that falls to third party management and the capacity of other parties to implement those programs on an ongoing basis.</p> <p>Given these outstanding concerns, it is not recommended that the subject PIN lot 625572 on Land List 11253 be transferred.</p>

<p>Parcel No.3: PIN 625571 – George Street, Bremer Bay</p>	<ul style="list-style-type: none"> • PIN 625571 is a 1,058m² parcel of land located to the northern side of George Street and the most western of the three lots. The land is designated as being a closed road.
<p>1. Is the Shire of Jerramungup (Shire) supportive of the transfer of this land to the Noongar People under the Settlement?</p>	<p>The Shire acknowledges the standing of the South-West Native Title Determination and of the intent to transfer lands into the Noongar Estate as part of that settlement.</p> <p>The Shire does not support the transfer of this parcel in recognition of its inherent bushfire risk and its close proximity to adjoining residential areas that requires ongoing mitigation programmes to manage the risk and also to its lack of alternative uses as a consequences of proximity to the shoreline to the estuary.</p>
<p>2. Does the Shire have any interest in the land?</p>	<p>Yes – in relation to management of bushfire risk.</p>
<p>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.</p>	<p>No</p>
<p>4. Is the land parcel subject to any mandatory connection to services?</p>	<p>No</p>
<p>5. Are any future proposals for the land identified? If so - provide detail of what is proposed and in what timeframe?</p>	<p>No</p>
<p>6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?</p>	<p>Surrounding land on the northern side of George Street has the same Reservation as the subject lot. Residential zoned properties located on adjacent side of George Street, lots developed with residential housing.</p>
<p>7. Advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?</p>	<p>None – Council has resolved to review Town Planning Scheme No.2 and its Local Planning Strategy. No specific proposals have previously been identified for those lots.</p> <p>No proposals to amend existing Zoning of subject land or those lots abutting subject parcel have previously been identified within strategic planning documents.</p>
<p>8. Advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).</p>	<p>Council is not aware of any specific management issues affecting the land.</p> <p>This site has been in a designated bush fire prone area for longer than four months. Additional planning and building requirements may apply to development on this site in accordance with State Planning Policy 3.7.</p>

<p>9. Provide any additional comments on the proposed transfer of this land as part of the Settlement.</p>	<p>The area has been the subject of some past land management practices to manage bushfire risk, however, it does continue to present a level of bushfire risk insofar that the area creates a ‘wick’ that exposes the adjoining residential areas. The Shire has implemented some previous mitigation works as part of the annual bushfire mitigation program that is undertaken on Crown Land with financial assistance from DFES;</p> <p>There are concerns held regarding the proposal to transfer land parcels that have inherent bushfire risks associated with them whilst also having limited economic opportunities within the townsite and being in close proximity to residential areas. The Shire has developed, and continues to develop and implement, a comprehensive bushfire mitigation program which requires significant finance and resourcing to deliver. Concerns arise about the ability to fund those programs on land that falls to third party management and the capacity of other parties to implement those programs on an ongoing basis.</p> <p>Given these outstanding concerns, it is not recommended that the subject PIN lot 625571 on Land List 11253 be transferred.</p>
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<p>Parcel No.4: PIN 624855 Bremer Bay Road, Bremer Bay</p>	<ul style="list-style-type: none"> • PIN 624855 is a 7,122m² triangular shaped parcel of land.
<p>1. Is the Shire of Jerramungup (Shire) supportive of the transfer of this land to the Noongar People under the Settlement?</p>	<p>The Shire acknowledges the standing of the South-West Native Title Determination and of the intent to transfer lands into the Noongar Estate as part of that settlement.</p> <p>The Shire does not support the transfer of this parcel in recognition of its inherent bushfire risk and its close proximity to adjoining residential/commercial areas that require ongoing mitigation programmes to manage the risk and also to its lack of alternative uses as a consequence of its irregular shape.</p>
<p>2. Does the Shire have any interest in the land?</p>	<p>Yes – in relation to management of bushfire risk, property is bisected by a strategic fire break.</p>
<p>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.</p>	<p>No.</p>
<p>4. Is the land parcel subject to any mandatory connection to services?</p>	<p>No.</p>
<p>5. Are any future proposals for the land identified? If so - provide detail of what is proposed and in what timeframe?</p>	<p>None by Shire.</p>
<p>6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?</p>	<p>No.</p>

<p>7. Advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?</p>	<p>None – Council has resolved to review Town Planning Scheme No.2 and its Local Planning Strategy. No proposals to amend existing Zoning of subject land or those lots abutting subject parcel have previously been identified within strategic planning documents.</p>
<p>8. Advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).</p>	<p>No known contamination issues affecting the land.</p> <p>The land is Zoned Recreation and Open Space under TPS No.2 and future use and development of the land would need to be in accordance with Scheme provisions.</p> <p>These lots are within an area designated a bush fire prone area for longer than four months. Additional planning and building requirements may apply to development on this site in accordance with State Planning Policy 3.7.</p> <p>As some of the lots have direct frontage to the coastline, any future development proposal would also need to have regard to State Planning Policy 2.6.</p> <p>The Shire is not aware of any specific contamination issues or of any unauthorised development occurring on any of the lots. Minimal informal access tracks appear to exist.</p>
<p>9. Provide any additional comments on the proposed transfer of this land as part of the Settlement.</p>	<p>The area has been the subject of some past land management practices to manage bushfire risk, however, it does continue to present a level of bushfire risk insofar that the area creates a ‘wick’ that exposes the adjoining residential and commercial areas. The Shire has implemented some previous mitigation works as part of the annual bushfire mitigation program that is undertaken on Crown Land with financial assistance from DFES.</p> <p>There are concerns held regarding the proposal to transfer land parcels that have inherent bushfire risks associated with them whilst also having limited economic opportunities within the townsite and being in close proximity to residential areas. The Shire has developed, and continues to develop and implement, a comprehensive bushfire mitigation program which requires significant finances and resourcing to deliver. Concerns arise about the ability to fund those programs on land that falls to third party management and the capacity of other parties to implement those programs on an ongoing basis.</p> <p>Given these outstanding concerns, it is not recommended that the subject PIN lot 624855 on Land List 11253 be transferred.</p>

Land List 11242

<p>Parcel No.5: PIN 1372744 Lot 780 Wellstead Road, Bremer Bay</p>	<ul style="list-style-type: none"> • Lot 780 is a 4.1ha parcel of vacant land; • Land is zoned Service Commercial, is vacant and vegetated.
<p>1. Is the Shire of Jerramungup (Shire) supportive of the transfer of this land to the Noongar People under the Settlement?</p>	<p>The Shire acknowledges the standing of the South-West Native Title Determination and of the intent to transfer lands into the Noongar Estate as part of that settlement.</p> <p>The Shire is supportive of the transfer of the lots to the NBT which gives rise to the potential for future land releases within the town to meet existing and future demand for service industry land.</p>
<p>2. Does the Shire have any interest in the land?</p>	<p>No.</p>
<p>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.</p>	<p>No.</p>
<p>4. Is the land parcel subject to any mandatory connection to services?</p>	<p>Yes – future development would be subject to connection to all services which are available to the site.</p>
<p>5. Are any future proposals for the land identified? If so - provide detail of what is proposed and in what timeframe?</p>	<p>None by Shire – Service Commercial zoning indicates future land use intent.</p>
<p>6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?</p>	<p>No.</p>
<p>7. Advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?</p>	<p>None – Council has resolved to review Town Planning Scheme No.2 and its Local Planning Strategy. No proposals to amend existing Zoning of subject land or those lots abutting subject parcel have previously been identified within strategic planning documents.</p>
<p>8. Advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).</p>	<p>The land is subject to future investigations to identify land capacity and suitability for development in the usual manner having regard to relevant planning frameworks and State Government Policies.</p> <p>These lots are within a designated bush fire prone area for longer than four months. Additional planning and building requirements may apply to development on this site in accordance with State Planning Policy 3.7.</p> <p>The Shire is not aware of any specific contamination issues or of any unauthorised development occurring on any of the lots.</p>

<p>9. Provide any additional comments on the proposed transfer of this land as part of the Settlement.</p>	<p>Given the location and standing of the lot there would appear to be no reason to not support the transfer of the lots to the NBT which gives rise to the potential for future land releases within the town.</p> <p>Having regard to the above, it is recommended that Council supports the transfer of this PIN lot 1372744 as detailed within Land List 11242.</p>
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Land List 11136

<p>Parcel No.6: PIN 11209332 Lot 802 White Trail Road, Bremer Bay</p>	<ul style="list-style-type: none"> • Lot 802 is 5ha parcel of vacant, vegetated land; • Land is Zoned <i>Special Use Site 6 – “Aquaculture and other compatible ancillary uses including caretakers dwelling, outbuildings, and other structures”</i> under Local Planning Scheme No.2.
<p>1. Is the Shire of Jerramungup (Shire) supportive of the transfer of this land to the Noongar People under the Settlement?</p>	<p>The Shire acknowledges the standing of the South-West Native Title Determination and of the intent to transfer lands into the Noongar Estate as part of that settlement.</p> <p>The Shire has previously given its support towards the owner/operators of 888 Abalone securing access over this land.</p> <p>The abalone farm is the single largest employer within the town providing both direct and indirect employment opportunities and it is put that the preservation of those critical opportunities is best served by the management of the land resting with the State rather than the land being held by other interests.</p>
<p>2. Does the Shire have any interest in the land?</p>	<p>No.</p>
<p>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.</p>	<p>No.</p>
<p>4. Is the land parcel subject to any mandatory connection to services?</p>	<p>Yes – future development would be subject to connection to power and water – reticulated sewer is not available.</p>
<p>5. Are any future proposals for the land identified? If so - provide detail of what is proposed and in what timeframe?</p>	<p>888 Abalone, who operate and manage the adjacent abalone farm, have previously submitted proposals to DPLH to secure tenure – no formal development application has been submitted to the Shire however the Council is aware of the intent to expand the existing aquaculture operations.</p>
<p>6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?</p>	<p>No.</p>

<p>7. Advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?</p>	<p>None – Council has resolved to review Town Planning Scheme No.2 and its Local Planning Strategy. No proposals to amend existing Zoning of subject land or those lots abutting subject parcel have previously been identified within strategic planning documents.</p>
<p>8. Advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).</p>	<p>The land is subject to future investigations to identify land capacity and suitability for development in the usual manner having regard to relevant planning frameworks and State Government Policies.</p> <p>These lots are within an area designated a bush fire prone area for longer than four months. Additional planning and building requirements may apply to development on this site in accordance with State Planning Policy 3.7 and being adjacent to coastline State Coastal Planning Policy applies.</p> <p>The Shire is not aware of any specific contamination issues or of any unauthorised development occurring on any of the lots.</p>
<p>9. Provide any additional comments on the proposed transfer of this land as part of the Settlement.</p>	<ul style="list-style-type: none"> • Lot 802 is the most northern of three lots that serve to form the area identified for future use and development for aquaculture purposes; • The land is vacant and vegetated with native vegetation species; • The operators of the existing abalone farm have previously approached the DPLH with a request to secure a s.87 Lease over the subject to land to enable them to expand upon their existing operations; • Council had provided written support in response to a referral from DPLH regarding the request to lease on 3 June 2021. Council advised it had been aware of the operator’s intention to acquire the land for the purposes of expanding their operations for some time and supported the issue of the Lease noting that: <ol style="list-style-type: none"> 1. The lot adjoins an existing, proven operator/producer; 2. The existing operations occupy a footprint of over 8.5ha and there was a query as to whether lot 802 in isolation is of sufficient area to support another commercially viable stand-alone aquaculture business; and 3. Supported the transfer and the amalgamation of Lot 802 and Lot 775 as was proposed as this would better accommodate the future layout and installation of infrastructure than would two separate parcels of land. <p>Council’s past support to the grant of licence to the existing owners of 888 Abalone was also influenced by acknowledgement of the important economic function that the business delivers to the local, regional, and state economies. The abalone farm is the single largest employer within the town providing both direct and indirect employment opportunities and it is put that the preservation of those critical opportunities is best served by the management of the land resting with the State rather than the land being held by other interests.</p> <p>On the above basis and given Council’s past support to the request for tenure, it is recommended that in this instance it does not support the transfer of the land PIN lot 11209332 on Land List 11136.</p>

STATUTORY ENVIRONMENT:

Native Title Act 1993

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026;

Strategic Direction 2 – Community	Aspiration 2.2 – Improved Liveability	2.2.8 Increased housing availability options (ownership, rentals, accommodation) workers
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FINANCIAL/BUDGET IMPLICATIONS:

The Noongar Boodja Trust will be required to meet the standard costs such as rates and service charges associated with owning freehold title.

WORKFORCE IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That COUNCIL:

1. Endorse the comments provided in Table 1 in respect to the possible transfer of the six (6) nominated land parcels to the Noongar Boodja Trust as its formal response to the Department of Planning, Lands and Heritage (DPLH);
2. Advise the Department of Planning, Lands and Heritage that it does not support the transfer of land parcels identified as PIN lots 625573, 625572, 625571 and 624855 as detailed on Land List 11253 for reasons outlined in Table 1;
3. Advise the Department of Planning, Lands and Heritage that it does not support the transfer of land parcel identified as PIN lot 11209332 as detailed on Land List 11136 for reasons detailed in Table 1;
4. Advise the Department of Planning, Lands and Heritage that it supports the transfer of PIN lot 1372744 on Land List 11242, subject to matters detailed in Table 1.

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN JANUARY 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:	14 February 2023
Attachments:	a) January 2023 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for January 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 January 2023.

CONSULTATION:

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

COMMENT:

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

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

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

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

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

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

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

STRATEGIC IMPLICATIONS:

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

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of January 2023.

9.4.2 GREAT SOUTHERN TREASURES – MOU

Location/Address:	N/A
Name of Applicant:	Great Southern Treasures
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 February 2023
Attachments:	Nil
Authority/Discretion:	Administrative

SUMMARY:

For Council to consider renewing the Memorandum of Understanding (MOU) with neighbouring local governments in the Great Southern for continuation of the Great Southern Treasures tourism organisation.

BACKGROUND:

Established in 2004, the Great Southern Treasures (GST) is a Local Tourism Organisation (LTO) representing nine Shires in the Upper Great Southern region and is delivered by Australia's South West (ASW).

The nine Shires are Broomehill-Tambellup, Cranbrook, Gnowangerup, Katanning, Kent, Kojonup, Plantagenet, Woodanilling and Jerramungup.

The purpose of the collective is to build brand awareness of the tourism assets within Great Southern Treasures locally, nationally and worldwide. The stated Mission is to collectively plan and promote the tourism assets, experiences and events across member local governments.

The Shire of Jerramungup re-joined Great Southern Treasures in April 2022 (Minute No. OCM220405 refers) and currently contributes \$11,000 per annum towards its operation.

Australia's South West (ASW) has been contracted to provide marketing and liaison services through a dedicated officer operating out of the Great Southern Development Commission (GSDC) offices in Albany. The GSDC also provides in kind support for travel and other costs.

CONSULTATION:

Nil external. Executive staff have been attending GST Committee meetings since joining.

COMMENT:

The target market of the GST, as set out within the Marketing Strategy (the Strategy), is drive tourists. The drive market can be defined as "visitors who use some form of vehicular transport as a mode of transport to reach their destination, where the main purpose of visit is leisure (ie where their main purpose is for a holiday or to visit friends or relatives). This includes day trips and overnight trips to one or more destinations.

In practice, the Strategy seeks to encourage and attract tourists to modify their travel arrangements so as to extend their travel plans across the region, rather than drive directly to and from the major destination hubs located on the south coast.

The Shire has historically adopted a passive position on tourism development, however, more recently there has been a recognition of the potential benefits that can accrue to the community through the investment in projects such as the Bobtail Trail. That project focussed on collecting and developing the history of the area, and Jerramungup particularly, and was made possible by the GST collective.

Further, one of the key premises in the Marketing Strategy of the GST is to develop a series of interconnected attractions that create a 'loop' across the region, and both Jerramungup and Bremer Bay are integral to being able to achieve that objective.

In order to continue to build on past successes and further develop tourism in the region, Great Southern Treasures is seeking the commitment of all its member local governments for funding for the next three years. The proposed MOU provides for a three-year commitment without the option to withdraw, until the completion of the MOU term.

Great Southern Treasures has been successful in leveraging investment into the region through the promotion of festivals, events and tourism attractions. It also coordinates the Bloom Festival as its major event for the year.

The Bloom Festival 2022 attracted over \$69,000 in sponsorship and generated an estimated \$1.9M in tourism expenditure throughout the Great Southern.

All member local governments have received the benefit from the increased effectiveness of Great Southern Treasures following the employment of a dedicated marketing and liaison officer. The objectives for the next three years are clearly outlined in the Strategic Plan and will only be achieved if local governments commit the current level of funding and support the ongoing employment of a dedicated officer.

The benefits to the member local governments working together could not be achieved at the same cost if each local government were to go it alone in tourism and destination marketing.

A meeting of participating local governments will be held in March 2023 to discuss the future MOU and service agreement with Australia's South West.

STATUTORY ENVIRONMENT:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

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

Economy: Use the natural beauty and the heritage of the region to promote the Shire as a great place to visit;

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

FINANCIAL/BUDGET IMPLICATIONS:

Membership Fees to the GST are set out within a Memorandum of Understanding (MoU) between all nine member Councils and Great Southern Treasures, being a three-year commitment. The current MoU includes the Member Council's annual subscription (12 months) cost schedule for the duration of the MoU, as follows:

- a) Member Council – Tier 1 (under 1,000 population) \$7,000pa
- b) Member Council – Tier 2 (1,001 – 2,000 population) \$11,000pa
- c) Member Council – Tier 3 (2,001 plus population) \$17,500pa

The Shire of Jerramungup falls within **Tier 2** therefore requiring a budget of \$11,000.00 – \$12,000 per year.

WORKFORCE IMPLICATIONS:

Attendance at Committee meetings by an Executive staff member.

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 SUPPORTS the Shire of Jerramungup’s participation with Great Southern Treasures, and:

- 1. Commits to enter into a further MOU with participating Shires for another three (3) years;**
- 2. Agrees to continue funding at the same or greater level up to \$12,000 per year; and**
- 3. Authorises the President and CEO to negotiate on behalf of the Shire of Jerramungup the terms of the MOU and ongoing arrangements for the provision of marketing and liaison services.**

9.4.3 LOCAL GOVERNMENT ELECTIONS 2023 – WAEC POSTAL VOTING

Location/Address:	N/A
Name of Applicant:	Shire of Jerramungup
File Reference:	GV.EL.2
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 February 2023
Attachments:	a) Correspondence from Western Australian Electoral Commission
Authority/Discretion:	Executive

SUMMARY:

The purpose of this report is to seek Council's endorsement for the Western Australian Electoral Commission (WAEC) to conduct as a postal election, the 2023 local government ordinary elections and any other election or poll that may be required for the Shire of Jerramungup up to but not including the 2023 ordinary election.

BACKGROUND:

The next local government elections will take place on Saturday, 21 October 2023. As part of Council's planning for the election Council must consider the method of conducting the election and the appointment of a returning officer, if other than the Chief Executive Officer.

Council has supported local government elections being conducted by postal vote and managed by the WAEC since 2009, and the Electoral Commission is currently seeking an indication from the Shire of Jerramungup as to its intentions for the October 2023 elections. This is primarily for the Commission's own internal planning but will also assist Council staff in preparing future budgets.

In accordance with the *Local Government Act 1995*, Council can opt to conduct a local government election either as an in-person election or a postal election. Current legislation dictates that if a Council decides to conduct a postal election, the WAEC must conduct the election, with the cost of the election to be recouped by the WAEC on the basis of full cost recovery.

Local government elections occur on the third Saturday in October every two years. Councillors each serve four-year terms. The Shire of Jerramungup has four Councillors whose term expires in 2023.

A summary of each voting method is listed below:

Attendance Voting:

- Voters are required to attend a polling place within the municipality on election day.
- Consistent with State and Federal election voting methods.
- Usually lower voter participation rate compared to postal voting.
- Incorrectly enrolled voters are more effectively managed.
- Cost to conduct an attendance election is higher than a postal ballot.

Postal Voting:

- No need for voters to attend a polling place on election day.
- Provides more time for completing the ballot paper.
- Better enables aged, infirm and disabled voters to participate in the election.
- Higher voter participation rate compared with attendance voting.
- More difficult to manage incorrectly enrolled voters.
- Cost to run a postal election is less than an attendance election.
- Generally, postal voting has resulted in lower levels of informal votes than attendance voting.

Many local government authorities in Western Australia are moving away from in person voting to postal voting for the local elections for a variety of reasons. These include the costs, access and transparency.

While there is little in the way of specific direction on this aspect of electoral administration, international best-practice literature consistently refers to the need for parties and candidates not to interfere with election processes. The handbook of electoral standards of the International Institute for Democracy and Electoral Assistance (International IDEA), while concentrating on polling day behaviour, also refers to the need for parties not to ‘handle any official election material’. The emphasis is on parties observing rather than being involved in the conduct of an election.

It is also widely accepted that, to ensure free and fair elections and to maintain transparency, electoral management bodies should be independent, both of the government of the day and of any political partisan connections. This is also true of local government where the election process must be seen as a transparent process.

Prior to the 2009 election, the Shire conducted its elections in house by attendance voting. This meant that a number of Shire staff were involved in the election process. In order to have a transparent process, the option of the WAEC continuing to conduct the election would remove any possibility of staff being “involved” in the actual process and that the CEO and staff would remain at arm’s length from potentially contentious aspects of the electoral process.

CONSULTATION:

Efficiencies of costs, reduced impost on staff, accessibility for electors and transparency, with staff being kept at arm’s length from the election process, were provided as reasons for the majority of these local government authorities continuing with the WAEC conducting the election for both postal and in person methods.

COMMENT:

Council has received written advice from the Electoral Commissioner agreeing to be responsible for the conduct of the 2023 local government ordinary election, as a postal election. Please refer to attachment 9.4.3a.

Local government elections can be either a postal election, which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day, or a voting in person election.

The Electoral Commissioner is responsible for conducting postal elections in Western Australia and conducts voting in person elections on request under extenuating circumstances. By making the Electoral Commissioner responsible for these elections, the local governments concerned ensure that elections are conducted independently and with impartiality.

The WAEC has provided the Shire with an estimated cost of \$18,000 (inc GST) to conduct a postal election for the 2023 ordinary election. This is based on an election being required to fill four vacancies, a total of approximately 950 electors and the count being conducted at the premises of the Shire of Jerramungup.

This estimate includes the following:

- Appointment of a Returning Officer.
- Statutory advertising.
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns.
- A proportion of the total cost of West Australian Electoral Commission staff time and corporate overheads.

Costs not incorporated in this estimate include:

- Non-statutory advertising (ie additional advertisements in community newspapers and promotional advertising).
- The cost of any casual staff to assist the Returning Officer on election day or night.
- Any unanticipated costs arising from public health requirements for the COVID-19 pandemic.
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns.

Having regard to the matters outlined above, there are two options available to Council as to how they wish to run the 2023 elections;

1. Postal election—run by the Electoral Commissioner.
2. Voting in person—run by the local government.

It is recommended that Option 1 be adopted, given;

Advantages for Electors:

- Convenience of casting a vote in their own homes – particularly for disabled and aged voters and those without access to transport.
- Provision of candidate profiles to each elector to assist in their decision-making.
- Time to contact candidates and make an informed decision.
- Reduced costs in time and travel in casting a vote.

Advantages for Candidates:

- Availability of an experienced Returning Officer “at arm’s length” from local government business.
- Detailed candidates’ guides prepared by the Electoral Commission.
- An opportunity to reach all eligible electors at no cost through the candidate profile.
- Confidence that the election is being run by the State’s independent Electoral Commission.
- Elected candidates have an increased support base.

Advantages for the Local Government:

- All eligible electors are given information about the election.
- Electors can vote more easily as there are virtually no barriers to voting.
- Elections are seen to be conducted by the impartial Western Australian Electoral Commission.
- The workload for the CEO is reduced in an area that is not core business.
- The vast majority of elector and candidate enquiries are received and resolved by either the Returning Officer or the Electoral Commissioner.
- Statutory requirements are fulfilled.
- A full election report (including statistics) is prepared by the Electoral Commission for presentation to Council.
- Materials and equipment used in the processes meet contemporary electoral standards.
- Economies of scale can reduce some of the costs.
- Elected Councillors have a high level of support from the local community due to the broader turnout at postal elections.

There is a possibility that an election would not be required, in the event that only four nominations are received for the four vacancies.

STATUTORY ENVIRONMENT:

The principal legislation covering local government elections is:

Part 4 of the *Local Government Act 1995*;

The *Local Government (Elections) Regulations 1997*; and

The *Local Government (Constitution) Regulations 1998*.

4.20. CEO to be returning officer unless other arrangements made

- (1) *Subject to this section the CEO is the returning officer of a local government for each election.*
- (2) *A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for— (a) an election; or (b) all elections held while the appointment of the person subsists.*

** Absolute majority required.*

- (3) *An appointment under subsection (2)— (a) is to specify the term of the person’s appointment; and (b) has no effect if it is made after the 80th day before an election day.*
- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

- (5) *A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*
- (6) *A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.*

4.61. Choice of methods of conducting election

- (1) *The election can be conducted as a —*

postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

- (2) *The local government may decide* to conduct the election as a postal election.*

** Absolute majority required.*

- (3) *A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*
- (4) *A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.*

- (5) *A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.*
- (6) *For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.*
- (7) *Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.*

STRATEGIC IMPLICATIONS:

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

Governance and Leadership:

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:

The WAEC conduct elections on behalf of local governments on a full cost recovery basis. The Shire has received an estimate of \$18,000 inc GST from WAEC to conduct the 2023 election as a postal election. This may vary depending on a number of factors, including the cost of materials or number of replies received.

Not included in the estimate are non-statutory advertising and any legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns.

Funding for the election will be included in the 2023/2024 draft budget, whether conducted in house by staff or the WAEC.

Financial implications to be considered should Council otherwise opt to conduct an in-house, in person election include:

- Production and printing of all election related material.
- Advertising, both statutory and any other local and promotional advertising.
- Staffing, including engagement of a Returning Officer (generally the Chief Executive Officer) and staff for the conduct of early voting, at any polling booths on polling day and additional staff required to count the votes at the close of the poll.

It is considered that the printing and production costs for all election related material would be at least that incurred by the WAEC given the economies of scale that WAEC can achieve by running more than 80 elections at once.

Consideration would also need to be given to the resourcing implications for both the CEO and the administration staff with the additional workload and the necessary training to undertake the responsibility of managing the election in house.

If candidates are elected unopposed there will still be a cost to Council, however costs incurred will be significantly less than conducting a full election process.

WORKFORCE IMPLICATIONS:

There are no additional workforce implications for this report if Council resolves to engage the WAEC to conduct the election. Alternatively, if Council preferred the elections to be conducted in-house, additional staff resources and training would be required to manage the election process.

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. **DECLARE**, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 Shire of Jerramungup ordinary elections together with any other elections or polls which may be required; and
2. **DECIDE**, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election.

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

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.0 COUNCILLOR REPORTS

13.0 NEW BUSINESS OF AN URGENT NATURE

14.0 CLOSURE

14.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 22 March 2023, commencing at 10.00am, in the Council Chambers, Jerramungup.

14.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atam

These minutes were confirmed at a meeting held

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Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: