



# 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, 25 October 2023

At the Council Chamber,

Jerramungup

Commencing at 2:00pm

### Council Meeting Procedures

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

Martin Cuthbert  
**CHIEF EXECUTIVE OFFICER**

19 October 2023

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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

<b>Advocacy:</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<b>Executive/Strategic:</b>	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.
<b>Legislative:</b>	Includes adopting local laws, town planning schemes and policies.
<b>Administrative:</b>	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.
<b>Review:</b>	When Council reviews a decision made by Officers.
<b>Information:</b>	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 at .....am 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.

#### **OFFICER RECOMMENDATION**

That Cr \_\_\_\_\_ be granted permission to be present at the Ordinary Council Meeting to be held on 25 October 2023 by audio contact.

### **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 27 SEPTEMBER 2023**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 27 September 2023 be CONFIRMED, subject to the Land Lists recited in Item 9.3.3 South West Settlement Land Lists 12650 and 12658 being amended as follows:

1. Report Title (Page 38) – Modify to delete reference to Land List No's 12650 and 12658 and replace with Land Lists 1645 and 1411;
2. Summary (Page 38) – modify to delete reference to Land List No's 12650 and 12658 and replace with Land Lists 1645 and 1411;
3. Comment: (Page 39) – modify to delete reference to Land List No's 12650 and 12658 and replace with Land Lists 1645 and 1411;
4. Officer recommendation (Page 42) – modify to delete reference to Land List No's 12650 and 12658 and replace with Land Lists 1645 and 1411;
5. Resolution OCM230915 (Page 42) – modify to delete reference to Land List No's 12650 and 12658 and replace with Land Lists 1645 and 1411.

Explanation

In the 27 September 2023 Council meeting minutes, item 9.3.3 titled *South West Settlement Land Lists 12650 and 12658* incorrectly recites the Land List numbers.

This error was identified when preparing advice to the DPLH regarding Council's decision and review has identified this error had been carried through the report.

It does not affect the comments attributable to the various land parcels identified on those lists, nor does it affect the recommendations provided for each parcel.

Amending the recital is considered necessary to ensure accuracy and to avoid any confusion should there be future enquiry on the referral from the South West Settlement Team.

**8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES**

Nil.

## 9.0 REPORTS

### 9.1 TECHNICAL SERVICES

#### 9.1.1 WORKS REPORT FOR SEPTEMBER/OCTOBER 2023

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Gordon Capelli, Works Supervisor
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	16 October 2023
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

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

#### BACKGROUND:

##### Road Construction

On 12 October 2023, the Road Construction Crew completed a gravel resheet and drainage upgrade on Cuiss Road.

They have now started on the construction of the EV charging station bay on Moorshead Road, Jerramungup, after which they will be heading to Devil's Creek Road to do some patch works.

##### Road Maintenance

The road maintenance grader has been grading Murray Road, Devil's Creek Road, Cowalellup Road and also repaired Doubtful Island Road flood crossing.

The maintenance grader is now grading west of Jerramungup.

##### Town Services

###### Jerramungup

Over the holiday period, Town Services staff were kept busy with removing graffiti from the Lions Park ablution block as well as removing rubbish from high visitation areas.

General maintenance activities were carried out in parks, gardens and reserves including watering of all recently established gardens.

Weed control activities were carried out along road verges, footpaths and entry statements.

###### Bremer Bay

Town Services staff were kept busy removing damaged signs and bollards, although the amount of vandalism for the September holiday period was down compared to previous years.

Works projects that were carried out over September and the first two weeks of October include:

- Pruning of vegetation along the Borden-Bremer Road.
- Mowing of street verges, parks and gardens.
- Comprehensive weed control program of footpaths, streets and verges (before holiday break).

- Rubbish removal of streets, reserves, parks and gardens.
- General maintenance activities of key parks and gardens including Pelican Park, Bremer CRC grounds, and Paperbarks.

#### Environment

Over the last couple of weeks, invasive weed control activities were carried out within the Riparian vegetation zones of the Wellstead Estuary. These activities will continue over the next couple of months with a key focus on targeting Polygala, Vic Tea Tree, Boxthorn and Kikuyu.

Town Services staff are currently removing Vic Tea Tree populations from several road reserves including Ocumup Road and Warramurup Road.

#### **CONSULTATION:**

Internal

#### **COMMENT:**

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

#### **STATUTORY ENVIRONMENT:**

There are no statutory implications for this report.

#### **STRATEGIC IMPLICATIONS:**

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

##### *Economy*

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

##### *Environment Built*

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

##### *Environment Natural*

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

#### **FINANCIAL/BUDGET IMPLICATIONS:**

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

#### **WORKFORCE IMPLICATIONS:**

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

#### **POLICY IMPLICATIONS:**

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

#### **VOTING REQUIREMENT:**

Simple Majority

#### **OFFICER RECOMMENDATION:**

**That Council RECEIVE the works report for September/October 2023.**

## 9.2 CORPORATE SERVICES

### 9.2.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2023

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Sarah Van Elden, Accounts Officer
<b>Responsible Officer:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	10 October 2023
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>a) List of Accounts Paid to 30 September 2023</li> <li>b) Credit Card Statement 28 August 2023 – 27 September 2023</li> <li>c) Fuel Card Statement August 2023</li> </ul>
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

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

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

#### CONSULTATION:

Internal consultation within the Finance Department.

#### COMMENT:

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2023-24 Annual Budget as adopted by Council at its meeting held 26 July 2023 (Minute No. OCM230706 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

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

FUND	VOUCHERS	AMOUNTS
<b>Municipal Account</b>		
Last Cheque Used	28181	
EFT Payments	21191 – 21303	\$583,644.25
Direct Deposits		\$47,810.77
<b>Municipal Account Total</b>		<b>\$631,455.02</b>
<b>Trust Account</b>		
<b>Trust Account Total</b>		<b>\$0.00</b>
<b>Grand Total</b>		<b>\$631,455.02</b>

Included within the EFT payments from the Shire’s Municipal Account are Fuel Card Statement required to be reported under Regulation 13(A), totalling \$3,477.67.

## **CERTIFICATE**

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

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

## **STATUTORY ENVIRONMENT:**

*Local Government (Financial Management) Regulations 1996*

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

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

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

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

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

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

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

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

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

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

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

*Local Government (Financial Management) Regulations 1996 – Reg 13A*

**13A. Payments by employees via purchasing cards**

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

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

**STRATEGIC IMPLICATIONS:**

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031; 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 30 September 2023 totalling \$631,455.02.
- b) The Credit Card Statement 28 August 2023 – 27 September 2023 as detailed in Attachment 9.2.1(b).
- c) The Fuel Card Statement August 2023 as detailed in Attachment 9.2.1(c).

**9.2.2 MONTHLY FINANCIAL REPORT – SEPTEMBER 2023**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Tamara Pike, Senior Finance Officer
<b>Responsible Officer:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	16 October 2023
<b>Attachments:</b>	a) Monthly Financial Report for the period ending 30 September 2023
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

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

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

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

**BACKGROUND:**

At its meeting held 26 July 2023 (Minute No. OCM230706 refers), Council adopted the annual budget for the 2023/24 financial year. The figures in this report are compared to the adopted budget.

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year-to-date position to 30 September 2023 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

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

Additionally, and pursuant to regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting on 26 July 2023, Council adopted (Minute No. OCM230709 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2023/24 financial year:



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

#### **CONSULTATION:**

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

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

#### **COMMENT:**

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

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

#### **STATUTORY ENVIRONMENT:**

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

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

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

*and*

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

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

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

**STRATEGIC IMPLICATIONS:**

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

*Governance and Leadership*

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

**FINANCIAL IMPLICATIONS:**

Expenditure for the period ending 31 August 2023 has been incurred in accordance with the 2023/24 budget parameters, which have been structured on financial viability and sustainability principles.

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

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

AP3 – Regional Price Preference

FP1 – Accounting for Non-Current Assets

FP2 – Debt Recovery

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

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

**9.2.3 RENEWAL OF BREMER BAY LIBRARY SERVICE LEVEL AGREEMENT**

<b>Location/Address:</b>	7 Mary Street, Bremer Bay
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	16 October 2023
<b>Attachments:</b>	a) Bremer Bay CRC Service Level Agreement – Provision of Library and Shire Branch Customer Services b) Funding Proposal – Service Level Agreement c) CONFIDENTIAL – Bremer Bay CRC Library Financial Information
<b>Authority/Discretion:</b>	Nil

**SUMMARY:**

This item addresses the endorsement of a Service Level Agreement (the Agreement) with the Bremer Bay Community Resource and Visitors Centre (Inc) for the delivery of library and associated services to the community. The recommendation is to endorse the Agreement and authorise the Chief Executive Officer and Shire President to execute the document.

**BACKGROUND:**

For a number of years the Bremer Bay Community Resource and Visitors Centre (CRC) has delivered library services to the community on behalf of the Shire. The previous Agreements have been in place for six years and all parties are happy with their operation and outcomes achieved.

The collocation of the CRC business and library services has been a successful model through most Western Australian regional areas. The integration of the two services provides the CRCs with additional staffing capabilities and enables the library to be accessible for longer hours.

Council also provides the following financial or resourcing assistance to the organisation:

1. Cleaning of facilities (which is carried out by the CRC and billed to the Shire).
2. Subsidised rental of the facility.
3. All income generated by the hire of the hall/conference rooms in the venue.
4. All income generated by the sub lease agreement with the Pharmacy.
5. Subsidised telecommunications and payment of all other utility charges associated with the building.
6. Maintenance and management of gardens and buildings.

**CONSULTATION:**

Consultation has occurred with the Manager and Committee members of the Bremer Bay CRC to review the front counter services they provide on behalf of the Shire.

**COMMENT:**

In negotiating with representatives of the Bremer Bay CRC the following amendments to the new Agreement were agreed to by both parties:

- Contract Price (Item 2) adjusted to \$44,000 plus GST per annum with quarterly payments of \$11,100 plus GST;
- Inserted quarterly payment dates of 30 September, 31 December, 31 March and 30 June;
- Inserted term to be for 3 years;
- Inserted further term to be 3 years;
- Expanded on the provision in Item 2 paragraph (d) in relation to CPI review;
- Inserting definition of 'CPI' in Clause 1.1;
- Inserting a definition of 'Further Term' in Clause. 1.1;
- Item 4(b) (xvi) – Utilise \$500 annually from contract price for training.

The new Agreement will run for a term of three years from 1 July 2023 – 30 June 2026 with an option for a further term. The funding arrangements covered by the Agreement provide the Bremer Bay CRC with a greater degree of certainty for future budgeting/financial planning purposes.

There are also provisions within the Agreement for termination should either party be subject to structural changes within the industries.

The current IT issues and proposal for the self-service tourist information was discussed between both parties. The Bremer Bay CRC was encouraged to submit an application for financial assistance through the 2024/2025 budget process once both proposals have been costed for Council's consideration.

**STATUTORY ENVIRONMENT:**

Nil.

**STRATEGIC IMPLICATIONS:**

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

- Maintain facilities that connect people and promote an active and healthy lifestyle;
- Deliver programs and services that bring people together and support community health and wellbeing;
- Advocate for strategic projects that will benefit residents, workers and visitors to the Shire.

**FINANCIAL/BUDGET IMPLICATIONS:**

The financial impact of the Service Level Agreement has been factored into the 2023/2024 budget.

**WORKFORCE IMPLICATIONS:**

The provision of library and front counter services through the CRC offsets the requirement for Council to provide staffing in this area.

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority.

**OFFICER RECOMMENDATION:**

**That Council:**

- 1. Endorse the Service Level Agreement for Library and Shire Branch Services and Front Counter Services with the Bremer Bay Community Resource and Visitors Centre (Inc) for a term of three years at \$44,000 plus GST per annum. The contract price is to be increased by CPI and confirmed in Council's annual budget.**
- 2. Authorise the Chief Executive Officer and Shire President to execute the Service Level Agreement with the Bremer Bay Community Resource and Visitors Centre (Inc).**

**9.3 DEVELOPMENT SERVICES**

**9.3.1 Nil.**

## 9.4 EXECUTIVE SERVICES

### 9.4.1 INFORMATION BULLETIN SEPTEMBER/OCTOBER 2023

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Glenda Gray, Executive Assistant
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	16 October 2023
<b>Attachments:</b>	a) Information Bulletin September/October 2023
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

To advise Council on the information items for September/October 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 September/October 2023.

#### CONSULTATION:

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

#### COMMENT:

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

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

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

#### STATUTORY ENVIRONMENT:

##### *Local Government (Administration) Regulations 1996*

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

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

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

**STRATEGIC IMPLICATIONS:**

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

*Governance and Leadership*

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

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

**FINANCIAL IMPLICATIONS:**

There are no financial implications for this report.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for this report.

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the months of September/October 2023.**



**9.4.2 COUNCIL MEETING DATES 2024**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	N/A
<b>Author:</b>	Glenda Gray, Executive Assistant
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	16 October 2023
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Administrative

**SUMMARY:**

For Council to set the dates for the Ordinary Meetings of Council to be held in 2024. The *Local Government (Administration) Regulations 1996* requires a local government to give local public notice of the dates, times and place at which the Ordinary Meetings of Council are to be held for the next 12 months.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 October 2022, Council determined its meeting dates up to and including the 20 December 2023, and will now need to consider meeting dates for the next 12 months in accordance with the *Local Government (Administration) Regulations 1996*. Eight meetings were scheduled to be held in Jerramungup and three in Bremer Bay (April, August and December).

**CONSULTATION:**

The dates have been discussed with the management team and it was agreed that these dates are the most suitable taking public holidays and other meetings into consideration.

Once dates are approved by Council they will be advertised throughout the Shire in accordance with legislation.

**COMMENT:**

Below are the annual events that need to be taken into consideration when adopting Council Meeting dates. It does not appear that any of them will interfere with Council's meeting dates (ie fourth Wednesday of each month).

Easter is Friday 29 March 2024 – Monday 1 April 2024;

Anzac Day is Thursday 25 April 2024;

Christmas Day is Wednesday 25 December 2024.

The following is a list of public holidays for Western Australia in 2024:

**WESTERN AUSTRALIA PUBLIC HOLIDAYS 2024**

Holiday	Date	Day	Holiday Type	Area
New Year's Day	1 January	Monday	Public	WA Wide
Australia Day	26 January	Friday	Public	WA Wide

Holiday	Date	Day	Holiday Type	Area
Labour Day	4 March	Monday	Public	WA Wide
Good Friday	29 March	Friday	Public	WA Wide
Easter Sunday	31 March	Sunday	Public	WA Wide
Easter Monday	1 April	Monday	Public	WA Wide
ANZAC Day	25 April	Thursday	Public	WA Wide
Western Australia Day	3 June	Monday	Public	WA Wide
King's Birthday *	23 September	Monday	Public	WA Most Areas
Christmas Day	25 December	Wednesday	Public	WA Wide
Boxing Day	26 December	Thursday	Public	WA Wide

\* Alternate dates for the King's Birthday Public Holiday are proclaimed in the following areas:

Town of Port Hedland, City of Karratha, Shire of East Pilbara (Marble Bar, Nullagine and Newman).

## **STATUTORY ENVIRONMENT:**

### ***Division 2 — Council meetings, committees and their meetings and electors' meetings***

#### ***Subdivision 1 — Council meetings***

##### ***5.3. Ordinary and special council meetings***

- (1) *A council is to hold ordinary meetings and may hold special meetings.*
- (2) *Ordinary meetings are to be held not more than 3 months apart.*
- (3) *If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

##### ***5.4. Calling council meetings***

*An ordinary or a special meeting of a council is to be held —*

- (a) *if called for by either —*
  - (i) *the mayor or president; or*
  - (ii) *at least 1/3 of the councillors,**in a notice to the CEO setting out the date and purpose of the proposed meeting; or*
- (b) *if so decided by the council.*

##### ***5.5. Convening council meetings***

- (1) *The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.*
- (2) *The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.*

## ***Local Government (Administration) Regulations 1996—Regulation 12***

### ***12. Meetings, public notice of (Act S 5.25(1)(g))***

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
  - (a) *the ordinary council meetings; and*
  - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*

- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

#### **STRATEGIC IMPLICATIONS:**

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

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

#### **FINANCIAL/BUDGET IMPLICATIONS:**

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**, with respect to the 2024 Ordinary Meeting of Council Schedule:

- APPROVE** the following Ordinary Meeting of Council dates, times and venues for the year ahead:

DAY	DATE	TIME	VENUE
Wednesday	28 February 2024	10.00am	Council Chamber, Jerramungup
Wednesday	27 March 2024	10.00am	Council Chamber, Jerramungup
Wednesday	24 April 2024	10.00am	Bremer Bay Hall, Bremer Bay
Wednesday	22 May 2024	10.00am	Council Chamber, Jerramungup
Wednesday	26 June 2024	10.00am	Council Chamber, Jerramungup
Wednesday	24 July 2024	10.00am	Council Chamber, Jerramungup
Wednesday	28 August 2024	10.00am	Bremer Bay Hall, Bremer Bay
Wednesday	25 September 2024	10.00am	Council Chamber, Jerramungup
Wednesday	23 October 2024	10.00am	Council Chamber, Jerramungup
Wednesday	27 November 2024	8.30am	Council Chamber, Jerramungup
Wednesday	18 December 2024	8.30am	Bremer Bay Hall, Bremer Bay

- REQUEST** that the Chief Executive Officer or his authorised officer advertise the approved dates by Public Notice and on the Shire of Jerramungup website and social media sites.

**9.4.3 CHRISTMAS/NEW YEAR OPENING HOURS 2023-24**

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	N/A
<b>Author:</b>	Glenda Gray, Executive Assistant
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	13 October 2023
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Review

**SUMMARY:**

The purpose of this report is for Council to consider the closure of Council facilities over the Christmas/New Year period.

**BACKGROUND:**

In previous years there has been a variation of the Shire's normal operating hours during the Christmas/New Year period to close between Christmas and New Year's Day. The following public holidays fall during this period:

Christmas Day	Monday	25 December 2023
Boxing Day	Tuesday	26 December 2023
New Year's Day	Monday	1 January 2024

The Christmas and New Year closure allows staff to book holidays, travel and spend time with family and friends. Traditionally this time of year sees most staff wanting to take leave and staff numbers are at a very low level.

**CONSULTATION:**

All Shire of Jerramungup staff.

**COMMENT:**

It is proposed that the Shire of Jerramungup Administration offices (including the Bremer Bay office) will close at 3.00pm on Friday, 22 December 2023 and re-open at 8.30am on Monday, 8 January 2024. This will be a total of ten (10) days, made up of three (3) public holidays (Christmas Day, Boxing Day and New Year's Day) and seven (7) annual leave or RDO days.

The Works Crew are proposing to finish work for 2023 on Thursday, 21 December 2023, and a staggered re-commencement on either Tuesday, 2 January 2024 or Monday, 8 January 2024.

The closure will be advertised on the Shire website, Facebook, Council Buzz, Administration Notice Boards, local newspapers and a sign will be placed on the front door of the Administration Centres.

The Chief Executive Officer will compile a register of Works Crew and other staff who will be available for on-call duties throughout the closure. This information will be provided to Elected Members in case of emergency or if urgent works are required.

**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;

Governance and Leadership:

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

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications for this report.

**WORKFORCE IMPLICATIONS:**

The Chief Executive Officer is the position tasked with the responsibility of overall workforce management and leadership for the Shire of Jerramungup.

**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 **NOTES** the closure of Council facilities as follows:

1. **Shire's Administration Centres at Jerramungup and Bremer Bay from 3.00pm Friday, 22 December 2023 to 8.30am on Monday, 8 January 2024; and**
2. **Shire's Depot from Thursday, 21 December 2023, to Tuesday, 2 January 2024.**

**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 November 2023, commencing at 8.30am, in Jerramungup.

**14.2 CLOSURE OF MEETING**

The Presiding Member closed the meeting at .....am

These minutes were confirmed at a meeting held

.....

Signed: .....

Presiding Person at the meeting at which these minutes were confirmed

Date: .....

