



# **SHIRE OF JERRAMUNGUP**

## **ORDINARY COUNCIL MEETING**

**Held at the Council Chambers  
Jerramungup  
Wednesday, 26 October 2022**

### **MINUTES**

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## ORDINARY COUNCIL MEETING MINUTES

### 1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 2:03pm by the Shire President.

### 2.0 RECORD OF ATTENDANCE

#### 2.1 ATTENDANCE

##### ELECTED MEMBERS:

Cr Joanne Iffla	Shire President (Chair)
Cr Julie Leenhouders	Deputy Shire President
Cr Rex Parsons	Councillor
Cr Robert Lester	Councillor
Cr Andrew Price	Councillor
Cr Drew Dawson	Councillor (via Teleconference)

##### STAFF:

Martin Cuthbert	Chief Executive Officer
Charmaine Solomon	Deputy Chief Executive Officer
Noel Myers	Manager of Development
Rachel Smith	Executive Assistant
Gordon Capelli	Works Supervisor

##### VISITORS:

Nil

##### GALLERY:

Nil

#### 2.2 APOLOGIES

Cr Neil Foreman

#### 2.3 APPROVED LEAVE OF ABSENCE

Nil

#### 2.4 ABSENT

Nil

#### 2.5 DISCLOSURE OF INTERESTS

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

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

**2.5.1 DECLARATIONS OF FINANCIAL INTERESTS**

Cr Julie Leenhouders declared a Financial Interest in item 9.3.2 Extractive Industry – Sand Quarry. The nature of the interest is that she is the applicant.

**2.5.2 DECLARATIONS OF PROXIMITY INTERESTS**

Nil

**2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS**

Nil

**3.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

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

**5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**6.0 PUBLIC TIME****6.1 PUBLIC QUESTION TIME**

Nil

**6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS**

Nil

**7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Ordinary Council Meeting held 28 September 2022.

**That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 28 September 2022 be CONFIRMED**

**MOTION: OCM221001**

**MOVED: Cr Lester**

**SECONDED: Cr Price**

**That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 28 September 2022 be CONFIRMED**

**CARRIED: 6/0**

**8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES**

Nil

## 9.0 REPORTS

### 9.1 TECHNICAL SERVICES

#### 9.1.1 WORKS REPORT FOR SEPTEMBER 2022

<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>	21 September 2022
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Information

#### **SUMMARY:**

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

#### **BACKGROUND:**

##### **Road Construction**

This month the construction crew have finished gravel resheet works on Marnigarup East Road and have started on the RFDS taxi way at the Bremer Bay Airstrip.

Contractors have also completed asphalt works at the Jerramungup School carpark and on Bremer Bay Road and Moorshead Road.

The Construction crew have been preparing drainage works on Swamp Road ready for the gravel resheet and seal.

##### **Town Services**

The town services crew are preparing for the busy Christmas season with the spraying regime continuing around both town sites. The crew are also into slashing verges, bush and parkland ready for the fire season. We have welcomed a new casual employee Sheryl to give us a hand during this busy period, she will be assisting Jamie with works around Jerramungup.

##### **Road Maintenance**

The maintenance crew have been repairing roads in preparation for harvest. These include Through Road, White Road, Woolshed Road, Park Road, Marnigarup Road and Cardinnup Road.

#### **CONSULTATION:**

Internal

#### **COMMENT:**

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

#### **STATUTORY ENVIRONMENT:**

There are no statutory implications for this report.

#### **STRATEGIC IMPLICATIONS:**

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

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The works completed are included in the 2022/2023 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 October 2022.

**MOTION: OCM221002**

**MOVED: Cr Parsons**

**SECONDED: Cr Leenhouders**

**That Council RECEIVE the works report for October 2022.**

**CARRIED: 6/0**

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

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<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>	5 October 2022
<b>Attachments:</b>	a) List of Accounts Paid to 30 September 2022 b) Credit Card Statement 29 August 2022 – 28 September 2022
<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 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 September 2022. Lists detailing the payments made are appended as an attachment.

<b>FUND</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
<b>Municipal Account</b>		
Last Cheque Used	28178	
EFT Payments	19978 – 20052	\$643,329.26
Direct Deposits		\$28,567.27
<b>Municipal Account Total</b>		<b>\$671,896.53</b>
<b>Trust Account</b>		
<b>Trust Account Total</b>		<b>\$0.00</b>
<b>Grand Total</b>		<b>\$671,896.53</b>

**CERTIFICATE**

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



**STATUTORY ENVIRONMENT:**

*Local Government (Financial Management) Regulations 1996*

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

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

*(a) if the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from those funds—by the CEO: or*

*(b) otherwise, if the payment is authorised in advance by a resolution of the council.*

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

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

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

*(a) the payee's name; and*

*(b) the amount of the payment; and*

*(c) the date of the payment; and*

*(d) sufficient information to identify the transaction.*

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

*(a) for each account which requires council authorisation in that month—*

*(i) the payee's name; and*

*(ii) the amount of the payment; and*

*(iii) sufficient information to identify the transaction; and*

*(b) the date of the meeting of the council to which the list is to be presented.*

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

*(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*

*(b) recorded in the minutes of that meeting.*

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

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

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

Finance Policy FP5 – Transaction 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 2022 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 29 August 2022 – 28 September 2022 as detailed in attachment 9.2.1(b).

**MOTION: OCM221003****MOVED: Cr Lester****SECONDED: Cr Leenhouders**

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

- a) The List of Accounts Paid to 30 September 2022 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 29 August 2022 – 28 September 2022 as detailed in attachment 9.2.1(b).

**CARRIED: 6/0**

Gordon Capelli left the meeting at 2:16pm

**9.2.2 MONTHLY FINANCIAL REPORT – SEPTEMBER 2022**

<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>	19 October 2022
<b>Attachments:</b>	a) Monthly Financial Report for the period ending 30 September 2022
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the statement of financial activity for the period ended 30 September 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 30 September 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 30 September 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 30 September 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 30 September 2022 in accordance with section 6.4 of the *Local Government Act 1995*.**

**MOTION: OCM221004**

**MOVED: Cr Lester**

**SECONDED: Cr Price**

**That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 30 September 2022 in accordance with section 6.4 of the *Local Government Act 1995*.**

**CARRIED: 6/0**

Gordon Capelli returned to the meeting at 2:22pm

### 9.3 DEVELOPMENT SERVICES

#### 9.3.1 SOUTH-WEST NATIVE TITLE SETTLEMENT – LAND BASED CONSULTATION

<b>Location/Address:</b>	Various land parcels
<b>Name of Applicant:</b>	Department Planning, Lands and Heritage
<b>File Reference:</b>	CP.AD.2
<b>Author:</b>	Noel Myers, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	15 October 2022
<b>Attachments:</b>	a) Table of Comments and Location Plans
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

Purpose of this report is for Council to consider the possible future disposition of a number Crown Land parcels located at various location across the Shire to create the Noongar Estate as part of the South-West Native Title Settlement.

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

This report provides recommendations as to the possible transfer of twelve (12) properties which are detailed on land lists numbers 897; 898; 899 and 1232.

#### BACKGROUND:

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

Confirmation has been received from the Department of Planning, Lands and Heritage that the six ILUAs comprising the Settlement were conclusively registered on 27 January 2021. With the ILUAs conclusively registered, and the Settlement became effective and commenced as from the 25 February 2021.

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

#### The Noongar Land Estate:

The Project Team is preparing land already offered and accepted in [Annexure X](#) of the ILUAs to be transferred after Trust Effective Date. It is planned to complete the transfer of this land within a few months of 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 ALT/ AAPA land with a total area of 25.9 hectares.

Over the next 5 years of Implementation, the Project Team will continue the work required to establish the NBT 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 into the NBT. The Project Team will therefore provide updates on the process to establish the Noongar Land Estate as it progresses and upfront notice where is planned to undertake consultation with the Shire.

It is noted that the Shire has previously been consulted and provided responses on possible land parcels that may be eligible for transfer to the NBT on five 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; and
- Ordinary Council Meeting 27 October 2021 – Item 9.3.1

The DPLH Project Team have prepared a spreadsheet comprising of 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 south west settlement team within the Department of Planning, Lands and Heritage (DPLH).

#### **COMMENT:**

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

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

The current matter Council is being asked to provide comment on the future possible transfer of twelve (12) parcels of Vacant Crown Lots. Of those lots:

- One parcel (Lot 771) is located within the Bremer Bay townsite;
- One parcel (Lot 551) is located within the Jerramungup townsite;
- Nine lots are located towards the Fitzgerald National Park/Gordon Inlet area; and
- A further single lot (Lot 1933) is located within a Rural Zone to the north of the Jerramungup townsite.

Location plans that identify each of the lots subject to this current consideration are attached.

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

Lot 771 – Bremer Bay Townsite location:

- Lot 771 is a 16.92ha parcel of vacant land located towards the northern extent of the townsite. The land lies to the north of George Street and runs to the high water mark of the Wellstead Estuary. The lot then extends along the western end of Margaret Street and continues in a southerly direction down to the end of Gunn Place and then traverses in an easterly direction towards Roderick Street. In effect the land parcel wraps around the existing residential area that can generally be described as the ‘north-western’ area of the townsite.
- The lot is zoned Residential under Shire of Jerramungup Local Planning Scheme No.2 (LPS No.2) however no Density Coding is ascribed to the land;
- The land is heavily vegetated, rises steeply from the estuary towards George Street and then falls away towards the southern terminus of Gunn Place;
- The area of the lot that runs east-west from Gunn Place to Roderick Street extends along the valley of a dunal system, contains a water course that serves to act as a receival point for the towns overland and hydraulic storm water drainage system. The land is heavily vegetated and there is a sump located at its most eastern end that serves to capture and slow storm water before it drains into the adjacent estuary. The area has been the subject of some past land management practices to preserve the integrity of the bushland, however it does present a level of bushfire risk insofar that the area does create a ‘wick’ that exposes the adjoining residential homes. The Shire has implemented some mitigation works as part of the annual bushfire mitigation program that is undertaken on crown land with financial assistance from DFES;
- It is proposed that the land would be transferred in freehold title.

The designated Residential Zoning that applies to this lot suggests that there is some scope for residential development, however, this would require further investigation to determine if the whole or a portion of the land was suitable for residential development. It is evident that there are areas of this land holding that would not be suitable for residential development in the current legislative environment due to proximity to coastal areas, the risk of bush fire, native vegetation considerations and due to the critical function the land plays in managing the town’s storm water and drainage.

Without first applying due diligence towards the aforementioned issues there is a presumption against supporting a transfer of land in its current configuration and zoning.

The Shire’s Local Planning Strategy that sets out the Shire’s longer term vision for development within the town site has recognized that there may be some opportunity for future residential development towards the western end of Margaret Street and it may be the case that any transfer of land would only be supported if the current land holding was rationalized to excise or subdivide the current lot to exclude those areas deemed unsuitable for development prior to any transfer being effected. A possible solution would be to transfer portions of the land into discrete reserves that better reflect the appropriate land uses to which the land is best suited to, be it Foreshore/Drainage Reserves or similar. Thereafter any future development and use of the balance of the land would be subject to the normal land use controls, relevant policies and legislation. This should also extend to the construction and upgrading of roads servicing those particular lots.

This work would require significant financial and staff resources which sits outside of the Shire’s foreseeable capacity and would need to be funded and undertaken independently to the Shire’s core business operations.

In summary, the transfer of this land parcel in its current state is not supported at this time and should not be considered until such time that the matters outlined above had been satisfactorily resolved.



Lot 551 Jerramungup Townsite location:

- Lot 551 is a parcel of vacant crown land bound by Sydney Street to the north, Collins Street to the east and Derrick Street to the west and the Shire’s Recreation Reserve to the south;
- The land is Reserved under LPS No.2 for ‘Conservation’ is vacant and vegetated with native vegetation species;
- A Shire managed Reserve located in the south west corner of the lot that is developed with an effluent disposal pond. It should be noted that although the ponds are referred to as ‘effluent ponds’ they do not have any odour impact and do not contain any waste materials. Effluent from development is captured in septic tanks, and overflow water is directed to the ponds by pipe. The Water Corporation commonly apply buffers to Waste Water Treatment Plans however have not nominated buffers for final ponds. Notwithstanding, the presence of the effluent ponds would need to be considered in any future land use proposals;
- The parcel has been identified within the Shire’s Local Planning Strategy as *Area 7: Long Term Residential*. The Strategy notes that the land has potential for some future limited residential expansion to the south. The land is currently reserved ‘Conservation’ therefore would require an amendment to the Scheme to a suitable residential zone, and it is likely a vegetation assessment would need to be undertaken. Similarly, the presence of the Light Industrial located to the north of the site would need to be considered in any future development proposal. The potential for future residential development would also need to be considered in light of the planned residential subdivision located on the northern side of Sydney Street;
- The land was heavily impacted by the recent fires that occurred in Jerramungup and reinforces the need to manage the land against the threat of bushfires that can threaten residential dwellings to the north;
- The land in its current form and tenure is eligible to have fire mitigation works performed on it through the DFES funded programme. It is not understood at this juncture as to whether that arrangement would continue if the land was transferred to the control of NBT or whether that responsibility would transfer across. This is a matter that would need further clarification prior to its transfer;
- It is proposed that the land is to be transferred as a reserve with the Power to Lease.

Notwithstanding the limitations of the current Reservation of the land and possible future constraints to its further development and management, there would be appear to be no fatal flaw in the transfer of the land to the NBT on the condition that clarification is provided as to the future fire management issue.

Lot 1933 Jerramungup North Road:

- Lot 1933 is a 2.2ha parcel of Vacant Crown Land located approximately 150 meters north of the Gnowangerup-Jerramungup and Jerramungup North Road intersection;
- The land is Zoned Rural under LPS No.2;
- The constructed Jerramungup North Road bisects the lot diagonally to effectively create two lots of equivalent area either side of the road;
- The section of the road that bisects the lot has been constructed outside of the dedicated road reserve that runs along the eastern boundary of the lot;
- The land is mostly cleared and appears to have been used for broad acre cropping by the lessee (Lot 2196) whose property surrounds the lot. The Shire has not referred the matter to that lessee for comment, however, it would be the recommendation that the proponent to the transfer undertakes that consultation prior to any final decision being made on the possible transfer of the land to NBT;

Given there are existing interest in the land from the Lessees and the Shire’s perspective it is recommended that prior to any final decision being made as to the transfer of the land that;

1. The proponent refers the proposed transfer to the lessee of Lot 2196 for comment; and
2. That there be formal acknowledgement from the beneficiary of the possible future transfer that the land is bisected by the road and that the Shire reserves the right to seek approval to formalize the tenure of the road and maintains its right to access the land to perform its statutory obligations to

maintain the road in the interim period. The works to formalize the tenure of the road would be subject to funds becoming available within future Council budgets and be solely at its discretion as to the timing of that action.

Lots 2164/2155/103/2152/105/2153/2154/2151 – Portions of Reserve 32666 – Fitzgerald National Park-Gordon INBTt locations:

- The above parcels are addressed collectively given the various lots currently combine to form portion of Reserve 32666;
- The lots are parcels of vacant crown land that vary in size and are located in remoter areas of the Shire that are variously located from the northern side of the Wellstead Estuary extending out towards the Gordon Inlet;
- All of the described lots are currently vacant, heavily vegetated lots with varying degrees of access to them;
- Reserve No.32666 has the purpose of Government Requirements with no management order in place – thus the responsibility for the management of the land falls to the responsibility of the State;
- The lots are Zoned Recreation – Open Space under LPS No.2;
- A review of the mapping prepared for the sites suggests that none of the lots are put to any productive land uses other than what they afford in terms of environmental values and habitat and none appear to be bisected by tracks that would provide access to destination points used by the public;
- The Shire does not hold any specific interest in the land or perform any land management practices in these remoter locations;
- The lots are proposed to be transferred as Reserves with the Power to Lease.

Given the location and standing of the various land parcels there would appear to be no cause to not support the transfer of the lots to the NBT which gives rise to the potential for better land management practices to be undertaken in the future.

Having regard to the above, it is recommended that Council supports the transfer as proposed.

Lot 2124 Borden Bremer Bay Road location:

- Lot 2124 is located approximately 2.25 km to the south of the Borden Bremer Bay Road – Occump Road intersection;
- The lot is zoned Recreation/Open Space under LPSNo.2 and has an area of 54ha and is heavily vegetated;
- The Shire does not hold any interest in the land or perform any land management practices upon it;
- It is proposed to transfer the land as a Reserve with the Power to Lease.

Given the location and standing of the various land parcels there would appear to be no cause to not support the transfer of the lots to the NBT which gives rise to the potential for better land management practices to be undertaken in the future.

Having regard to the above, it is recommended that Council supports the transfer as proposed.

**Comment:**

Notwithstanding the possible transfer of ownership, as previously stated, all current scheme and local and state policy provisions will continue to apply to 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 VCL to Freehold will increase land availability and development opportunities within the townsite.

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

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

**STATUTORY ENVIRONMENT:**

*Native Title Act 1993*

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL 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:**

There are no workforce implications for this report.

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:****That COUNCIL:**

1. **Endorses the comments provided in Table 1 in respect to the possible transfer of the Twelve (12) nominated land parcels to the Noongar Boodja Trust as its formal response to the Department of Planning, Lands and Heritage (DPLH);**
2. **Advises the South West Settlement team should consult with the Lessee of Lot 2196 (LPU I144460) prior to the final decision being made on the possible transfer of Lot 1933 Jerramungup North Road to the Noongar Boodja Trust;**
3. **That prior to a final decision being made on the possible transfer of Lot 1933 Jerramungup North Road,**
  - i) **the Shire receive formal acknowledgement from the beneficiary of the possible future transfer that the land is bisected by the road; and**
  - ii) **that the Shire reserves the right to seek approval to formalize the tenure of the road; and**
  - iii) **the Shire maintains its right to access the land to perform its statutory obligations to maintain the road in the interim period; and**
  - iv) **that the actions to formalize the tenure of the road would be subject to funds becoming available within future Council budgets and be solely at the discretion its discretion as to the timing of that action**
4. **That Council does not support the transfer of Lot 771 – 29 Mary Road whilst the land is in its current form and recommends that the transfer does not proceed until such time that further due diligence investigations are undertaken to determine and clarify the various land use considerations that affect the land and in particular its function as a critical drainage corridor; and**
5. **That all and any costs associated with excisions and transfers of land associated with recommendation 4 above are borne by the proponent of the transfer and be to the satisfaction of the Council and are completed at nil cost to the Shire and are completed prior to any future transfer being effected.**

**MOTION: OCM221005****MOVED: Cr Leenhouders****SECONDED: Cr Price****That COUNCIL:**

- 1. Endorses the comments provided in Table 1 in respect to the possible transfer of the Twelve (12) nominated land parcels to the Noongar Boodja Trust as its formal response to the Department of Planning, Lands and Heritage (DPLH);**
- 2. Advises the South West Settlement team should consult with the Lessee of Lot 2196 (LPU I144460) prior to the final decision being made on the possible transfer of Lot 1933 Jerramungup North Road to the Noongar Boodja Trust;**
- 3. That prior to a final decision being made on the possible transfer of Lot 1933 Jerramungup North Road,**
  - i) the Shire receive formal acknowledgement from the beneficiary of the possible future transfer that the land is bisected by the road; and**
  - ii) that the Shire reserves the right to seek approval to formalize the tenure of the road; and**
  - iii) the Shire maintains its right to access the land to perform its statutory obligations to maintain the road in the interim period; and**
  - iv) that the actions to formalize the tenure of the road would be subject to funds becoming available within future Council budgets and be solely at the discretion its discretion as to the timing of that action**
- 4. That Council does not support the transfer of Lot 771 – 29 Mary Road whilst the land is in its current form and recommends that the transfer does not proceed until such time that further due diligence investigations are undertaken to determine and clarify the various land use considerations that affect the land and in particular its function as a critical drainage corridor; and**
- 5. That all and any costs associated with excisions and transfers of land associated with recommendation 4 above are borne by the proponent of the transfer and be to the satisfaction of the Council and are completed at nil cost to the Shire and are completed prior to any future transfer being effected.**

**CARRIED: 6/0**

Charmaine Solomon left the meeting at 2:42pm

Charmaine Solomon returned to the meeting at 2:46pm

Cr Leenhouders declared a Financial Interest in Item 9.3.2 Due to the nature of this interest, Cr Leenhouders left the meeting at 2:48pm.

### 9.3.2 EXTRACTIVE INDUSTRY – SAND QUARRY

<b>Location/Address:</b>	Lots 201 and 1213 Borden Bremer Road, Bremer Bay
<b>Name of Applicant:</b>	J Leenhouders
<b>File Reference:</b>	A1607178
<b>Author:</b>	Noel Myers, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Applicant is an Elected Member of Council
<b>Date of Report:</b>	17 October 2022
<b>Attachments:</b>	a) Location Plan – Lots 201 and 1213 b) 2 x Site Survey Plans – Extractive Pits
<b>Authority/Discretion:</b>	Administrative

#### SUMMARY:

The owners of Lots 201 and 1213 Borden-Bremer Bay Road, Bremer Bay have applied for approval to establish an Extractive Industry Licence from the two aforementioned lots. It is proposed that sand will be quarried from the two pits to service demand for sand from the local market.

This report recommends that application be approved subject to conditions.

#### BACKGROUND:

##### Site Description:

- Lot 201 Borden-Bremer Bay Road, Bremer Bay is 212.6ha in area and Lot 1213 is 765.2ha;
- Both lots are held in common ownership and will continue to be used primarily for cropping and the grazing of sheep and cattle in addition to the areas to be developed and used as sand pits;
- There are single access points from each property onto the Borden Bremer Bay Road;
- The subject property is surrounded by similar scale farming properties.

A site plan is provided as an annexure to this report.

##### Zoning:

The subject land is zoned 'Rural' under the Shire of Jerramungup Local Planning Scheme No 2 ("the Scheme").

##### Applicant:

The applicant is nominated as Ms J Leenhouders on behalf of the owner Mr JA Leenhouders.

#### CONSULTATION:

The application has been referred to Main Roads WA (MRWA) and the Department of Water (DoW) given that the two extraction pits have and take access onto a MRWA controlled road and that the two pits are located within an area identified as being a 'P2' Area in the Bremer Bay Drinking Water Source Protection Plan.

At the time of compiling this report neither agency had provided a response to the referral however it is noted that an Extractive Industry is a compatible land use within a P2 Area and as such it is anticipated that the response from DoW would be focused on ensuring that the future operation of the activity was undertaken in accordance with the relevant conditions as set within Water Quality Protection Notes that have established to guide these types of activities within P2 Areas rather than making a recommendation as to whether the activity should or should not proceed.

Similarly with MRWA – no new access points are proposed to be created onto the Borden Bremer Road. Both properties have existing access points that have been used over an extended period of time in support

of the ongoing farming activity that takes place on the properties. It is anticipated that MRWA's response may focus on ensuring the access points are managed to address maintenance of the roadway or similar.

Notwithstanding, it is proposed that any approval that may be issued by the Council is done so on the basis that authority be delegated to the CEO to issue the approval only once responses are received from the two referral agencies and that any conditions and recommendations put by those agencies are incorporated into the conditions of approval applied to the Extractive Industry. If a condition was proposed that was not accepted by either the administration or the applicant then this application would be referred back to the next available Council meeting for further consideration.

#### **COMMENT:**

##### ***Description of proposal***

The application is to develop two sand pits as described in the table below:

<b>Pit no.</b>	<b>Location</b>	<b>Material</b>	<b>Size</b>
1	Lot 201 Borden Bremer Road	Sand	5.8ha
2	Lot 1213 Borden Bremer Road	Sand	2.3ha

Both of the proposed pits are to be established on areas that have previously been cleared as part of the ongoing use of the land for cropping and grazing purposes.

##### **Scheme Requirements**

An 'Extractive Industry' is a 'Permitted' use in the 'Rural' zone.

Extractive Industries are "P" uses within the Rural Zone. The designation of a P Use means that the use is permitted by the scheme providing the use complies with the relevant development standards and the requirements of the scheme.

The Scheme defines 'Extractive Industry' as '*means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are being extracted, but does not include industry-mining*'.

The proposed use accords with the above definition and is therefore a use that the Council may approve.

##### **Objectives of the Zone:**

The objectives of the Rural Zone are set out within the Scheme as follows:

1. *To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities where the land is capable of such development;*
2. *To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment;*
3. *To allow for facilities for tourists and travellers, and for recreation uses;*
4. *To help protect rural land from land degradation and further loss of biodiversity by:*
  - *minimising clearing of remnant vegetation*
  - *encouraging retention and protection of remnant vegetation*
  - *encouraging development and protection of vegetation corridors*
  - *encouraging development of sustainable surface and sub-surface drainage works*
  - *encouraging rehabilitation of salt-affected land*
  - *encouraging soil conservation through land management measures*
  - *encouraging identification and protection of wetlands; and*
5. *To promote the sustainable management of natural resources, and the prevention of land degradation.*

The proposal is considered to be consistent with the relevant objectives as detailed above for the zone insofar that:

- i) The activity represents only an incidental area of each property which will continue to be primarily used for grazing and cropping purposes;
- ii) The provision of a local and reliable source of sand is essential for new building and construction projects and a local source of material will have positive flow on effects for employment, the economy and lifestyle of the town and area generally;
- iii) The areas where the excavation pits are proposed are already heavily disturbed and largely cleared as a result of past farming activities and readily capable of being rehabilitated post use and reverted to productive agricultural land;
- iv) Ongoing rehabilitation of pits to keep operative areas below 2ha will assist in managing the overall condition of the land and surrounding areas.

Local Planning Policy 13 guides Council in the assessment and development of extractive industry proposals.

#### Extractive Industry – Local Planning Policy 13

The objectives of the policy are to:

- To assist Council in determining applications for extractive industries by providing general guidelines, and outlining matters Council will have regard for in assessing applications.
- To protect and maintain the existing landscape character, native vegetation, productive agricultural uses and general amenity of the Shire.
- To assist the industry to establish extractive industries in appropriate locations where the road infrastructure is capable of servicing the use.
- To set out standard conditions that will be considered by Council in their assessment of extractive industry applications.
- To provide for appropriate ‘buffers’ between extractive industries and sensitive land uses.

The Policy sets out specific requirements for mostly the excavation/pit areas. The following Table has been prepared to provide an assessment of the application against the Shire’s Local Planning Policy No.13 – Extractive Industry:

Clause	Compliance
<u>Setbacks</u> 40m from any road 20m from any other boundary 50m to any water course	Lot 1213: approx.350m sth Bremer Bay Rd; : approx.955m western boundary; : no water courses within proximity of pit  Lot 201: approx. 700m sth of Bremer Bay Rd; : approx. 45m to eastern (side) bndy : no water course within proximity of pit  Both pits comply
<u>Buffers</u> 300-500m to closest residence	Complies Closest residence (applicant’s own residence) located approximately 1km away to north east
<u>Pit area/rehabilitation</u> Pit size generally restricted to 2ha Larger pits may be considered provided there are no environmental or amenity impacts.	The total area of excavation areas are as follows: <ul style="list-style-type: none"> <li>• Lot 201 - 5.8ha (max. exploration area)</li> <li>• Lot 1213 - 2.3ha (max. exploration area)</li> </ul> It is acknowledged that max. exploration areas exceed the recommended 2ha per pit limit, however, it is not proposed that

<p>Rehabilitation should generally be undertaken in stages and be ongoing for worked areas</p>	<p>total area would be opened at any one time.</p> <p>Pits would be opened and closed on a rolling basis based on demand, however, no pit greater than 2ha in an area would be operated at any one time.</p> <p>Rehabilitation is to be undertaken on a rolling basis with stored topsoil being replaced and ground levels restored so as to enable the return of the land to productive agricultural uses post the exhaustion of the product.</p> <p>The pit closest located on portion of Lot 1213 is setback approx. 350m to the Bremer Bay Road. The area is generally flat, level and cleared which would enable some view of the operation from vehicles travelling in both directions along the Borden Bremer Road.</p> <p>The form and type of machinery to be used in the process of extracting and then loading sand onto awaiting trucks is not substantially different to that used in the normal routine associated with agricultural pursuits.</p> <p>As highlighted the pits are to be setback some 350m from the roadway and will only operate intermittently. Given the nature of the activity, the relatively large setback and the form and type of machinery involved in the operation, the proposal is not considered to cause any significant or unreasonable impacts upon the amenity of the area or landscape in general.</p> <p>As such the proposal is deemed to comply with the Policy.</p>
<p><u>Road Usage</u></p> <p>Council needs to determine of the surrounding road network is adequate.</p> <p>Upgrading or maintenance of roads may be considered on a case by case basis.</p>	<p>Bremer Bay Road is a sealed and drained and managed by MRWA and registered as a RAV Route.</p> <p>Similar operations taking access onto the Borden Bremer Road have only required signage to be installed warning of trucks entering the roadway and have had conditions imposed upon the operator to keep the road and the entry clear of debris, mud, etc.</p> <p>These matters are to be confirmed by referral of the proposal to MRWA.</p>
<p><u>Term of Planning Approval</u></p> <p>Generally limited to 5 years unless otherwise approved by the Shire.</p>	<p>An initial term of 5 years is being sought in line with Council Policy.</p>

In addition to the above, the Policy details the general matters to be considered by Council. These are:

1. Site Location and Broad Planning Considerations;
2. Environmental Considerations; and
3. Traffic and Transport considerations.

**Access:**

As previously described, no new access points onto the Borden Bremer Bay Road are proposed.

Both properties have existing access points onto the road that have been used over the time the property has been used for grazing and previously as a feed lot. The existing access points are generally located so as that they provide clear east-west sightlines and positioned on areas of the properties that are flat and level.



Trucks coming to and from the property will be of generally similar configuration and type as those that are already accessing the property to load/unload cattle and other agricultural inputs/outputs.

The frequency of trucking movements is difficult to predict as the materials to be won from the excavation pits will primarily be used within the local construction industry for house pads and similar. As such, the movements from vehicles to and from the property would be regarded as being in a lower percentile range of traffic movements.

Notwithstanding, it is acknowledged that as the Borden Bremer Road falls to the management of MRWA, consultation over access onto that road is required and a response regarding the application is currently being sought. Any conditions applied to the proposal by MRWA may be included within an approval issued under delegation from the Council to the CEO.

As detailed in the preceding comments, should a condition be applied by MRWA that was considered unsuitable by either the administration or the applicant and that could not be resolved satisfactorily between the parties, then the application may be referred back to Council for reconsideration.

### **Bremer Bay Water Protection Plan:**

The Bremer Bay Water Protection Plan (BBWPP) was prepared in July 2018 and developed to protect the town's drinking water supply. The Bremer Bay Water Reserve was originally proclaimed in 1983 and amended in 1999 under the *Country Areas Water Supply Act 1947*.

At the time of its preparation and adoption, the plan identified that there were a range of existing land use activities within the proposed water reserve that included:

- farming activities
- a vineyard
- a sand quarry
- mechanical servicing site
- a rural-residential subdivision
- an old landfill site and waste transfer station
- a light industrial area
- the drinking water treatment plant
- parts of the Fitzgerald River National Park

Some of those land uses and activities in the water reserve have the potential to impact water quality. Potential risks include pesticides and fertilisers from general farming activities, contamination through fuel and chemical spills from the light industrial area, and potential leaching of nutrients, heavy metals and chemicals from the old landfill site and thus the plan recommended strategies to address those water quality risks.

Those actions included the purchase of some rural farm land in the water reserve to improve water source protection around the southern production bores. This land has been designated as a priority 1 (P1) area. Private lots will be changed from P1 to priority 2 (P2) in accordance with current Department of Water and Environmental Regulation policy.

Lot 201 is located on the western boundary of the P1 area and in accordance with the matters outlined above is designated as a P2 area.

The plan acknowledges that certain activities are permitted with the various priority protection areas and provides guidance statements as to how such activities may be undertaken.

The report provides the following statements concerning the location and operation of extractive industries that was located within the then proposed P2 area:

#### **2.2.3 Sand quarry and machinery storage**

*The sand quarry and machinery storage site is located in the northern wellfield and has the potential to be a risk to water quality, if not managed appropriately. Machinery and vehicles can pose a risk to Bremer Bay's*

*drinking water quality via hydrocarbon contamination from fuel or oil spills and leaks, or vehicle accidents. Any fuel storage should be in accordance with best management practices, and emergency response (contingency) plans should be in place in case of accidents. Bunding for fuel storage tanks should have the capacity to contain any leaks and spills in order to minimise the risk to the quality of the drinking water source. Landowners should continue to use best management practices for sand quarry and machinery storage to help protect Bremer Bay’s drinking water quality (Table 2). Extractive industry operations (basic raw materials) are considered a compatible land use with conditions in P1 and P2 areas of PDWSAs. However, these operations are not supported in wellhead protection zones to limit adverse impacts on the quality of the drinking water source.*

#### **Current Proposal:**

- The proposed excavation pit proposed on the eastern boundary of Lot 201 is located within the P2 protection area;
- Lot 201 abuts Lot 202 on its eastern boundary;
- Lot 202 is nominated as being a P1 protection area;
- The proposed excavation pit on a portion of Lot 1213 is located outside of the area covered by the BBWPP.

The proposed development entails the excavation of sand from the property. Table 2 provides a summary of potential water quality risks, land use compatibility and best management practices.

<b>Land use/activity</b>	<b>Hazard</b>	<b>Management priority</b>	<b>Compatibility of land use and activities</b>	<b>Best management practice guidance</b>
Sand quarry and machinery storage site	Hydrocarbons	Medium	Sand quarries are considered compatible land uses with conditions in (P1, P2 and P3 areas). Sand quarries in wellhead	<ul style="list-style-type: none"> <li>• Brochure: Liquid chemicals on agricultural land</li> <li>• WQPN no. 15: Extractive industries near sensitive water resources</li> <li>• WQPN no. 65: Toxic and hazardous substances – storage and use</li> <li>• WQPN no. 28: Mechanical servicing and workshops WQPN no. 56: Tanks for elevated chemical storage</li> <li>• WQPN no. 61: Tanks for ground level chemical storage</li> <li>• WQPN no. 8: Mechanical servicing and workshops</li> <li>• WQPN no. 29: Mobile mechanical servicing and cleaning</li> </ul>

The following management practices are proposed to respond to and address the potential hazard to implement the best management practices:

1. No fuel is to be stored at the excavation site on either of the Lots;
2. Refuelling would occur only intermittently and be limited to single machines;
3. All vehicle servicing will be undertaken off-site;
4. No wash-down of plant equipment will be undertaken on-site;
5. No chemicals are required or required to be stored on-site.

#### **STATUTORY ENVIRONMENT:**

- Shire of Jerramungup Local Planning Scheme No.2 in respect to land use permissibility;
- Local Planning Policy No.13 – Extractive Industries

#### **STRATEGIC IMPLICATIONS:**

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

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

**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:

1. **Grants Planning Approval and an Extractive Industry Licence to the applicant J Leenhouders to establish an Extractive Industry (Sand Quarry) on a portion of Lot 201 on DP403938 and lot 1213 on DP206778 Borden Bremer Bay Road, Bremer Bay in accordance with the documentation and plans submitted in support of the application subject to the following conditions:**
  - i. **The approval is valid for a period of 5 years from the date of issue and is liable to cancellation without compensation at any time for infringement of any regulation governing the same or breach of any conditions under which it is issued;**
  - ii. **The Borden-Bremer Bay Road be kept clear and clean at all times and that warning signage be installed and any other Conditions as may be applied to the proposal by Main Roads Western Australia;**
  - iii. **Those portions of public roads as are affected by the activities related to the approval shall be kept clean and free of mud and other debris;**
  - iv. **The applicant shall install and maintain road signs along transport routes warning other road users of trucks entering and using the public road system. Signs are to be to specification of the Shire in locations approved in writing by the Shire and in consultation with Main Roads WA;**
  - v. **A Rehabilitation Plan is to be prepared and implemented to the satisfaction of the Shire of Jerramungup;**
  - vi. **Topsoil is to be stockpiled and later spread out as part of the rehabilitation process;**
  - vii. **All development shall be in accordance with the plans submitted as part of the application;**
  - viii. **No excavation pit is to exceed an open area of more than 2ha at any one time and the applicant is to provide surveyed plans of excavation pits on annual basis from the commencement of operations to confirm such or upon the request of the Shire;**
  - ix. **The operation of the extractive industry is to be undertaken in accordance with Water Quality Protection Note No.15 – *Extractive Industries near sensitive water sources* and other relevant Water Quality Protection Notes and conditions that may be applied by the Department of Water;**
  - x. **No bulk fuel supplies are to be kept at the site of either excavation pit for the refueling of plant and equipment used in the excavation of materials and the servicing of equipment used in the operation is not to be undertaken on-site;**
  - xi. **No wash-down of plant and equipment is to be undertaken on-site of either excavation pit;**
  - xii. **The approval is issued to the applicant and may not be transferred or assigned to any other party without first applying to and receiving the approval of the Council.**
2. **That Council by Absolute Majority delegates authority to the Chief Executive Officer to issue both Development Approval and the Extractive Industry Licence foreshadowed in Condition 1 above,**

once responses are received from both Main Roads Western Australia and the Department of Water in respect to the proposal.

Approval is delegated on the basis that any conditions recommended by either Main Roads Western Australia or the Department of Water will be applied as Conditions of Approval.

In the event that conditions proposed are not considered acceptable by either the proponent or the Shire or a recommendation for refusal is received, the application will be referred back to Council for further consideration.

**Determination Advice Notes:**

- Approval shall not in any way render the Shire of Jerramungup liable for damage or injury of any kind to any member of the public; such liability shall be the sole responsibility of the applicant.
- The rehabilitation plan required at condition v) shall identify unused pits and provide a program for their closure and rehabilitation.
- The rehabilitation plan required at condition v) shall show how the land shall be rehabilitated to allow for future rural use and shall include;
  - Flattening the land;
  - Spreading of stockpiled topsoil (capable of supporting seed and plant re-growth);
  - Forming stable battered banks not to be steeper than 1 in 5;
  - And revegetation using native trees, shrubs and groundcovers/undergrowth as suitable.

**MOTION: OCM221006**

**MOVED: Cr Lester**

**SECONDED: Cr Parsons**

**That Council:**

1. Grants Planning Approval and an Extractive Industry Licence to the applicant J Leenhouders to establish an Extractive Industry (Sand Quarry) on a portion of Lot 201 on DP403938 and lot 1213 on DP206778 Borden Bremer Bay Road, Bremer Bay in accordance with the documentation and plans submitted in support of the application subject to the following conditions:
  - i. The approval is valid for a period of 5 years from the date of issue and is liable to cancellation without compensation at any time for infringement of any regulation governing the same or breach of any conditions under which it is issued;
  - ii. The Borden-Bremer Bay Road be kept clear and clean at all times and that warning signage be installed and any other Conditions as may be applied to the proposal by Main Roads Western Australia;
  - iii. Those portions of public roads as are affected by the activities related to the approval shall be kept clean and free of mud and other debris;
  - iv. The applicant shall install and maintain road signs along transport routes warning other road users of trucks entering and using the public road system. Signs are to be to specification of the Shire in locations approved in writing by the Shire and in consultation with Main Roads WA;
  - v. A Rehabilitation Plan is to be prepared and implemented to the satisfaction of the Shire of Jerramungup;
  - vi. Topsoil is to be stockpiled and later spread out as part of the rehabilitation process;
  - vii. All development shall be in accordance with the plans submitted as part of the application;
  - viii. No excavation pit is to exceed an open area of more than 2ha at any one time and the applicant is to provide surveyed plans of excavation pits on annual basis from the commencement of operations to confirm such or upon the request of the Shire;

- ix. The operation of the extractive industry is to be undertaken in accordance with Water Quality Protection Note No.15 – *Extractive Industries near sensitive water sources* and other relevant Water Quality Protection Notes and conditions that may be applied by the Department of Water;
  - x. No bulk fuel supplies are to be kept at the site of either excavation pit for the refueling of plant and equipment used in the excavation of materials and the servicing of equipment used in the operation is not to be undertaken on-site;
  - xi. No wash-down of plant and equipment is to be undertaken on-site of either excavation pit;
  - xii. The approval is issued to the applicant and may not be transferred or assigned to any other party without first applying to and receiving the approval of the Council.
2. That Council by Absolute Majority delegates authority to the Chief Executive Officer to issue both Development Approval and the Extractive Industry Licence foreshadowed in Condition 1 above, once responses are received from both Main Roads Western Australia and the Department of Water in respect to the proposal.

Approval is delegated on the basis that any conditions recommended by either Main Roads Western Australia or the Department of Water will be applied as Conditions of Approval.

In the event that conditions proposed are not considered acceptable by either the proponent or the Shire or a recommendation for refusal is received, the application will be referred back to Council for further consideration.

**Determination Advice Notes:**

- Approval shall not in any way render the Shire of Jerramungup liable for damage or injury of any kind to any member of the public; such liability shall be the sole responsibility of the applicant.
- The rehabilitation plan required at condition v) shall identify unused pits and provide a program for their closure and rehabilitation.
- The rehabilitation plan required at condition v) shall show how the land shall be rehabilitated to allow for future rural use and shall include;
  - Flattening the land;
  - Spreading of stockpiled topsoil (capable of supporting seed and plant re-growth);
  - Forming stable battered banks not to be steeper than 1 in 5;
  - And revegetation using native trees, shrubs and groundcovers/undergrowth as suitable.

**CARRIED: 5/0**

Cr Leenhouders returned to the meeting at 2:56pm.

**9.3.3 PROPOSED OUTBUILDING – LOT 910 TEMPLETONIA ROAD, BREMER BAY**

<b>Location/Address:</b>	Lot 910 (26) Templetonia Road, Bremer Bay
<b>Name of Applicant:</b>	G & L Selleck
<b>File Reference:</b>	A1607344
<b>Author:</b>	Noel Myers, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	17 October 2022
<b>Attachments:</b>	a) Location/Floor/Elevation Plan - Lot 910 Templetonia Road b) CONFIDENTIAL – Applicants request
<b>Authority/Discretion:</b>	Administrative

**SUMMARY:**

Council has received an application seeking approval to construct a second outbuilding on the above mentioned property.

The additional building will result in two outbuildings being constructed on the property with a cumulative area of 144m<sup>2</sup>.

The application is recommended for approval subject to conditions.

**BACKGROUND:**

- Lot 910 Templetonia Road, Bremer Bay is 5,000m<sup>2</sup> in area and is zoned Residential Development under the Shire of Jerramungup Local Planning Scheme No.2 (the Scheme).
- The property is the most westerly lot on the northern side of Templetonia Road in this subdivision and also has secondary frontage to Acacia Road.
- The property is developed with a single residential dwelling and has an existing outbuilding with a floor area of 108m<sup>2</sup>.
- The surrounding properties in this area of town are of similar dimensions and there has been a number of approvals granted more recently for the further development of the area with dwellings and outbuildings.

**CONSULTATION:**

As a departure from the adopted Outbuildings Local Planning Policy is proposed, the outbuilding was referred to neighbouring landowners for comment. The consultation period had not been finalised at the time of preparing this report and any submissions received prior to the Council Meeting will be distributed to Councillors under separate advice.

**COMMENT:*****Proposal***

- The proposal entails the construction of an additional outbuilding with a floor area of 36m<sup>2</sup> and also proposes to incorporate an attached open sided carport on the northern elevation;
- The new building proposes the use of skillion roof design with a maximum ridge height of 3.32m that reduces to 2.8m;
- The shed is to be located toward the center of the property, adjacent to the dwelling and forward of the existing shed. This places the entry to the shed being setback 14m from the Templetonia Road frontage and approximately 40m from the side eastern boundary of the lot.

The applicant has stated that they understand that they are requesting a relaxation of the standard policy requirement but seek an exemption based on:

- The requirement to store and keep personal belongings out of the weather while accommodating space within the shed to undertake personal hobbies and projects;
- The applicant is a military veteran pensioner;

- The new garage is to be constructed within the area of the original building envelope approved by the Council when the property was first developed.

The applicant has provided a written letter in support of their application and this is circulated to Councillors under separate cover for reasons of confidentiality.

### Local Planning Policy 16 – Outbuildings

Council adopted a revised Local Planning Policy No 16 for final approval on the 19 April 2017. The objective of this policy is to:

- to establish clear guidelines for the development of outbuildings in the Residential, Townsite, Rural Residential and Rural zones; and
- to achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, of the Shire as a whole.

Upon review the Policy does not specifically address requirements within areas Zoned Residential Development, however, direction may be taken for the standards that have been adopted for Residential and Residential Townsite (Lots over 2,000m<sup>2</sup>).

The table below shows the applicable size requirements.

	LPP requirement	Proposed
Floor Area	120m <sup>2</sup> max (up to two sheds)	144m <sup>2</sup> (note open sided structures adjoined to enclosed outbuildings are not included within assessments of floor area)
Roof Height	4.5m to apex	3.32m
Wall Height	3.8m	3.32m mx reducing to 2.8m

As detailed above, the construction of new outbuilding with an enclosed floor area of 36m<sup>2</sup> means that development would exceed that permitted as by right by 24m<sup>2</sup> requirements of the policy and is therefore needed to be considered on its planning merits.

It is important that Council recognises that the Policy is a guideline only and each application still needs to be based on its individual merit. The main considerations in examining the proposed outbuilding are compliance with the policy objectives, visual impact and streetscape.

The Policy states that *'Any variations to the policy will require the applicant to demonstrate exceptional circumstances as to why the policy should be relaxed with the proposal being presented to an Ordinary Meeting of Council for determination. Assessment of the application will require consultation with adjoining and affected landowners.'*

### Assessment

Part (b) of the objective of the outbuilding policy is to "achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, of the Shire as a whole."

This is the statement that everything else in the policy is trying to achieve. In this case there appears to be a 'legitimate need' insofar that the applicant has outlined his particular personal circumstances that give rise to the variation and those reasons are accepted without further comment;

### Amenity

The Policy and the Scheme requires that Council has due regard to the potential impact that a development proposing a variation may have upon adjoining properties and the streetscape in general.

In this instance the general area in which the property is located is described as a low density area with the prevailing lot size being 4,000m<sup>2</sup> and the subject property being 5,000m<sup>2</sup>. These larger land holdings enables developments being able to dispersed across the properties and this in turn assists to reduce the

visual bulk and scale of individual buildings which can be more problematic in higher density areas. Similarly, being a larger land holding means if buildings are centrally located they can be set further away from boundaries any reduce any impact on adjoining properties.

The grouping of the new building within the original building envelope allows the buildings to be set well away from other properties and the street frontage and groups the buildings in an area of the property that could reasonably be expected to have been fully developed.

The land to the rear of the property is similarly zoned Residential Development and whilst there is no current operative structure plan for that area, past planning for the area had proposed a similar roll out of land and it would be a reasonable planning practice to replicate that lot assembly in future land releases and back similar sized lots onto the properties that face towards Mary Road. As such, it is reasonable to assume that approval of a shed of the proposed dimensions in the location would not unduly compromise the future development or amenity of the area.

### **Conclusion**

Overall, the requested relaxations from policy are relatively minor and the existing low density character of the area means that the building would neither shadow, obstruct views or be visually obtrusive in the streetscape or as viewed from adjoining dwellings to the extent that would have an unreasonable impact on the amenity of the area.

On the other hand, Council's Outbuilding Policy is generous in its permitted maximum heights and floor area and any departure from the policy has the potential to set an undesirable precedent.

On balance, the application is supported as it is a minor relaxation of Policy and appears to meet the objectives of the policy to meet the needs of the applicant whilst minimising adverse effects on the neighbourhood.

### **STATUTORY ENVIRONMENT:**

The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the Council.

### **STRATEGIC IMPLICATIONS:**

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

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

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

### **FINANCIAL IMPLICATIONS:**

There are no financial implications for this report.

### **WORKFORCE IMPLICATIONS:**

There are no workforce implications for this report.

### **POLICY IMPLICATIONS:**

Local Planning Policy 16 – Outbuildings guides the assessment of outbuildings.

Consideration of this application identifies that there is reasonable grounds to undertake a review of the Policy to update it and ensure that it is accurately reflecting the circumstances that apply to this area of the town in particular.

### **VOTING REQUIREMENT:**

Simple Majority



**OFFICER RECOMMENDATION:****That Council**

1. **Approve the application for an outbuilding on Lot 910 (No.26) Templetonia Road, Bremer Bay subject to the following conditions:**
  - (a) **Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application.**
  - (b) **The outbuilding being used for domestic storage only and not for commercial or industrial use or human habitation.**
  - (c) **All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.**
  - (d) **The outbuilding is to be clad in factory applied colour finished sheet metal and final details of external materials and colour pallets to be used are to be submitted and approved by the Manager of Development prior to the Building Permit being submitted for approval. Note, the use of reflective building materials and colour palettes is not permitted unless otherwise approved by the Council.**

**MOTION: OCM221007****MOVED: Cr Lester****SECONDED: Cr Price****That Council**

1. **Approve the application for an outbuilding on Lot 910 (No.26) Templetonia Road, Bremer Bay subject to the following conditions:**
  - (a) **Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application.**
  - (b) **The outbuilding being used for domestic storage only and not for commercial or industrial use or human habitation.**
  - (c) **All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.**
  - (d) **The outbuilding is to be clad in factory applied colour finished sheet metal and final details of external materials and colour pallets to be used are to be submitted and approved by the Manager of Development prior to the Building Permit being submitted for approval. Note, the use of reflective building materials and colour palettes is not permitted unless otherwise approved by the Council.**

**CARRIED: 6/0**

## 9.4 EXECUTIVE SERVICES

### 9.4.1 INFORMATION BULLETIN OCTOBER 2022

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Rachel Smith, Executive Assistant
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	21 October 2022
<b>Attachments:</b>	a) September/October 2022 Information Bulletin
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

To advise Council on the information items for September/October 2022 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 months of September/October 2022.

#### CONSULTATION:

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

#### COMMENT:

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

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

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

#### STATUTORY ENVIRONMENT:

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

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

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

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

**STRATEGIC IMPLICATIONS:**

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

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

**FINANCIAL IMPLICATIONS:**

There are no financial implications for this report.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for this report.

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of September/October 2022.**

**MOTION: OCM221008**

**MOVED: Cr Leenhouders**

**SECONDED: Cr Price**

**That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of September/October 2022.**

**CARRIED: 6/0**

**9.4.2 COUNCIL MEETING DATES 2023**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	N/A
<b>Author:</b>	Rachel Smith, 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 2022
<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 2023. 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 27 October 2021, Council determined its meeting dates up to and including the 21 December 2022, 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).

The Easter holiday period for 2023 commences Friday 7 April. Therefore, the Ordinary Council Meetings for both March and April can remain on the fourth Wednesday of the month.

**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 Councils meeting dates (i.e. fourth Wednesday of each month).

Easter is Friday 7 April 2023 – Monday 10 April 2023;

Anzac Day is Tuesday 25 April 2023;

The following is a list of public holidays for Western Australia in 2023:

**WESTERN AUSTRALIA PUBLIC HOLIDAYS 2023**

<b>Holiday</b>	<b>Date</b>	<b>Day</b>	<b>Holiday Type</b>	<b>Area</b>
New Year's Day	1 January	Sunday	Public	WA Wide
New Year's Day Holiday	2 January	Monday	Public	WA Wide
Australia Day	26 January	Thursday	Public	WA Wide
Labour Day	6 March	Monday	Public	WA Wide
Good Friday	7 April	Friday	Public	WA Wide
Easter Monday	10 April	Monday	Public	WA Wide
ANZAC Day	25 April	Tuesday	Public	WA Wide

Western Australia Day	5 June	Monday	Public	WA Wide
King's Birthday *	25 September	Monday	Public	WA Most Areas
Christmas Day	25 December	Monday	Public	WA Wide
Boxing Day	26 December	Tuesday	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 2023 Ordinary Meeting of Council Schedule:

1. APPROVE the following Ordinary Meeting of Council dates, times and venues for the year ahead:
2. 

DAY	DATE	TIME	VENUE
Wednesday	22 February, 2023	2.00pm	Council Chambers, Jerramungup
Wednesday	22 March, 2023	2.00pm	Council Chambers, Jerramungup
Wednesday	26 April, 2023	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	24 May, 2023	2.00pm	Council Chambers, Jerramungup
Wednesday	28 June, 2023	2.00pm	Council Chambers, Jerramungup
Wednesday	26 July, 2023	2.00pm	Council Chambers, Jerramungup
Wednesday	23 August, 2023	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	27 September, 2023	2.00pm	Council Chambers, Jerramungup
Wednesday	25 October, 2023	2.00pm	Council Chambers, Jerramungup
Wednesday	22 November, 2023	8.30am	Council Chambers, Jerramungup
Wednesday	20 December, 2023	8.30am	Emergency Services Shed, Bremer Bay
3. 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.

**MOTION: OCM221009**

**MOVED: Cr Leenhouders**

**SECONDED: Cr Price**

That COUNCIL, with respect to the 2023 Ordinary Meeting of Council Schedule:

1. APPROVE the following Ordinary Meeting of Council dates, times and venues for the year ahead:
2. 

DAY	DATE	TIME	VENUE
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
3. 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.

**CARRIED: 6/0**

**Reason for variation:**

Council wish to trial morning meetings to allow further capacity for workshops to be held on the same day as the Ordinary Council Meeting.

**9.4.3 CHRISTMAS/NEW YEAR OPENING HOURS**

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	N/A
<b>Author:</b>	Rachel Smith, Executive Assistant
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	14 October 2022
<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	Sunday	25 December 2022
Christmas Day Holiday	Monday	26 December 2022
Boxing Day	Monday	26 December 2022
Boxing Day Holiday	Tuesday	27 December 2022
New Year's Day	Sunday	1 January 2023
New Year's Day Holiday	Monday	2 January 2023

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, 23 December 2022 and re-open at 8.30am on Monday, 9 January 2023. 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 2022 on Thursday, 22 December 2022, and a staggered re-commencement on either Tuesday, 3 January 2023 or Monday, 9 January 2023.

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 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 Centre’s at Jerramungup and Bremer Bay from 3.00pm Friday, 23 December 2022 to 8.30am on Monday, 9 January 2023; and**
2. **Shire’s Depot from Thursday, 22 December 2022, to Tuesday, 3 January 2023.**

**MOTION: OCM221010****MOVED: Cr Price****SECONDED: Cr Lester**

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

1. **Shire’s Administration Centre’s at Jerramungup and Bremer Bay from 3.00pm Friday, 23 December 2022 to 8.30am on Monday, 9 January 2023; and**
2. **Shire’s Depot from Thursday, 22 December 2022, to Tuesday, 3 January 2023.**

**CARRIED: 6/0**

**9.4.4 CHANGE OF ORDINARY COUNCIL MEETING DATE – NOVEMBER 2022**

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	N/A
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	14 October 2022
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Administrative

**SUMMARY:**

For Council to approve the change to the published date for the November Ordinary Council Meeting from Wednesday 23 November 2022 to Wednesday 30 November 2022.

The meeting will be held at the usual place (Council Chambers, 8 Vasey Street, Jerramungup) and commencement time (8.30am).

**BACKGROUND:**

At the Ordinary Meeting of Council held 27 October 2021, Council approved the dates for the Ordinary Meetings of Council to be held in 2022.

**MOTION: OCM211010****MOVED: Cr Foreman****SECONDED: Cr Parsons**

**That with respect to the 2022 Ordinary Meeting of Council Schedule, Council:**

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

<b>2. DAY</b>	<b>DATE</b>	<b>TIME</b>	<b>VENUE</b>
Wednesday	23 February, 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	23 March, 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	27 April, 2022	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	25 May, 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	22 June, 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	27 July, 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	24 August, 2022	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	28 September, 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	26 October, 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	23 November, 2022	8.30am	Council Chambers, Jerramungup
Wednesday	21 December, 2022	8.30am	Emergency Services Shed, Bremer Bay

- 3. 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.**

**CARRIED: 7/0****CONSULTATION:**

Executive Management Team.

**COMMENT:**

The Shire has been working with Arenamedia to hold a family friendly community event in Bremer Bay to celebrate the completion of the film Blueback prior to its official release date of 1 January 2023.

The event includes a community preview screening of the film and the date chosen is Wednesday, 23 November 2022. Councillor representation assisting at the event will reduce Councillor numbers available for the Council meeting to be held in Jerramungup, and a quorum may not be attainable.

The Officer recommends that Council approve the change of meeting date to allow staff and Councillors to assist and attend the community event in Bremer Bay on Wednesday, 23 November 2022.

#### **STATUTORY ENVIRONMENT:**

##### ***Local Government Act 1995***

##### ***5.25. Regulations about council and committee meetings and committees***

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
- (g) *the giving of public notice of the date and agenda for council or committee meetings; and*

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

##### ***12. Publication of meeting details (Act s. 5.25(1)(g))***

- (1) *In this regulation — meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.*
- (2) *The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —*
- (a) *ordinary council meetings;*
- (b) *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.*
- (3) *Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government’s official website as soon as practicable after the change is made.*

#### **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 approve to change the published date for the November Ordinary Council Meeting from Wednesday 23 November 2022 to Wednesday 30 November 2022.**

**MOTION: OCM221011**

**MOVED: Cr Leenhouders**

**SECONDED: Cr Price**

**That Council approve to change the published date for the November Ordinary Council Meeting from Wednesday 23 November 2022 to Wednesday 30 November 2022.**

**CARRIED: 6/0**

## 10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

### (CONFIDENTIAL MATTERS)

#### 10.1 CLOSURE OF MEETING TO THE PUBLIC

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

#### OFFICER RECOMMENDATION:

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

10.2: TENDER CONSIDERATION – RFT 01/22 PROVISION OF CLEANING SERVICES FOR THE BREMER BAY AREA

10.3: TENDER CONSIDERATION – RFT 02/22 AGRN973 FLOOD DAMAGE REPAIRS

Simple Majority Vote Required

#### MOTION: OCM221012

**MOVED:** Cr Leenhouders

**SECONDED:** Cr Lester

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

10.2: TENDER CONSIDERATION – RFT 01/22 PROVISION OF CLEANING SERVICES FOR THE BREMER BAY AREA

10.3: TENDER CONSIDERATION – RFT 02/22 AGRN973 FLOOD DAMAGE REPAIRS

**CARRIED: 6/0**

## 10.2 TENDER CONSIDERATION – RFT 01/22 PROVISION OF CLEANING SERVICES FOR BREMER BAY AREA

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	CA.TD.17
<b>Author:</b>	Rachel Smith, Executive Assistant
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	19 October 2021
<b>Attachments:</b>	a) RFT 01-22 Tender Documentation
	b) CONFIDENTIAL – Tender Submissions Received
	c) CONFIDENTIAL – Evaluation Report
	d) CONFIDENTIAL – Assessment Matrix
<b>Authority/Discretion:</b>	Executive

### OFFICER RECOMMENDATION:

That Council;

1. **Accepts the Tender submitted by Jass Contractors (ABN 16 428 552 148) as the most advantageous Tender to form a Contract for the Provision of Cleaning Services for the Bremer Bay area. The estimated start date for the contract is 1 December 2022 and it will be in place until 30 November 2025. A further two (2) year option is available at the sole discretion of the Principal. The total contract value is a fixed price as detailed in the confidential attachment.**
2. **Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**
3. **Should a Contract not be formed within thirty (30) business days with Jass Contractors, authorise the Chief Executive Officer to review alternative options, within the same price range as that provided by Jass Contractors.**

### MOTION: OCM221013

**MOVED: Cr Lester**

**SECONDED: Cr Price**

That Council;

1. **Accepts the Tender submitted by Jass Contractors (ABN 16 428 552 148) as the most advantageous Tender to form a Contract for the Provision of Cleaning Services for the Bremer Bay area. The estimated start date for the contract is 1 December 2022 and it will be in place until 30 November 2025. A further two (2) year option is available at the sole discretion of the Principal. The total contract value is a fixed price as detailed in the confidential attachment.**
2. **Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**
3. **Should a Contract not be formed within thirty (30) business days with Jass Contractors, authorise the Chief Executive Officer to review alternative options, within the same price range as that provided by Jass Contractors.**

**CARRIED: 6/0**

**10.3 TENDER CONSIDERATION – RFT 02/22 AGRN973 FLOOD DAMAGE REPAIRS**

<b>Location/Address:</b>	Boxwood-Ongerup Road, Meechi Road, Doubtful Island Road, Cameron Road
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	RD.TE.1
<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>	21 October 2021
<b>Attachments:</b>	a) RFT 02-22 Tender Documentation b) CONFIDENTIAL – RFT 02/22 Tender Submissions Received c) CONFIDENTIAL – Evaluation Report
<b>Authority/Discretion:</b>	Executive

**OFFICER RECOMMENDATION:**

That Council;

- 1. Award Tender RFT 02-22 to River Hill WA Pty Ltd for the estimated total cost of \$276,469 plus GST pending the Shire engaging in successful post-tender negotiations with the Contractor on the following items:**
  - The tenderer is to provide their proposed methodology for review and acceptance by the Shire.
  - The tenderer is to provide pricing for the supply of a dozer for review and acceptance by the Shire.
  - The tenderer is to confirm availability for completing the works and their estimated commencement and completion dates for approval by the Shire.
  - Agreement to be reached on the source and responsibility for obtaining suitable gravel materials for the works and the plant that may be required by the Contractor to facilitate this.
- 2. In the event that the preferred contractor is unavailable to perform the works when required, authorise the CEO to reject all tenders and using the provisions of the *Local Government (Functions and General) Regulations 1996* approach potential contractors directly for pricing to undertake the works.**

**MOTION: OCM221014****MOVED: Cr Parsons****SECONDED: Cr Price****That Council;**

1. Award Tender RFT 02-22 to River Hill WA Pty Ltd for the estimated total cost of \$276,469 plus GST pending the Shire engaging in successful post-tender negotiations with the Contractor on the following items:
  - The tenderer is to provide their proposed methodology for review and acceptance by the Shire.
  - The tenderer is to provide pricing for the supply of a dozer for review and acceptance by the Shire.
  - The tenderer is to confirm availability for completing the works and their estimated commencement and completion dates for approval by the Shire.
  - Agreement to be reached on the source and responsibility for obtaining suitable gravel materials for the works and the plant that may be required by the Contractor to facilitate this.
2. In the event that the preferred contractor is unavailable to perform the works when required, authorise the CEO to reject all tenders and using the provisions of the *Local Government (Functions and General) Regulations 1996* approach potential contractors directly for pricing to undertake the works.

**CARRIED: 6/0****10.4 REOPENING OF THE MEETING TO THE PUBLIC**

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

**OFFICER RECOMMENDATION:****That Council reopens the meeting to the public.****Simple Majority Vote Required****MOTION: OCM221015****MOVED: Cr Price****SECONDED: Cr Lester****That Council reopens the meeting to the public.****CARRIED: 6/0**



**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12.0 COUNCILLOR REPORTS**

**Cr Rex Parsons**

Attended FBG board meeting and AGM

Attended Jerramungup History Group meeting

Attended BFAC meeting

**Cr Andrew Price**

Attended Jerramungup History Group meeting

**Cr Robert Lester**

Attended BBCDC meeting

**Cr Drew Dawson**

Attended Bremer Bay Tennis Club Opening event

**Cr Julie Leenhouders**

Attended Bremer Bay Tennis Club Opening event

**13.0 NEW BUSINESS OF AN URGENT NATURE**

Nil

**14.0 CLOSURE**

**14.1 DATE OF NEXT MEETING**

The next ordinary meeting of Council will be held Wednesday, 30 November 2022, commencing at 8.30am, in the Council Chambers, Jerramungup.

**14.2 CLOSURE OF MEETING**

The Presiding Member closed the meeting at 3:35pm

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