



# SHIRE OF JERRAMUNGUP

## NOTICE OF COUNCIL MEETING

**To the President and Councillors,**

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

Wednesday, 27 October 2021  
At the Council Chambers,  
Jerramungup  
Commencing at 2:00pm

### **Council Meeting Procedures**

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

Martin Cuthbert  
**CHIEF EXECUTIVE OFFICER**  
22 October 2021

## AGENDA

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## **OUR GUIDING VALUES**

Progressive, Prosperous and a Premium Place to Live and Visit

## **DISCLAIMER**

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

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

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

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

## **NOTES FOR MEMBERS OF THE PUBLIC**

### **PUBLIC QUESTION TIME**

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

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

### **MEETING FORMALITIES**

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

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## NOTES FOR ELECTED MEMBERS

### NATURE OF COUNCIL'S ROLE IN DECISION MAKING

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

### ALTERNATIVE MOTIONS

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

### DECLARATIONS OF INTERESTS

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

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

Section 5.60B states;

*"a person has a proximity interest in a matter if the matter concerns –*

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

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

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

Regulation 34C (Impartiality) states;

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

## 2021 MEETING DATES

At its Ordinary Meeting of Council on 18 November 2020, Council adopted the following meeting dates for 2021:

January	-	-	Council in Recess
Wednesday	24 February 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	24 March 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	28 April 2021	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	26 May 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	23 June 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	28 July 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	25 August 2021	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	22 September 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	27 October 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	24 November 2021	8.30am	Council Chambers, Jerramungup
Wednesday	15 December 2021	8.30am	Emergency Services Shed, Bremer Bay

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

## APPLICATION FOR LEAVE OF ABSENCE

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

# Shire of Jerramungup

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## **ORDINARY COUNCIL MEETING AGENDA**

### **1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS**

The meeting was opened at .....pm by the Shire President.

### **2.0 RECORD OF ATTENDANCE**

#### **2.1 ATTENDANCE**

**ELECTED MEMBERS:**

**STAFF:**

**VISITORS:**

**GALLERY:**

#### **2.2 APOLOGIES**

#### **2.3 APPROVED LEAVE OF ABSENCE**

#### **2.4 ABSENT**

#### **2.5 DISCLOSURE OF INTERESTS**

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

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

##### **2.5.1 DECLARATIONS OF FINANCIAL INTERESTS**

##### **2.5.2 DECLARATIONS OF PROXIMITY INTERESTS**

##### **2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS**



### **3.0 APPLICATIONS FOR LEAVE OF ABSENCE**

### **4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

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

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

Nil

### **6.0 PUBLIC TIME**

#### **6.1 PUBLIC QUESTION TIME**

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

### **7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Ordinary Council Meeting held 22 September 2021.

**That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Emergency Services Shed, Bremer Bay on 22 September 2021 be CONFIRMED**

Local Emergency Management Committee (LEMC) Meeting held 13 September 2021

Bremer Bay Community Development Committee (BBCDC) Meeting held 6 October 2021

Bush Fire Advisory Committee (BFAC) Meeting held 12 October 2021

**That Council RECEIVE the Minutes of the LEMC, BBCDC and BFAC meetings.**

### **8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES**

## 9.0 REPORTS

### 9.1 TECHNICAL SERVICES

#### 9.1.1 WORKS REPORT FOR SEPTEMBER/OCTOBER 2021

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Greg Stephens, Manager of Works
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	20 October 2021
<b>Attachments:</b>	a) Road Construction Schedule September/October 2021
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

To advise Council on information, including works undertaken for September/October 2021.

Questions from Elected Members to the Manager of Works regarding Shire works should be requested prior to the meeting to enable a complete answer. Questions not provided to the Manager of Works prior to the meeting, may be taken on notice and replied to at a later date.

#### BACKGROUND:

Works, services and the proposed budget for the 2021/22 financial year and routine works and services.

#### REPORT:

##### Administration, Meetings and Inspections during this reporting period:

- Budget operation
- Customer enquiries
- Staff works program
- Capital works program
- Staff and Plant records
- Fire mitigation inspections
- Pool construction meeting
- Maintenance works program
- Gravel supply for road works
- Airport inspections and reporting
- Flood damage inspections and reporting
- Administration general duties – phone, emails
- Site Inspections – rural and town inspections
- Capital works – rural road re-sheeting program
- Meetings – executive, depot staff, admin, contractors, community members

##### Roads Report, Grading Program and Town Services during this reporting period:

##### Maintenance and Grading

The maintenance and grading program has been included to enable Council to follow the progress of work throughout the Shire area.

- Repairing road blowouts, patching/importing gravel to areas.
- Clearing culverts and road washouts.
- Shire maintenance grader – Lake Road (incl Lake North), Mallee Road and will be going to Lake Magenta and Cuiss Roads and also attending to other repairs and maintenance.

- Contract Grader – Marnigarup East and South Road's, Roberts Road, Carlawillup (incl South) Road, Monkey Rock Road, Cameron Road, Woolshed Road, Through Road and others proceeding this report.
- Depot yard clean up.

#### Construction Crew

- Rabbit Proof Fence Road – 5km new construction, Shire staff and contractors involved in the works.

Please note that due to the inclement weather and staff shortages project start times have been delayed.

#### Town Works

- Works requests.
- Cemetery maintenance.
- Town beatification works.
- General routine maintenance.
- Road pothole and edge repairs.
- Weed spraying and suppression.
- Street pick up – debris and leaf litter.
- Mowing, weeding and brush cutting.

#### Routine Inspections

##### General

- Signage – Town streets.
- Illegal Camping.
- Illegal dumping of rubbish.
- Dog complaints.
- Cat control as required.

#### Playgrounds and Parks

- Weekly inspections are only a visual inspection of all the equipment, soft fall and cleanliness of the areas as well as graffiti.
- Quarterly inspection complete inspections e.g. bolts, nuts, ladders, moving parts, soft fall levels, entrapments.

#### Aerodromes Jerramungup and Bremer Bay

Inspections include boundary fencing, runway condition, damage and any debris, Pilot Activated Lighting (PAL), strip lighting, windsock condition including lighting, vegetation control, ablutions and building.

#### **Reports and Information:**

##### Ranger Services

Nil.

##### Plant

Plant, trailers and machinery are maintained and serviced on a regular basis.

#### **Capital Works:**

##### Construction Program

##### Regional Roads Group funded projects

All road aggregate has been carted to stockpile sites, contractors should be onsite to carry out the bitumen sealing early/mid November.

Boxwood Hill DWER Project.

Delayed – The pipe from K. Shields property to the dam was to be laid on the 5 October. Due to soft wet ground the trench was unable to be trenched for the pipe, will attempt to restart the project next month.

Staff

New staff member to start with the works department on Monday 25 October 2021.

**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 2021/2022 Shire of Jerramungup budget.

**WORKFORCE IMPLICATIONS:**

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

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council RECEIVE the works report for September/October 2021.**

**9.2 CORPORATE SERVICES****9.2.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2021**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Sarah Van Elden, Accounts Officer
<b>Responsible Officer:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	6 October 2021
<b>Attachments:</b>	a) List of Accounts Paid to 30 September 2021 b) Credit Card Statement 27 August 2021 – 27 September 2021
<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 2021.

**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 2021-22 Annual Budget as adopted by Council at its meeting held 28 July 2021 (Minute No. OCM210706 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 2021. 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	28176	
EFT Payments	18767 – 18774	\$24,638.96
EFT Payments	18775	CANCELLED
EFT Payments	18776 – 18778	\$24,821.51
EFT Payments	18779	CANCELLED
EFT Payments	18780 – 18861	\$608,129.36
Direct Deposits		\$77,459.99
<b>Municipal Account Total</b>		<b>\$735,049.82</b>
<b>Trust Account</b>		
<b>Trust Account Total</b>		<b>\$0.00</b>
<b>Grand Total</b>		<b>\$735,049.82</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 Card

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 2021 as detailed in Attachment 9.2.1(a).**
- b) The Credit Card Statement 27 August 2021 – 27 September 2021 as detailed in attachment 9.2.1(b).**

**9.2.2 MONTHLY FINANCIAL REPORT – SEPTEMBER 2021**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<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>	14 September 2021
<b>Attachments:</b>	a) Monthly Financial Report for the period ending 30 September 2021
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the statement of financial activity for the period ended 30 September 2021 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 2021.

**BACKGROUND:**

At its meeting held 28 July 2021 (Minute No. OCM210706 refers), Council adopted the annual budget for the 2021-22 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 2021 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 28 July 2021, Council adopted (Minute No. OCM210706 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2021-22 financial year:



*Officer Recommendation 4: That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2021/2022 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 2021 has been incurred in accordance with the 2021-22 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 – Rates and Accounts Collection

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 2021 in accordance with section 6.4 of the *Local Government Act 1995*.**

### 9.3 DEVELOPMENT SERVICES

#### 9.3.1 UPDATE ON SOUTH WEST NATIVE TITLE SETTLEMENT AND ESTABLISHMENT OF THE NOONGAR LAND ESTATE

<b>Location/Address:</b>	Various land parcels – Boxwood Hill
<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 2021
<b>Attachments:</b>	a) Location Maps 1-12 b) Table 1 – Land List No.5
<b>Authority/Discretion:</b>	Administrative

#### SUMMARY:

Purpose of this report is for Council to consider the possible future disposition of a number of Crown Land parcels within the Boxwood Hill town site area to create the Noongar Estate as part of the South-West Native Title Settlement.

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

#### 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 (NLE).

#### 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 NLE 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 NLE. 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 eligible for transfer to the NLE on four 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, and
- Ordinary Council Meeting 24 February 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 (NLE) is to provide the Noongar People with a significant asset base that may be developed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

The current matter Council is being asked to provide comment on is the future possible transfer of twelve (12) parcels of Vacant Crown Lots that are distributed throughout the Boxwood Hill townsite. It is noted that Council Report **Item 9.3.1** (Ordinary Council Meeting held 24 February 2021) concerned the transfer of seven parcels of land also located within the Boxwood Hill townsite that had previously been identified for transfer to the NBT upon the registration of the NBT.

The 12 Lots under consideration are generally contained within the Boxwood Hill townsite and are bound by South Coast Highway, Circuit Road, Boxwood Hill-Ongerup Road and the Borden-Bremer Road.

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:

- Lots 2, 14 and 35 are zoned 'Townsite/R10' under Shire of Jerramungup Local Planning Scheme No.2 (LPS No.2);  
The designated Townsite Zoning that applies to these lots provides for a range of land uses and development such as may typically be found in small townsites but subject to the preservation of local amenities. Any future development and use of the land is 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.
- The balance of the lots are Zoned Rural under LPS No.2;  
The Rural zoning that currently applies to a number of the lots regarded as being within the townsite area may not be the most appropriate zoning and consideration may need to be given towards the rezoning of those lots to 'Townsite' in the future as a means to encourage and facilitate development that is more conducive to the more urban context they are located within. The lots zoned Rural that in the area bound by Heath Street, Circuit Road and the South Coast Highway range in size from 1.6ha to 8.3ha which is below that which could generally be put to any productive rural use;
- Ten of the twelve lots contained within the townsite are undeveloped and uncleared and have access to dedicated but unconstructed roads.
- The two exceptions to the above statement include a portion of Lot 47 Borden-Bremer Bay Road and another parcel of land (PIN 625011). Lot 47 has elements of the Boxwood Sporting Club playing grounds located upon it and the western end of Lot 47 and land identified as PIN 625011 are bisected by a portion of the Boxwood Hill-Ongerup Road. It will be the recommendation of the Administration that these elements are excluded from any future transfer given the public interest that exist over these areas. Further comment is provided on these matters later in the report.

The recipients have nominated in which form of tenure they seek to have the land transferred to them. Five of the lots are to be transferred in Freehold Title with the balance of lots being transferred as Reserves with Power to Lease. There is no objection raised to this as from a land management perspective it may pre-emptive to have all lands transferred over in freehold as there are various holding charges that would accrue from that action.

However, there is some question as to what will be the nominated purpose of those Reserves as this will impact on what activities may be undertaken on those Reserves in the future. At this juncture there has not been any advice received as to what that purpose may be and this is a matter that requires further clarification to ensure for the proper and orderly planning of the area, particularly for any of the land parcels located within proximity of the established residential areas.

Notwithstanding the possible transfer of ownership, as stated above 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 No.2) 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; 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 Council.

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

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

1. 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. That prior to Council consenting the transfer of those lots that are proposed to be held as Reserves with Power to Lease that the DPLH provide advice on what the intended purpose of the reserves will be so as that the Council may consider such uses and consider if the intended use is consistent with the proper and orderly planning of the area;
3. That Council only supports the transfer of Lot 47 on DP209381 (PIN 11956085) on the basis that areas of land over which the Shire has existing interests, as set out in the operative Section 91 License to Occupy Crown Land are excised from the subject lot. The land to be excised from Lot 47 is to be amalgamated into the Shire's adjoining Recreation Reserve No.27035 – Lot 1000 on P070053 and land required for the creation of the Boxwood Hill-Ongerup road is to include within the future road reserve to be created to formalise the alignment of the road; and
4. That all and any costs associated with excisions and transfers of land associated with recommendation 3 above are borne by the DPLH and are completed at nil cost to the Shire and are completed prior to the transfer being effected.

**9.3.2 PROPOSED LEASE (DISPOSITION OF LAND). JERRAMUNGUP LANDING GROUND.**

<b>Location/Address:</b>	Portion Reserve 41532 – Lot 2116 Jerramungup North Road, Jerramungup
<b>Name of Applicant:</b>	A & T Twine
<b>File Reference:</b>	A1604320
<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>	20 October 2021
<b>Attachments:</b>	CONFIDENTIAL - Opteon Valuation Report
<b>Authority/Discretion:</b>	Legislative

**SUMMARY:**

Report seeks Council's endorsement for the Chief Executive Officer to commence negotiations with Joyce Air to lease a portion of land at the Jerramungup Landing Ground (Reserve No. 41532) that will facilitate the future construction of an aircraft hangar.

The report also seeks approval for Council to delegate authority to the Chief Executive Officer to negotiate the terms of the lease in line with the Valuation Report prepared by Opteon Land Valuers and to commence actions as required under section 3.58 of the *Local Government Act 1995* to dispose of the land.

**BACKGROUND:**

Council considered a Report **ITEM 9.3.4** into the proposed construction of a hangar by Joyce Air on land adjacent to the Jerramungup Airstrip at the Ordinary Meeting of Council held on 28 April 2021;

The resolution of the Council in respect to that matter was:

**MOTION: OCM210409**

**MOVED: Cr Iffla SECONDED: Cr Dawson**

***That COUNCIL:***

- 1. *Refuses the application submitted by A & T Twine for the construction of an Aircraft Hanger and Two Water Tanks on a portion of Lot 1273 Gnowangerup-Jerramungup Road Needilup for the following reasons:***
  - i) *The proposed access arrangements for aircraft entering onto Reserve No.41532 from adjoining Lot 1273 are considered to be contrary to proper and orderly operation and management of the airstrip and landing ground;***
  - ii) *Approval to the proposed buildings and land use adjacent to the Airport Landing ground Reserve No.41532 is not consistent with the proper and orderly planning of the Airport reserve.***
  - iii) *That Shire as the holder of the Management Order over Reserve No.41532 declines to grant access to the airstrip from adjoining Lot 1273.***

**CARRIED: 6/0**

In determining the matter, the Council Minutes include the following notation:

*Council were supportive of the business being located on the Shire of Jerramungup Airstrip site. Council authorised the CEO to contact the applicant to discuss lease arrangements.*

Since the time of that decision, the Administration has made contact with the owners of Joyce Air and provided them with an overview of the process and timelines that Council is obliged to follow in respect to the disposition of land and engaged the services of Opteon Licensed Land Valuers to provide a current market valuation for land within the Jerramungup Landing Ground Reserve.

**Proposal:**

The lease is required to enable the proponent Joyce Air to construct an aircraft hangar with a dimension of 40m x 21m (840m<sup>2</sup>) at the airstrip so as that they may base their aircraft locally to carry on their commercial crop dusting business.

The subject land is Reserved *Public Purposes – Landing Ground* under Local Planning Scheme No.2 and as such the intended land use and development is consistent with the Scheme and is a use that is permitted subject to an application for Development Approval being submitted and approved.

As at the date of this report the area of the land required by the potential lessee to accommodate the hangar and any ancillary buildings has not been defined and this is a matter that would need to be negotiated with the potential lessee. There is an area of approximately 1.6ha of land available for development at the eastern side of the airstrip and negotiations concerning the size of the lease will need to consider not only the immediate needs of the current enquiry but also ensure that the agreed location does not compromise future development options at the airport.

In order to facilitate that discussion and negotiation with potential lessees, the Valuer has provided valuations based on three different lease areas.

The three scenarios and rates are:

- 1,000 sqm site – \$5,000 p/a (at \$5.00 /sqm pa net of outgoings and GST)
- 1,200 sqm site – \$5,700p/a (at \$4.75 /sqm pa net of outgoings and GST)
- 1,500 sqm site – \$6750 p/a (at \$4.50 /sqm pa net of outgoings and GST)

Total Development Area – 1.6ha site at \$0.75 /sqm pa net of outgoings and GST

**COMMENT:**

As detailed above the proposal at hand will, if it proceeds, enable the presumptive lessee the opportunity to develop a building that will facilitate the operation of commercial crop dusting business from the Jerramungup Airstrip.

The Jerramungup Landing Ground is located on Reserve 41532. The Shire is responsible for the ongoing management and maintenance of the airstrip and grounds and the Shire holds a management order over the Reserve which includes the power to lease for terms of up to 21 years with the consent of the Minister for Lands. It is noted that the management order and power to lease was only applied for by the Shire in March 2020 following approaches by the current applicant to construct a hangar at the airport and the management order was approved in June 2020.

The Shire has an ongoing responsibility for the maintenance of the Reserve and the permanent placement of aircraft and associated higher usage of the strip may result in the Shire having to perform maintenance on a more regular basis. It is for these reasoning's that the administration recommends that any lease negotiations to be undertaken are done so in line with the current valuations as provided for within the current Valuation Report.

**CONSULTATION:**

The provisions of section 3.58 of the *Local Government Act 1995* (the Act) requires that public advertising be undertaken before a lease is granted and the Act also determines what forms of advertising are acceptable.

It is the recommendation of the Administration that Council authorises the Chief Executive Officer to initiate the requisite advertising process once terms of the lease have been satisfactorily negotiated.



## STATUTORY ENVIRONMENT:

### Statutory Requirements

Requirements of section 3.58 of the *Local Government Act 1995* will need to be satisfied as this proposal recommends disposing of a portion of the property via lease.

#### **3.58. Disposing of property**

- (1) *In this section —*
  - dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; property includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —*
  - (a) *the highest bidder at public auction; or*
  - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
  - (a) *it gives local public notice of the proposed disposition —*
    - (i) *describing the property concerned; and*
    - (ii) *giving details of the proposed disposition; and*
    - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
  - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
  - (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition —*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
  - (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
  - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
  - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
  - (d) *any other disposition that is excluded by regulations from the application of this section.*

### **Land Administration Act 1997**

- (1) *A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.*
- (2) *A person must not without authorisation under subsection (7) —*
  - (a) *grant a lease or licence under this Act, or a licence under the Local Government Act 1995, in respect of Crown land in a managed reserve; or*
  - (b) *being the holder of such a lease or licence, grant a sublease or sub licence in respect of the whole or any part of that Crown land.*
- (3) *A person must not without authorisation under subsection (7) mortgage a lease of Crown land.*
- (4) *A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.*
- (5) *The Minister may, before giving approval under this section, in writing require —*
  - (a) *an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and*
  - (b) *information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.*
- (6) *An act done in contravention of subsection (1), (2), (3) or (4) is void.*
- (7) *A person or lessee may make a transaction under subsection (1), (2), (3) or (4) —*
  - (a) *with the prior approval in writing of the Minister; or*
  - (b) *if the transaction is made in circumstances, and in accordance with any condition, prescribed for the purposes of this paragraph.*
- (8) *This section does not apply to a transaction relating to an interest in Crown land if —*
  - (a) *that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act;*
  - (b) *that interest may be created, granted, transferred or otherwise dealt with under an Act other than —*
    - (i) *this Act; or*
    - (ii) *a prescribed Act;*
  - (c) *an agreement, ratified or approved by another Act, has the effect that consent to the transaction was not required under section 143 of the repealed Act; or*
  - (d) *the transaction is a lease, sublease or licence and the approval of the Minister is not required under section 46(3b).The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the WAPC.*

### **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/BUDGET IMPLICATIONS:**

Council has an ongoing annual financial commitment for the maintenance of facilities at the airstrip. Approval to the application has the potential to increase usage of the airstrip and require additional maintenance to be undertaken. Costs would need to be accommodated within Council's operational budget.

Costs associated with preparation of a commercial lease would be in the range of \$1,000-\$1,500 and would be for the care of the lessee.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

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

**SUMMARY:**

Having regard to the matters set out above, it is the advice of the Administration that:

1. Council delegates authority to the Chief Executive Officer to negotiate the terms of a lease with Joyce Air concerning the area of land required and as to the term of the lease for a period up to a maximum term of 21 years or less;
2. That such negotiations pertaining to the annual rental are to be as per the rates identified within the Valuation Report dated 6 September 2021 prepared by Opteon Valuers;
3. That once negotiations have been finalised to the satisfaction of the Chief Executive Officer and in accordance with Points 1 and 2 above, the Chief Executive Officer is authorised to proceed with the necessary actions as set out under section 3.58 of the *Local Government Act 1995* to dispose of the land.

**VOTING REQUIREMENT:**

Simple majority

**OFFICER RECOMMENDATION:**

**That COUNCIL:**

1. **Delegates authority to the Chief Executive Officer to negotiate the terms of a lease with Joyce Air concerning the area of land required within Reserve 41532, Lot 2116 on DP2175110 and as to the term of the lease for a period up to a maximum term of 21 years or less;**
2. **Grants delegation to the Chief Executive Officer to negotiate the lease on the basis that negotiations pertaining to the annual rental are to be as per those rates identified within the Valuation Report dated 6 September 2021 as prepared by Opteon Valuers; and**
3. **Authorises the Chief Executive Officer to proceed with the necessary actions as set out under section 3.58 of the *Local Government Act 1995* to dispose of the land once negotiations have been finalised in accordance with Points 1 and 2 above and to his satisfaction.**

## 9.4 EXECUTIVE SERVICES

### 9.4.1 INFORMATION BULLETIN SEPTEMBER/OCTOBER 2021

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<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>	22 October 2021
<b>Attachments:</b>	September/October 2021 Information Bulletin
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

To advise Council on the information items for September/October 2021 including actions that have been undertaken in relation to decisions of Council and actions performed under delegated authority.

#### BACKGROUND:

There is no specific requirement to report on actions performed under delegated authority to Council. However, to increase transparency this report has been prepared for Council and includes actions performed under delegated authority for the month of September/October 2021.

#### 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 2021.**

**9.4.2 REPRESENTATION ON COMMITTEES AND WORKING PARTIES/GROUPS**

<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>	18 October 2021
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Administrative

**SUMMARY:**

Following the outcome of the Ordinary Local Government Election on 16 October 2021, membership to various Council appointed committees were declared vacant. Council is required to consider its representation on various Council Committees and Working Groups. Appointments to external committees have also been reviewed.

**BACKGROUND:**

As per section 5.11 of the *Local Government Act 1995*, Council representatives on its Committees and Working Groups established under the Act are discontinued following a local government election and as such, nominations for Council representation are required.

Council may also wish to consider the current appointments to other statutory Committees and its representatives on outside bodies.

There are 3 current committees established in this manner and their status is outlined in the Comment section of this report:

- CEO Review Committee
- Audit Committee
- Bremer Bay Community Development Committee

Council has already defined the purpose and operations of each committee. Any delegation available to a committee is prescribed in respective Instrument of Appointment and Delegation. For all Committees, the Chief Executive Officer and other staff members will provide advice and administrative support to the Committee.

It would also be prudent at this time to review membership of external committees requiring Elected Member representation, as well as membership to the working groups/parties Council has previously formed to assist on various issues.

The last full review of committee representation was at the Ordinary Meeting of Council held 20 November, 2019.

**CONSULTATION:**

Nil

**COMMENT:**

Establishment of committees requires an absolute majority decision of Council. When Council establishes a committee it is required to detail what authority (if any) is delegated to that committee. A formal committee established in this manner is required to observe a Council's Standing Orders (if applicable) and the *Local Government Act 1995* in its meetings. For example, all meetings are required to be advertised, produce a formal agenda and minutes, and include a public question time.

An acceptable alternative to the establishment of committees per the *Local Government Act 1995* is the formation of working parties, working groups, or teams. Such bodies are not delegated specific authority from Council and therefore act as an advisory body only. Recommendations from such bodies are presented to Council through officer reports.

The following information details the various committees that Council has established or is represented upon. Council is requested to review its representation on such bodies, whether to disband some internal working parties and to nominate elected members to those bodies to which Council wishes to continue providing representation.

## PART 1 – COUNCIL COMMITTEES

Council Committees (formed per s5.8 of the *Local Government Act 1995*)

- **CEO Performance Review Committee**

This Committee undertakes the performance review of the CEO and negotiates changes to the CEO's contract of employment for subsequent Council approval.

- **Audit Committee**

This Committee is established to comply with legislation and oversee financial issues.

Changes to the *Local Government (Audit) Regulations 1996* required Audit Committees to expand their focus to provide effective corporate governance through the review of systems and procedures relating to risk management, internal control and legislative compliance.

- **Bremer Bay Community Development Committee**

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

Council appointments to the above Committees prior to 16 October 2021 were:

Committee	Membership	Term	Purpose	Nominated Councillors	Powers/Delegations
CEO Review Committee	All members of Council	2 years with terms of office being aligned with Local Government Councillor Elections	To undertake periodic review meetings with the incumbent CEO and prepare reports and recommendations for Council on the CEO's performance and contract terms	<b>All Councillors</b>	Nil, the committee makes recommendations to Council. The Shire President may, at his/her option, engage a consultant to assist in any relevant processes to the extent provided for in the annual budget
Audit Committee	All members of Council	2 years with terms of office being aligned with Local Government Councillor Elections	To receive audit reports and meet annually with Council's auditors	<b>All Councillors</b>	Nil, the committee makes recommendations to Council on the appointment of auditors and matters raised during audits
Bremer Bay Community Development Committee	Two Councillors and one Proxy Two member representatives from each	2 years with terms of office being aligned with Local Government Councillor	To advise Council on issues of development within Bremer Bay	<b>Delegate 1: Cr Lester, Delegate 2: Cr Iffla, Proxy: any other</b>	Nil, the committee will make recommendations to Council

	community organisation	Elections All non Councillor members of the committee membership is ongoing once Council has accepted their nomination until the organisation they represent advises otherwise or until Council disbands this committee, whichever is the sooner		Councillor	
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Listed below are the external committees/organisations to which Council currently provides representation. Council appointments to the Committees prior to 16 October 2021 are also included:

Organisation/Committee	Delegate Positions	Nominated Councillors
Regional Road Group	Two Councillors and one Proxy	Delegate 1: Cr Parsons Delegate 2: Cr Lester Proxy: any other Councillor
Great Southern Zone of WALGA	Two Councillors and one Proxy	Delegate 1: Cr Lester Delegate 2: Cr Price Proxy: any other Councillor
Bush Fire Advisory Committee	One Councillor and one Proxy	Delegate: Cr Bailey Proxy: Cr Parsons or any other Councillor
Fitzgerald Biosphere Group	One Councillor and one Proxy	Delegate: Cr Parsons Proxy: Cr Bailey or any other Councillor
Regional Recreation Advisory Committee	One Councillor and one Proxy	Delegate: Cr Dawson Proxy: Cr Leenhouwers or any other Councillor
Jerramungup VES Unit Management Committee	One Councillor and one Proxy	Delegate: Cr Bailey Proxy: Cr Parsons or any other Councillor
Bremer Bay VES Unit Management Committee	One Councillor and one Proxy	Delegate: Cr Leenhouwers Proxy: Cr Dawson or any other Councillor
Development Assessment Panel	Two Councillor and one Proxy	Delegate 1: Cr Lester Delegate 2: Cr Iffla Proxy: Cr Price Proxy: Cr Leenhouwers
Fitzgerald River National Park Advisory Group	One Councillor and one Proxy	Delegate: CEO Proxy: Any other Staff
Local Emergency Management Committee	One Councillor and one Proxy	Delegate: Cr Lester Proxy: Cr Iffla or any other Councillor
South Coast Alliance	Three Councillors	Delegate: Cr Lester Delegate: Cr Iffla Delegate: Cr Leenhouwers



## **STATUTORY ENVIRONMENT:**

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

#### ***Subdivision 2 — Committees and their meetings***

##### ***5.8. Establishment of committees***

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

*\* Absolute majority required.*

##### ***5.9. Committees, types of***

*(1) In this section —*

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

*(2) A committee is to comprise —*

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

##### ***5.10. Committee members, appointment of***

*(1) A committee is to have as its members —*

- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).*

*\* Absolute majority required.*

*(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*

*(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.*

*(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

*(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*

- (a) to be a member of the committee; or*
- (b) that a representative of the CEO be a member of the committee,*

*the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

#### **5.11A. Deputy committee members**

- (1) *The local government may appoint\* a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.*

*\* Absolute majority required.*

- (2) *A person who is appointed as a deputy of a member of a committee is to be —*
  - (a) *if the member of the committee is a council member — a council member; or*
  - (b) *if the member of the committee is an employee — an employee; or*
  - (c) *if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or*
  - (d) *if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.*
- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

#### **5.11. Committee membership, tenure of**

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
  - (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
  - (b) *the person resigns from membership of the committee; or*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day,*

*whichever happens first.*

- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
  - (a) *the term of the person's appointment as a committee member expires; or*
  - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day,*

*whichever happens first.*

### **Division 1A — Audit committee**

#### **7.1A. Audit committee**

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

*\* Absolute majority required.*

- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

### **Section 38 of the Emergency Management Act 2005**

#### **38. Local emergency management committees**

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
  - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
  - (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

#### **STRATEGIC IMPLICATIONS:**

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031; Work cohesively with groups from across the community to improve engagement and to promote community participation.

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

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

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

There are no financial implications for this report.

#### **WORKFORCE IMPLICATIONS:**

Policies provide direction for all Shire of Jerramungup employees.

#### **POLICY IMPLICATIONS:**

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

#### **VOTING REQUIREMENT:**

Absolute Majority

**OFFICER RECOMMENDATION:**

1. That all Elected Member representation prior to 16 October, 2021 on Council Committees, External Committees/Organisations, Internal Working Parties/Groups be dissolved.

**COUNCIL COMMITTEES**

*CEO Performance Review Committee (no delegated power)*

2. That BY AN ABSOLUTE MAJORITY, Council APPOINTS all Elected Members to the CEO Performance Review Committee.

*Audit Committee (no delegated power)*

3. That BY AN ABSOLUTE MAJORITY, Council APPOINTS all Elected Members to the Audit Committee.

*Bremer Bay Community Development Committee (no delegated power)*

4. That BY AN ABSOLUTE MAJORITY, Council APPROVES two Elected Members to the Bremer Bay Community Development Committee.
5. That BY AN ABSOLUTE MAJORITY, Council APPOINTS the following Elected Members to the Bremer Bay Community Development Committee.

Cr \_\_\_\_\_

Cr \_\_\_\_\_

**EXTERNAL REPRESENTATION – COMMITTEES/ORGANISATIONS**

6. That Council, BY AN ABSOLUTE MAJORITY, APPROVES the nomination of the following Elected Members to the external Committees/Organisations as detailed below:

*Regional Road Group*

Delegate 1: Cr \_\_\_\_\_

Delegate 2: Cr \_\_\_\_\_

Proxy: Cr \_\_\_\_\_

or any other Councillor

*Great Southern Zone of WALGA*

Delegate 1: Cr \_\_\_\_\_

Delegate 2: Cr \_\_\_\_\_

Proxy: Cr \_\_\_\_\_

or any other Councillor

*Bush Fire Advisory Committee*

Delegate: Cr \_\_\_\_\_

Proxy: Cr \_\_\_\_\_

or any other Councillor

***Fitzgerald Biosphere Group***

Delegate: Cr \_\_\_\_\_  
Proxy: Cr \_\_\_\_\_  
or any other Councillor

***Regional Recreation Advisory Committee***

Delegate: Cr \_\_\_\_\_  
Proxy: Cr \_\_\_\_\_  
or any other Councillor

***Jerramungup VES Unit Management Committee***

Delegate: Cr \_\_\_\_\_  
Proxy: Cr \_\_\_\_\_  
or any other Councillor

***Bremer Bay VES Unit Management Committee***

Delegate: Cr \_\_\_\_\_  
Proxy: Cr \_\_\_\_\_  
or any other Councillor

***Development Assessment Panel***

Delegate 1: Cr \_\_\_\_\_  
Delegate 2: Cr \_\_\_\_\_  
Proxy: Cr \_\_\_\_\_  
Proxy: Cr \_\_\_\_\_

***Fitzgerald River National Park Advisory Group***

Delegate: Chief Executive Officer  
Proxy: Any other Staff

***Local Emergency Management Committee***

Delegate: Cr \_\_\_\_\_  
Proxy: Cr \_\_\_\_\_  
or any other Councillor

***South Coast Alliance***

Delegate: Cr \_\_\_\_\_  
Delegate: Cr \_\_\_\_\_  
Delegate: Cr \_\_\_\_\_

**9.4.3 COUNCIL MEETING DATES 2022**

<b>Location/Address:</b>	N/A
<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>	19 October 2021
<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 2022. 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 18 November 2020, Council determined its meeting dates up to and including the 15 December 2021, 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).

It was recommended for 2021 that Council change the Ordinary Meetings of Council to the fourth Wednesday of each month from the previous third Wednesday of the month.

The Easter holiday period for 2022 commences Friday 15 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 15 April 2022 – Monday 18 April 2022;

Anzac Day is Monday 25 April 2022;

The following is a list of public holidays for Western Australia in 2022:

**WESTERN AUSTRALIA PUBLIC HOLIDAYS 2022**

Holiday	Date	Day	Holiday Type	Area
New Year's Day	1 January	Saturday	Public	WA Wide
New Year's Day Holiday	3 January	Monday	Public	WA Wide
Australia Day	26 January	Wednesday	Public	WA Wide
Labour Day	7 March	Monday	Public	WA Wide
Good Friday	15 April	Friday	Public	WA Wide

Easter Monday	18 April	Monday	Public	WA Wide
ANZAC Day	25 April	Monday	Public	WA Wide
Western Australia Day	6 June	Monday	Public	WA Wide
Queen's Birthday *	26 September	Monday	Public	WA Most Areas
Christmas Day	25 December	Sunday	Public	WA Wide
Christmas Day Holiday	26 December	Monday	Public	WA Wide
Boxing Day	26 December	Monday	Public	WA Wide
Boxing Day Holiday	27 December	Tuesday	Public	WA Wide

\* Alternate dates for the Queen'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;  
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 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:

2. DAY	DATE	TIME	VENUE
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.



**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 – MITIGATION ACTIVITIES FUND BUSHFIRE MITIGATION 2021/2022 PROGRAM**

Simple Majority Vote Required

**10.2 TENDER CONSIDERATION – MITIGATION ACTIVITIES FUND BUSHFIRE MITIGATION 2021/2022 PROGRAM**

**Location/Address:** Shire of Jerramungup  
**Name of Applicant:** Shire of Jerramungup  
**File Reference:**  
**Author:** Charmaine Solomon, Deputy Chief Executive Officer  
**Responsible Officer:** Martin Cuthbert, Chief Executive Officer  
**Disclosure of any Interest:** Nil  
**Date of Report:** 13 October 2021  
**Attachments:**  
 a) RFT 05-21 Tender Documentation  
 b) CONFIDENTIAL – Evaluation Report  
 c) CONFIDENTIAL – Tender Submissions Received  
 d) CONFIDENTIAL – Works and Price Schedule  
**Authority/Discretion:** Executive

**OFFICER RECOMMENDATION:**

That Council;

1. Accepts the Tender submitted by Indiji Flora (ABN 49 354 104 732) as the most advantageous Tender to form a Contract for the delivery of the Shire of Jerramungup Bushfire Mitigation Activities bushfire mitigation 2021/22 Program. The estimated start date for the contract is 29 October 2021 and it will be in place until 9 May 2022. 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 Indiji Flora authorise the Chief Executive Officer to review alternative options, within the same price range as that provided by Indiji Flora.

### **10.3 REOPENING OF THE MEETING TO THE PUBLIC**

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

#### **OFFICER RECOMMENDATION:**

**That Council reopens the meeting to the public.**

**Simple Majority Vote Required**

### **11.0 COUNCILLOR REPORTS**

### **12.0 NEW BUSINESS OF AN URGENT NATURE**

### **13.0 CLOSURE**

#### **13.1 DATE OF NEXT MEETING**

The next ordinary meeting of Council will be held Wednesday, 24 November 2021, commencing at 8.30am, in the Council Chambers, Jerramungup.

#### **13.2 CLOSURE OF MEETING**

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

These minutes were confirmed at a meeting held

.....

Signed: .....

Presiding Person at the meeting at which these minutes were confirmed

Date: .....