



# 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, 28 February 2024

At the Council Chamber,

Jerramungup

Commencing at 10:00am

### **Council Meeting Procedures**

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

Martin Cuthbert  
**CHIEF EXECUTIVE OFFICER**

22 February 2024

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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.

### COPYRIGHT

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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.”*

## 2024 MEETING DATES

At its Ordinary Meeting of Council on 25 October 2023, Council adopted the following meeting dates for 2024:

January	-	-	Council in Recess
Wednesday	28 February 2024	10.00am	Council Chamber, Jerramungup
Wednesday	27 March 2024	10.00am	Council Chamber, Jerramungup
Wednesday	24 April 2024	10.00am	Bremer Bay Hall, Bremer Bay
Wednesday	22 May 2024	10.00am	Council Chamber, Jerramungup
Wednesday	26 June 2024	10.00am	Council Chamber, Jerramungup
Wednesday	24 July 2024	10.00am	Council Chamber, Jerramungup
Wednesday	28 August 2024	10.00am	Bremer Bay Hall, Bremer Bay
Wednesday	25 September 2024	10.00am	Council Chamber, Jerramungup
Wednesday	23 October 2024	10.00am	Council Chamber, Jerramungup
Wednesday	27 November 2024	8.30am	Council Chamber, Jerramungup
Wednesday	18 December 2024	8.30am	Bremer Bay Hall, Bremer Bay

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  
Table of Contents  
Ordinary Meeting of Council  
Wednesday 28 February 2024**

<b>1.0</b>	<b>DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS .....</b>	<b>8</b>
<b>2.0</b>	<b>RECORD OF ATTENDANCE .....</b>	<b>8</b>
2.1	ATTENDANCE .....	8
2.2	APOLOGIES.....	8
2.3	APPROVED LEAVE OF ABSENCE.....	8
2.4	ABSENT .....	8
2.5	DISCLOSURE OF INTERESTS.....	8
2.5.1	<i>DECLARATIONS OF FINANCIAL INTERESTS.....</i>	<i>8</i>
2.5.2	<i>DECLARATIONS OF PROXIMITY INTERESTS.....</i>	<i>8</i>
2.5.3	<i>DECLARATIONS OF IMPARTIALITY INTERESTS .....</i>	<i>9</i>
<b>3.0</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>9</b>
<b>4.0</b>	<b>ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS.....</b>	<b>9</b>
<b>5.0</b>	<b>RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....</b>	<b>9</b>
<b>6.0</b>	<b>PUBLIC TIME.....</b>	<b>9</b>
6.1	PUBLIC QUESTION TIME.....	9
6.2	PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS .....	9
<b>7.0</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS .....</b>	<b>9</b>
7.1	ORDINARY COUNCIL MEETING HELD 20 DECEMBER 2023 .....	9
<b>8.0</b>	<b>RECOMMENDATIONS AND REPORTS OF COMMITTEES .....</b>	<b>9</b>
<b>9.0</b>	<b>REPORTS .....</b>	<b>10</b>
9.1	TECHNICAL SERVICES .....	10
9.1.1	WORKS REPORT FOR JANUARY/FEBRUARY 2024 .....	10
9.2	CORPORATE SERVICES .....	13
9.2.1	ACCOUNTS FOR PAYMENT – DECEMBER 2023 .....	13
9.2.2	ACCOUNTS FOR PAYMENT – JANUARY 2024.....	16
9.2.3	MONTHLY FINANCIAL REPORT – DECEMBER 2023 .....	19
9.2.4	MONTHLY FINANCIAL REPORT – JANUARY 2024 .....	22
9.2.5	TENDER CONSIDERATION – RFT 01-24 BUSHFIRE MITIGATION ACTIVITIES.....	25
9.3	DEVELOPMENT SERVICES .....	28
9.3.1	SOUTH WEST NATIVE TITLE SETTLEMENT – LAND BASED CONSULTATION .....	28
9.3.2	PROPOSED OUTBUILDING – 19 TEMPLETONIA ROAD, BREMER BAY.....	31
9.4	EXECUTIVE SERVICES .....	35
9.4.1	INFORMATION BULLETIN DECEMBER 2023/JANUARY 2024 .....	35
9.4.2	ANNUAL GENERAL MEETING OF ELECTORS 7 FEBRUARY 2024 – CONSIDERATION OF MOTIONS .....	37
9.4.3	GREAT SOUTHERN 2050 CYCLING STRATEGY.....	41
<b>10.0</b>	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....</b>	<b>44</b>
<b>11.0</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>44</b>
<b>12.0</b>	<b>COUNCILLOR REPORTS.....</b>	<b>44</b>
<b>13.0</b>	<b>NEW BUSINESS OF AN URGENT NATURE .....</b>	<b>44</b>
<b>14.0</b>	<b>CLOSURE .....</b>	<b>44</b>
14.1	DATE OF NEXT MEETING .....	44
14.2	CLOSURE OF MEETING .....	44

## **ORDINARY COUNCIL MEETING AGENDA**

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

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

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

### **2.0 RECORD OF ATTENDANCE**

#### **2.1 ATTENDANCE**

**ELECTED MEMBERS:**

**STAFF:**

**VISITORS:**

**GALLERY:**

#### **2.2 APOLOGIES**

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

#### **2.4 ABSENT**

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

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

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

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

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



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

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

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

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

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

Nil.

## **6.0 PUBLIC TIME**

### **6.1 PUBLIC QUESTION TIME**

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

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

### **7.1 ORDINARY COUNCIL MEETING HELD 20 DECEMBER 2023**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Bremer Bay Hall, Bremer Bay, on 20 December 2023 be CONFIRMED.

### **7.2 ANNUAL GENERAL MEETING OF ELECTORS HELD 7 FEBRUARY 2024**

That the Minutes of the Annual General Meeting of Electors held at the Bremer Bay Town Hall on 7 February 2024 be CONFIRMED.

### **7.3 AUDIT COMMITTEE MEETING HELD 20 DECEMBER 2023**

That the Minutes of the Audit Committee Meeting of the Shire of Jerramungup held in the Bremer Bay Town Hall Meeting Room, Bremer Bay on 20 December 2023 be CONFIRMED.

### **7.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD 11 DECEMBER 2023**

That Council RECEIVE the Minutes of the Local Emergency Management Committee Meeting held on 11 December 2023.

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

## 9.0 REPORTS

### 9.1 TECHNICAL SERVICES

#### 9.1.1 WORKS REPORT FOR JANUARY/FEBRUARY 2024

<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>	15 February 2024
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

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

#### BACKGROUND:

##### Road Construction

The Road Construction Crew has completed a 3km gravel resheet of Monjebup Road from SLK 0.00 to SLK 3.00.

They have also started a gravel resheet of Doubtful Island Road from SLK 3.00 to SLK 6.00, and a realignment of the S-bends.

Contractors have also been reconstructing the flood crossing on Doubtful Island Road.

The kerbing is now finished at the EV Charging Station.

Preparation works on the Bremer Bay footpath are also complete and this is going to be asphalted on 20 February 2024, along with the Jerramungup Airstrip taxi way and the intersection of Bennett Street and Memorial Road, Jerramungup.

##### Road Maintenance

The maintenance grader has been working east of Jerramungup on Brook Road, Rabbit Proof Fence Road and Exchange Road doing shoulder grading and clearing of the back slopes and drains.

A contractor has also assisted with the grading of some of the high traffic routes around Bremer Bay.

##### Town Services

Jerramungup

Weed Control Activities:

Over the Christmas period, and leading into the new year, Town Services staff were busy conducting weed control activities within the Jerramungup townsite and along the road verges of the Shire's rural road network including Needilup North Road, Borden-Boxwood Road, Jacup North Road, Swamp Road, Meechi Road, Devils Creek Road and Gairdner South Road.

Town Parks and Gardens:

Town Services staff were kept busy in preparation for the Australia Day event that was held at Roe Park and the Rootpickers Hall. The team prepared the gardens and grassed areas including a general tidy up of surrounding areas including Vasey Street, Memorial Road and Tobruk Road.

Due to the extreme heatwave conditions over the last couple of weeks, Town Services staff have been watering and carrying out general maintenance activities of Jerramungup's parks and gardens.

#### Bremer Bay

##### Vandalism:

Over the Christmas period and into the new year, Town Services staff were kept busy repairing/replacing damaged signs, bollards and other minor structures including the removal of graffiti.

The removal/theft of signs continues to be a problem with added costs in lost productivity resulting from having to order new signs and replace them.

Over the last couple of months, a number of signs have been removed including:

- Two Gully Road signs removed.
- Susan Street sign removed twice.
- Freeman Drive sign and Yandil Street signs to be replaced.

##### Parks, Gardens and Reserves:

Town Services staff have been busy conducting weed control activities within the Bremer Bay townsite and along Wellstead Road, White Trail Road and Borden-Bremer Road.

General garden/reserves maintenance activities include:

- Mowing and weed control of Pelican Park.
- Mowing and weed control of Paperbarks and surrounds.
- Rubbish removal along footpaths, Bremer Bay streets, Wellstead Road and Point Henry Road.
- Maintenance of coastal reserves structures, including bollards, pruning of vegetation and general maintenance of walk trails.
- Boom spray operations of weeds within the maintenance zones of the Bremer Bay Airfield and pruning of vegetation around buildings and other key infrastructure.
- The removal of 30 tyres from the Wellstead Estuary (historically put in place to reduce erosion).
- The removal of 20 exposed plastic star pickets and 100m of horse wire within the mobile dune systems (these were put in place to protect critical shorebird breeding habitat in the 1990s and early 2000s).

## Environment

Native Seed Collecting for Revegetation Projects across the Shire:

Over the last couple of months seed collecting activities, under licence FT61000406-3, were carried out within Shire Reserves and along Meechi Road, Devils Creek Road, Swamp Road, Doubtful Island Road and Bremer Bay Coastal Reserves.

The seeds collected will form part of an integrated approach to revegetation projects, including the Riparian Zones of the Wellstead Estuary, retired gravel extraction pits along the Shire's road reserves and the continuation of habitat restoration of the Meechi Road revegetation site.

Community Engagement Projects:

Over the Christmas period the Shire's Environment Team, in conjunction with the Fitzgerald Biosphere Group, initiated several presentations and guided bird walks on the Wellstead Estuary with an educational theme, Shorebirds of the Wellstead Estuary.

On 12 February 2024 a meeting with members of the Bremer Bay Weed Action Group and Fitzgerald Biosphere Group was held in Bremer Bay. The key focus of this meeting was to discuss weed management strategies, including developing an integrated approach to managing weeds throughout Bremer Bay, the use of drone imagery and satellite imagery to map weed populations across broad landscapes and to monitor productivity outcomes in support of on ground weed control activities.

**CONSULTATION:**

Internal

**COMMENT:**

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

**STATUTORY ENVIRONMENT:**

There are no statutory implications for this report.

**STRATEGIC IMPLICATIONS:**

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

*Economy*

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

*Environment Built*

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

*Environment Natural*

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

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**WORKFORCE IMPLICATIONS:**

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

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council RECEIVE the works report for January/February 2024.**

## 9.2 CORPORATE SERVICES

### 9.2.1 ACCOUNTS FOR PAYMENT – DECEMBER 2023

<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>	23 January 2024
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>a) List of Accounts Paid to 31 December 2023</li> <li>b) Bankwest Credit Card Statement 1 December 2023 – 28 December 2023</li> <li>c) Commonwealth Credit Card Statement 1 December 2023 – 28 December 2023</li> <li>d) Fuel Card Statement November 2023</li> </ul>
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

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

#### BACKGROUND:

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

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

#### CONSULTATION:

Internal consultation within the Finance Department.

#### COMMENT:

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

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

FUND	VOUCHERS	AMOUNTS
<b>Municipal Account</b>		
Last Cheque Used	28181	
EFT Payments	21527 – 21622	\$292,090.02
Direct Deposits		\$38,960.84
<b>Municipal Account Total</b>		<b>\$331,050.86</b>
<b>Trust Account</b>		
<b>Trust Account Total</b>		<b>\$0.00</b>
<b>Grand Total</b>		<b>\$331,050.86</b>

Included within the EFT payments from the Shire’s Municipal Account are Fuel Card Statement required to be reported under Regulation 13(A), totalling \$3,902.24.

## **CERTIFICATE**

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

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

## **STATUTORY ENVIRONMENT:**

*Local Government (Financial Management) Regulations 1996*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**STRATEGIC IMPLICATIONS:**

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

*Governance and Leadership*

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

**FINANCIAL IMPLICATIONS:**

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

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

Finance Policy FP5 – Transaction Cards

Finance Policy FP6 – Procurement of Goods and Services

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

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

- **The List of Accounts Paid to 31 December 2023 totalling \$331,050.86.**
- **The Bankwest Credit Card Statement 1 December 2023 – 28 December 2023 as detailed in attachment 9.2.1(b).**
- **The Commonwealth Credit Card Statement 1 December 2023 – 28 December 2023 as detailed in attachment 9.2.1(c).**
- **The Fuel Card Statement November 2023 as detailed in Attachment 9.2.1(d).**

**9.2.2 ACCOUNTS FOR PAYMENT – JANUARY 2024**

<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>	8 February 2024
<b>Attachments:</b>	a) List of Accounts Paid to 31 January 2024 b) Commonwealth Credit Card Statement 23 December 2023 – 24 January 2024 c) Fuel Card Statement December 2023
<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 January 2024.

**BACKGROUND:**

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

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

**CONSULTATION:**

Internal consultation within the Finance Department.

**COMMENT:**

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

The table below summarises the payments drawn on the funds during the month of January 2024. 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	28181	
EFT Payments	21623 – 21707	\$300,680.69
Direct Deposits		\$92,411.93
<b>Municipal Account Total</b>		<b>\$393,092.62</b>
<b>Trust Account</b>		
<b>Trust Account Total</b>		<b>\$0.00</b>
<b>Grand Total</b>		<b>\$393,092.62</b>



Included within the EFT payments from the Shire’s Municipal Account are Fuel Card Statement required to be reported under Regulation 13(A), totalling \$4,310.69.

## **CERTIFICATE**

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

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

## **STATUTORY ENVIRONMENT:**

*Local Government (Financial Management) Regulations 1996*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**STRATEGIC IMPLICATIONS:**

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

*Governance and Leadership*

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

**FINANCIAL IMPLICATIONS:**

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

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

Finance Policy FP5 – Transaction Cards

Finance Policy FP6 – Procurement of Goods and Services

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

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

- **The List of Accounts Paid to 31 January 2024 totalling \$393,092.62.**
- **The Commonwealth Credit Card Statement 23 December 2023 – 24 January 2024 as detailed in attachment 9.2.1(b).**
- **The Fuel Card Statement December 2023 as detailed in Attachment 9.2.1(c).**

**9.2.3 MONTHLY FINANCIAL REPORT – DECEMBER 2023**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Tamara Pike, Senior Finance Officer
<b>Responsible Officer:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	19 February 2024
<b>Attachments:</b>	a) Monthly Financial Report for the period ending 31 December 2023
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

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

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

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

**BACKGROUND:**

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

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

The following detail is included in the financial report:

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

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

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

#### **CONSULTATION:**

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

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

#### **COMMENT:**

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

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

#### **STATUTORY ENVIRONMENT:**

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

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

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

*and*

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

- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be—*
- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
  - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

**STRATEGIC IMPLICATIONS:**

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

*Governance and Leadership*

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

**FINANCIAL IMPLICATIONS:**

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

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

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

AP3 – Regional Price Preference

FP1 – Accounting for Non-Current Assets

FP2 – Debt Recovery

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

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

**9.2.4 MONTHLY FINANCIAL REPORT – JANUARY 2024**

<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>	
<b>Attachments:</b>	a) Monthly Financial Report for the period ending 31 January 2024
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the statement of financial activity for the period ended 31 January 2024 as required by the *Local Government Act 1995* ('the Act').

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31 January 2024.

**BACKGROUND:**

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

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year-to-date position to 31 January 2024 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

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

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

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

**CONSULTATION:**

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

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

**COMMENT:**

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

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

**STATUTORY ENVIRONMENT:**

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

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

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

*and*

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

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

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

**STRATEGIC IMPLICATIONS:**

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

*Governance and Leadership*

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

**FINANCIAL IMPLICATIONS:**

Expenditure for the period ending 31 January 2024 has been incurred in accordance with the 2023/24 budget parameters, which have been structured on financial viability and sustainability principles.

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

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

AP3 – Regional Price Preference

FP1 – Accounting for Non-Current Assets

FP2 – Debt Recovery

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council RECEIVE the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 January 2024 in accordance with section 6.4 of the *Local Government Act 1995*.**



**9.2.5 TENDER CONSIDERATION – RFT 01-24 BUSHFIRE MITIGATION ACTIVITIES**

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	RFT 01-24
<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>	20 February 2024
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>a) RFT 01-24 Bushfire Mitigation Tender Documentation</li> <li>b) CONFIDENTIAL – Evaluation Report</li> <li>c) CONFIDENTIAL – Tender Submissions Received</li> <li>d) CONFIDENTIAL – Works and Price Schedule – Intelife</li> <li>e) CONFIDENTIAL – Works and Price Schedule – MCC Civil Contractors</li> <li>f) CONFIDENTIAL – Works and Price Schedule – Martins Environmental Services</li> <li>g) CONFIDENTIAL – Works and Price Schedule – Indiji Flora</li> </ul>
<b>Authority/Discretion:</b>	Executive

**SUMMARY:**

This item addresses the outcome of a request for tender issued for the delivery of the Mitigation Activity Fund Grants Program 2023/24 Round 2.

**BACKGROUND:**

The Shire of Jerramungup is seeking a suitable Contractor(s) for the delivery of the Mitigation Activity Fund Grants Program 2023/24 Round 2 funded through the Mitigation Activities Fund (MAF). The MAF funding is delivered through the State Government Royalties for Regions program. The Shire of Jerramungup has completed its Bushfire Risk Management Plan and is eligible for ongoing funding to implement treatments identified through the program on State owned land.

The contract consists of twenty-two (22) individual bushfire mitigation treatments to be delivered across the Shire of Jerramungup. The treatments are both chemical and mechanical in nature and will suit both large and small mechanical contractors.

Works include but not limited to:

- Chemical control of woody and annual weeds
- Mulching
- Parkland clearing
- Slashing
- Tree lopping and pruning

The Shire of Jerramungup and community is highly committed to maintaining the amenity and preserving biodiversity where possible. Works must be carried out in an environmentally sensitive manner.

A detailed description of the scope can be found in the attached technical specification.

Four (4) Tenders were received by the Deadline of the Request for Tender.

The Tender submissions were reviewed by an Evaluation Panel consisting of Shire of Jerramungup staff; Deputy Chief Executive Officer; Community Emergency Services Manager; and the Shire of Ravensthorpe Bushfire Risk Mitigation Coordinator.

Each Tender was evaluated, the key qualitative criteria were as follows:

Qualitative Criteria		Weighting
a)	<b>Relevant Experience</b> Describe your experience in delivering similar scope of work and provide details of similar work.	40%
b)	<b>Cost</b> Complete the price schedule.	60%

**CONSULTATION:**

Executive Staff

Tenderers

**COMMENT:**

The table below provides the results of the assessment undertaken by the Evaluation Panel:

Tenderer	Qualitative Score	Ranking
Indiji Flora	81%	1
Martins Environmental Services	63%	2
MCC Civil Contractors	50%	3
Intelife	29%	4

All submissions received were processed through to the qualitative and price evaluation on the basis that all compliance criteria had been met for the purposes of assessment.

Alternatively, Council can elect to reject all Tenders and direct the Chief Executive Officer to negotiate a lower service level with the preferred Tenderer.

The Evaluation Panel recommends that Council 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 Mitigation Activity Fund Grants Program 2023/24 Round 2 Program. The estimated start date for the Contract is the week commencing 4 March 2024 and estimated completion date is set to be 29 November 2024. The total contract value is a fixed price as detailed in the confidential attachment.

**STATUTORY ENVIRONMENT:**

Tendering for this supply contract was undertaken in accordance with the *Local Government (Functions and General) Regulations 1996*. Part 4 – Tenders for Provision of Goods or Services.

**STRATEGIC IMPLICATIONS:**

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

*Environment Natural*

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The Mitigation Activity Fund Grants 2023/24 Round 2 Program is funded under the Mitigation Activity Fund (MAF) grants. The Department of Fire and Emergency Services (DFES) will pay \$365,500 (exclusive of GST) in two instalments. Instalment one comprising of 50% of the amount. Instalment two comprising the residual, as indicated by the Final Financial Report, certified in accordance with the Agreement, up to a maximum of 50% of the amount.

The balance of the Grant \$62,000 is for the fire access track around the airport reserve outer fence to address access issues associated with deep sand and mud sections in the event of a bushfire and minor amounts associated with the requirements to have machinery onsite during the implementation of the other prescribed burns, of which there are another five (5) smaller ones in Bremer Bay and Needilup.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for this report.

**POLICY IMPLICATIONS:**

Tendering for this supply Contract is in accordance with Council's Administration Policy AP3 – Regional Price Preference Policy and Finance Policy FP6 – Procurement of Goods and Services.

**VOTING REQUIREMENT:**

Absolute Majority

**OFFICER RECOMMENDATION:**

**That Council:**

- a) **Accept 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 2023/24 Round 2 Mitigation Activity Fund Grants Program, funded through the Mitigation Activities Fund (MAF).**
- b) **Commence the Contract from the estimated start date, being the week commencing 4 March 2024, and all works outlined in the Schedule of Works must be completed by 29 November 2024. The total Contract value is detailed in the confidential attachment.**
- c) **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.**
- d) **Resolve that, should a Contract with Indiji Flora not be formed within thirty (30) business days, the Chief Executive Officer may review alternative options, within the same price range as that provided by Indiji Flora.**

## 9.3 DEVELOPMENT SERVICES

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

<b>Location/Address:</b>	Reserve 1028 Lot 500 South Coast Highway, Jacup
<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>	None
<b>Date of Report:</b>	19 February 2024
<b>Attachments:</b>	a) Location Plan – PIN 12612984 b) Table 1 – Land List No.1624
<b>Authority/Discretion:</b>	Administrative

#### SUMMARY:

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

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

This report provides recommendations as to the possible transfer of the property detailed on Land List 1624.

#### BACKGROUND:

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

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

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

The Noongar Land Estate:

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

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

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

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

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

**CONSULTATION:**

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

**COMMENT:**

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

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

A location plan that identifies the subject lot is attached.

An overview of the lot under consideration for transfer follows:

**Overview – Land List 1624 – PIN Lot 12612984:**

The subject lot is a 239.5ha parcel of Rural Zoned Vacant Crown Land (VCL) described as Reserve No.1028 located approximately 5km east of the Jacup Road North/South Coast Highway intersection and where the Fitzgerald River crosses the Highway.

The Reserve straddles both sides of the Highway and the Fitzgerald River traverses the Reserve north to south. The lot is undeveloped and fully vegetated.

**Key Issues**

- i) The land is unmanaged reserve with the ascribed land use purpose of Resting Place;
- ii) The property is zoned Rural;
- iii) The land is proposed to be transferred as a Reserve with the Power to Lease.

**Comment:**

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

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

It is the recommendation of the Administration that there would not appear to be any substantive issues arising from the transfer of the land to the NBT.

Comments within Table 1 form the Shire's response to the DPLH regarding the land parcel's proposed transfer to the NBT.

**STATUTORY ENVIRONMENT:**

*Native Title Act 1993*

**STRATEGIC IMPLICATIONS:**

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

***Environment Natural***

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

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications for Council.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That COUNCIL endorses the comments provided in Table 1 in respect to the possible transfer of Land List 1624 to the Noongar Boodja Trust as its formal response to the Department of Planning, Lands and Heritage (DPLH).**

### 9.3.2 PROPOSED OUTBUILDING – 19 TEMPLETONIA ROAD, BREMER BAY

<b>Location/Address:</b>	Lot 931 (19) Templetonia Road, Bremer Bay
<b>Name of Applicant:</b>	C Tucker
<b>File Reference:</b>	A1607295
<b>Author:</b>	Noel Myers, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	None
<b>Date of Report:</b>	20 February 2024
<b>Attachments:</b>	a) Location Plan b) Site and Floor Plans
<b>Authority/Discretion:</b>	Administrative

#### SUMMARY:

Council has received an application seeking approval to construct a second outbuilding with a floor area of 56m<sup>2</sup> on the abovementioned property.

The additional building will result in two outbuildings being constructed on the property with a cumulative area of 182m<sup>2</sup>.

The application is recommended for approval subject to conditions.

#### BACKGROUND:

- Lot 931 Templetonia Road, Bremer Bay is 4,000m<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 located towards the midpoint of Templetonia Road and is on the southern side of the road.
- The property is developed with a single residential dwelling and has an existing outbuilding with a floor area of 126m<sup>2</sup> that is located toward the rear (southern) boundary of the lot.
- The surrounding properties in this area of town are of similar dimensions and there have been a number of approvals for dwellings and outbuildings granted more recently for the further development of the area.

#### CONSULTATION:

As a departure from the adopted Outbuildings Local Planning Policy is proposed, the outbuilding was referred to neighbouring landowners for comment. Both adjoining neighbours who may be most directly affected by the development have provided their written support to the application.

#### COMMENT:

##### Proposal

- The proposal entails the construction of an additional outbuilding with a floor area of 56m<sup>2</sup>;
- The new building proposes the use of low 10 degree pitched gable roof with wall height of 2.9m to the pitching point and an overall height of 3.5m to the ridge of the gable roof;
- The shed is to be located toward the centre of the property and immediately behind (6.0m) the dwelling and will be finished in materials and colour palette to match that of the dwelling. This places the entry to the shed being setback approximately 30m from the Templetonia Road frontage and approximately 20m from the side eastern boundary and 25m from the western side boundary.

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

### **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 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.

	<b>LPP requirement</b>	<b>Proposed</b>
Floor Area	120m <sup>2</sup> max (up to two sheds)	182m <sup>2</sup>
Roof Height	4.5m to apex	3.5m
Wall Height	3.8m	2.9m

As detailed above, the construction of a new outbuilding with an enclosed floor area of 56m<sup>2</sup> means that development would exceed that permitted as by right by 62m<sup>2</sup> under the requirements of the Policy and therefore must 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 require 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 sizes ranging from 4,000m<sup>2</sup> to 5,000m<sup>2</sup>. These larger land holdings enable developments to be 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 and reduce any impact on adjoining properties.

The siting of the new outbuilding 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. Further, the wall height and ridge height of the new building is lower than the wall and roof height of the existing dwelling which will assist in reducing the visual bulk and presence of the building in the streetscape.

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. 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 generally consistent with previous approvals granted for outbuildings in this area 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 areas and any departure from the Policy has the potential to set an undesirable precedent.

On balance, the application is supported as it is a relatively modest relaxation of Policy. It appears to meet both the objectives of the Policy and 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/BUDGET IMPLICATIONS:**

There are no financial implications for Council.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

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

Consideration of this application identifies that there are 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 931 (No.19) Templetonia Road, Bremer Bay subject to the following conditions:**
  - (a) **Development be carried out in full and be 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 shale grey colour finished sheet metal to match the finish of the existing dwelling.**

## 9.4 EXECUTIVE SERVICES

### 9.4.1 INFORMATION BULLETIN JANUARY/FEBRUARY 2024

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Glenda Gray, Executive Assistant
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	12 February 2024
<b>Attachments:</b>	a) Information Bulletin January 2023/February 2024
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

To advise Council on the information items for December 2023/January 2024 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 December 2023/January 2024.

#### CONSULTATION:

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

#### COMMENT:

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

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

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

#### STATUTORY ENVIRONMENT:

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

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

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

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

**STRATEGIC IMPLICATIONS:**

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

*Governance and Leadership*

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

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

**FINANCIAL IMPLICATIONS:**

There are no financial implications for this report.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for this report.

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the months of December 2023/January 2024.**

### 9.4.2 ANNUAL GENERAL MEETING OF ELECTORS 7 FEBRUARY 2024 – CONSIDERATION OF MOTIONS

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Electors of the Shire of Jerramungup
<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>	21 February 2024
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Legislative

#### SUMMARY:

The Shire's Annual General Meeting of Electors (AGM) was held on 7 February 2024. During the meeting, electors considered two motions, both of which were carried. This report provides a response to the two motions (decisions) including, where appropriate, a process for further consideration by Council.

#### BACKGROUND:

In accordance with section 5.33 of the *Local Government Act 1995* Council must consider all decisions made at an AGM at the next ordinary Council meeting or if that is not practicable, at the following ordinary meeting or a special meeting called for the express purpose of considering the electors' meeting decisions.

#### CONSULTATION:

Executive Staff.

#### COMMENT:

There were two decisions were made at the AGM held 7 February 2024. It is open to Council to decide how it chooses to respond to these AGM decisions. For example, Council may determine to 'note' the AGM decision, meaning no further action would be taken. In such circumstances Council might choose to provide a reason for this outcome, such as there being no provision for the proposed expenditure in the Corporate Business Plan or Long Term Financial Plan; or because the decision is unlikely to be able to be implemented; or because the decision is outside of Council's powers (*ultra vires*).

If the decision has resourcing implications, it can be referred to Council's Integrated Planning and Reporting Framework review process. The purpose of these reviews is for Council to consider and prioritise what services, assets and projects it wishes to deliver in the medium term (4 years) and how they will be resourced. The outcome of the review is the adoption by Council of the Annual Budget and the Corporate Business Plan (CBP), which gives effect to those priorities. The CBP would demonstrate the outcome of any AGM decision referred to this process. The Annual Budget and CBP are generally adopted in the period June to August of each year.

#### Motion 1: Footpaths

**That the Shire of Jerramungup provide a report on the construction and maintenance of footpaths for the past three years and future five years.**

**Advice** Chief Executive Officer

A response was provided at the AGM (Question 5) from the Bremer Bay Progress Association regarding expenditure on footpaths. A breakdown was given on expenditure for the 2019/20, 2020/21, 2021/22, 2022/23 and 2023/24 financial years. The response provided was:

*In the 2023/24 Budget, Council committed \$97,728 towards the construction of a new footpath from the Brewery to the Wellstead Road intersection. This section was identified as a critical safety issue through past representations from Jerramungup Police and community members.*

*Footpath maintenance Bremer Bay:*

- 2023/24 – \$70,000 – Footpath maintenance Bremer Bay
- 2022/23 – \$69,536 – Removed a total of 456m<sup>2</sup> of footpath and sections of kerbing and replaced with new within the Bremer Bay townsite, works were undertaken on the following:
  - 115m across multiple collapsed slabs Blossoms Avenue
  - 23m slab and edging Riverside Way
  - 3m cracked slab on road verge Bremer Bay Road
  - 1 drain cover replaced on The Esplanade
  - 15m kerbing and slabs damaged CRC side of Skipworth Link
  - 17m Mary Street
  - 21m slab and drain covers McGlade Close
  - 21m Garnett Road
  - 5m Gnornbup Terrace
  - 4m Bennett Street
- 2021/22 – \$6,859 – footpath maintenance Bremer Bay
- 2020/21 – \$31,721 – remove broken footpath and replace with new at Mary Street, Roderick Street and John Street
- 2019/20 – \$24,750 – footpath replacement Mary, Garnett, Roderick Streets (Construction)
- 2019/20 – \$20,000 – Construct footpath Lot 1 Sea Dragon Avenue (Construction)
- 2019/20 – \$17,136 – Construct footpath Yandil Place

*For comparative purposes, footpath maintenance – Jerramungup:*

- 2022/23 – \$3,693 – repair uneven pavers footpath located near Jerramungup DHS
- 2021/22 – \$10,563 – repair uneven pavers footpath located near Church and Police Station
- 2020/21 – \$8,947 – repair uneven pavers footpath located Vasey Street

*Restitution for footpaths damaged during the construction of new dwellings is currently being pursued with individual permit holders, who will be responsible for the costs of repairs.*

The Shire has an existing Bremer Bay Trails Master Plan 2023 and also a Bremer Bay Local Bicycle Plan, however the Local Bicycle Plan (which includes footpaths) has expired and requires a comprehensive rewrite to align with current standards and funding opportunities. Staff are aware of this and have been preparing a funding submission for the next round of the “WA Bicycle Network Grants Program” to enable a new Plan to be developed. A current Plan assists with grant applications for future path construction.

**Recommendation**

That the motion be noted, acknowledging the Shire will be submitting a funding application to develop a new Plan in the next round of funding under the State Government’s “WA Bicycle Network Grants Program”.

**Motion 2: Blossoms Beach**

**That the Shire prioritise installation of bins, upgrades to ablutions, and improved road access at Blossoms Beach.**

**Advice** Chief Executive Officer

The future planning of the Blossoms Beach area requires a considered approach that takes into account the opportunities and constraints of the location and it would also be incumbent upon the Council that the future planning for the area be done in consultation with the broader community.

Notwithstanding, it is acknowledged that the existing ablution facility is at its end of life and requires replacement. The nature and form of the replacement building will require investigation to identify the most suitable form from an operational and amenity perspective. Being located at or close to sea level will have implications for wastewater disposal and is a matter that requires further investigation to identify suitable treatment options. Similarly, the area is accessed by a single lane gravel track that traverses a dunal system and engineering input and advice would need to be sourced to identify design and environmental parameters extending to the management of stormwater should the road and associated carpark area be formalised.

Given the scope of issues that need to be explored so as to establish costings, it would be financially imprudent to commit to the project now. Rather, it is proposed that the Administration be tasked with preparing a brief for the engagement of a suitably qualified consultant to prepare a design plan for the area. Once to hand and adopted by Council, the plan would become the basis to seek future funding opportunities.

### **Recommendation**

That the motion be noted and that Council request the Administration to prepare a brief for the engagement of a suitable qualified consultant to prepare a design plan for the area.

### **STATUTORY ENVIRONMENT:**

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

#### ***5.33. Decisions made at electors' meetings***

(1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –*

(a) *at the first ordinary council meeting after that meeting; or*

(b) *at a special meeting called for that purpose,*

*whichever happens first.*

(2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

It is relevant to note that Council is not bound by the decisions of the AGM. Council is required to 'consider' the AGM decisions, but is not obliged to make a decision in response to any of the AGM decisions. For example, Council might choose to note the AGM decision, but take no further action.

However, should Council make a decision in response to an AGM decision, it must record the reasons for the Council decision in the minutes of the Council meeting.

### **STRATEGIC IMPLICATIONS:**

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

#### ***Governance and Leadership***

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

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

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

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

There are resource and cost implications associated with implementation of the AGM decisions, which are not necessarily considered by electors at the electors meeting, should Council determine to do so. Should Council wish to make a decision to pursue an AGM decision that has a budget and/or resource implications, then that matter should be referred to Council's Integrated Planning and Reporting Framework or Budget workshops so that it can be considered alongside other priorities and resourcing allocations.

If there are no budget or resource allocations, a separate report containing relevant professional advice from officers should be presented to a Council meeting.

It should be noted for the decisions, additional officer time would be required to research the issue and prepare a detailed report for Council consideration.

**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. **RECEIVE the following motion from the 7 February 2024 Annual General Meeting of Electors:**  
**Motion 1: That the Shire of Jerramungup provide a report on the construction and maintenance of footpaths for the past three years and future five years.**
2. **Acknowledge that it has considered Motion 1 from the 7 February 2024 Annual General Meeting of Electors and resolve that the motion be noted, acknowledging the Shire will be submitting a funding application to develop a new Path Plan in the next round of funding under the State Government’s “WA Bicycle Network Grants Program”.**  
**Reason: The development of a new Path Plan is required to set the priority list of any new paths to be constructed in the next five years, it will also assist with any grant applications to be submitted.**
3. **RECEIVE the following motion from the 7 February 2024 Annual General Meeting of Electors:**
4. **Motion 2: That the Shire prioritise installation of bins, upgrades to ablutions, and improved road access at Blossoms Beach.**
5. **Acknowledge that it has considered Motion 2 from the 7 February 2024 Annual General Meeting of Electors and resolve that the motion be noted and that Council request the Administration to prepare a brief for the engagement of a suitably qualified consultant to prepare a design plan for the area.**  
**Reason: Given the scope of issues that need to be explored so as to establish costings, it would be financially imprudent to commit to the project now. Rather, it is proposed that the Administration be tasked with preparing a brief for the engagement of a suitably qualified consultant to prepare a design plan for the area. Once to hand and adopted by Council, the plan would become the basis to seek future funding opportunities.**



### 9.4.3 GREAT SOUTHERN 2050 CYCLING STRATEGY

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Shire of Jerramungup
<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 February 2024
<b>Attachments:</b>	a) ATTACHED UNDER SEPARATE COVER – Great Southern 2050 Cycling Strategy
<b>Authority/Discretion:</b>	Executive

#### SUMMARY:

The purpose of this report is for Council to endorse the Great Southern 2050 Cycling Strategy which has been collaboratively developed between the Department of Transport and local Councils within the Great Southern.

#### BACKGROUND:

The Department of Transport (DoT), in partnership with Great Southern local governments and other stakeholders, has developed an aspirational cycling strategy for the Great Southern region.

The Great Southern 2050 Cycling Strategy is one of eleven regional strategies being developed for Western Australia. These strategies create a shared long-term vision for cycling in the regions and guide the delivery of safe and interconnected bicycle networks, along with associated facilities and travel behaviour change initiatives.

The strategies have been developed in partnership with local government and have been informed by a range of stakeholder and community consultation opportunities. As long term aspirational strategies, each contains a five-year action plan prioritising the delivery of strategic infrastructure and initiatives. It is recognised that due to financial constraints, regional local governments may not be able to deliver the completed networks as per the five year action plan. The strategies may also support additional investment through the Department of Transport's current Regional Bike Network Grants Program (or future iterations of that program), and alternative funding sources.

Development of the Great Southern 2050 Cycling Strategy began in mid-2022, with the City of Albany and the Shires of Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet and Woodanilling, working in partnership with the Department of Transport. Outdoors Great Southern was contracted by the Department of Transport to deliver the project in consultation with local governments, the Great Southern Trails Reference Group and a range of State government agencies.

Outcomes from initial scoping meetings in each community were collated into information sheets and preliminary network maps, which were used in broader community consultation undertaken by the Department of Transport through its online engagement platform, and in hard copy available at Shire Administration offices. Feedback was gathered by direct comments, a survey and interactive maps.

The final strategy includes five central themes for cycling across the region, with key opportunities identified for each that highlight the potential for bike riding in and around the Great Southern region. Case studies are used to illustrate where similar outcomes have been achieved elsewhere.

The themes include:

- Connecting people to where they live, work, learn and play;
- Improving safety for bike riders on roads;

- Encouraging cycling for people of all ages, abilities and backgrounds;
- Improving planning for cycling; and
- Developing cycle tourism experiences.

The Strategy is now being submitted to Councils for endorsement. Councils are invited to endorse the strategy as-is or provide in-principle support pending any requests for modifications.

Cycling offers a wide range of physical, mental and environmental benefits and is regarded in many towns as a significant component of an integrated transport system.

Creating a bike friendly community involves thoughtful planning, infrastructure development and community engagement. The benefits of cycling extend beyond an individual cyclist to positively impact the community as a whole.

#### **CONSULTATION:**

Executive Management Team

Department of Transport

Great Southern Trails Reference Group

#### **COMMENT:**

The Council is requested to endorse the principles of the Great Southern 2050 Cycling Strategy and receive the proposed action plan (Section 6 in the Strategy) for future budget and planning consideration.

The paths in the five year action plan will be incorporated into the review of the Footpath Plan and Trails Master Plan. This will allow for the projects to be prioritised, funding applications submitted and budget allocation made for implementation.

Endorsement of the Great Southern Cycling Strategy does not commit the Council or State Government agencies to deliver all, or any part, of the Great Southern Cycling Strategy within a particular timeframe – nor does endorsement commit any party(s) to fund any specific route or initiative within the Strategy. The Council's endorsement confirms support for local and State Government agencies to work together in delivering the aspirational Great Southern 2050 Cycling Strategy over the longer term.

#### **STATUTORY ENVIRONMENT:**

There are no known statutory impediments relating to this initiative.

Under the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*, the Shire has a responsibility to plan for the future; specifically;

19DA. Corporate business plans, requirements for (Act s. 5.56) (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

General provisions relating to the *Road Traffic Act 1974* and the *Traffic Code 2020* regulate the use of roads by all road users, including cyclists.

#### **STRATEGIC IMPLICATIONS:**

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

*Community*

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

*Maintain facilities that connect people, and promote an active and healthy lifestyle.*

*Environment Built*

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

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications for this report at this time.

Implementation of recommendations in the five year action plan will be prioritised in accordance with the to-be-developed Footpath Plan, Trails Master Plan, Strategic Community Plan and Corporate Business Plan and presented to Council for consideration in future annual budgets.

Endorsement of the Great Southern Cycling Strategy does not commit Council nor State Government agencies to deliver all, or any part, of the Great Southern Cycling Strategy within a particular timeframe – nor does endorsement commit any party (s) to fund any specific route or initiative in the Strategy.

**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 principles of the Great Southern 2050 Cycling Strategy; and**
- 2. RECEIVES the proposed Action Plan for future budget and planning consideration.**

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

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

**12.0 COUNCILLOR REPORTS**

**13.0 NEW BUSINESS OF AN URGENT NATURE**

**14.0 CLOSURE**

**14.1 DATE OF NEXT MEETING**

The next ordinary meeting of Council will be held Wednesday, 27 March 2024, commencing at 10.00am, in Jerramungup.

**14.2 CLOSURE OF MEETING**

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

These minutes were confirmed at a meeting held

.....

Signed: .....

Presiding Person at the meeting at which these minutes were confirmed

Date: .....