



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, 18 December 2024
At the Town Hall,
Bremer Bay
Commencing at 1:00pm

Council Meeting Procedures

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

Martin Cuthbert
CHIEF EXECUTIVE OFFICER
13 December 2024

AGENDA

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OUR GUIDING VALUES

Progressive, Prosperous and a Premium Place to Live and Visit

DISCLAIMER

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

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

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

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

NOTES FOR MEMBERS OF THE PUBLIC

PUBLIC QUESTION TIME

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

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

MEETING FORMALITIES

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

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NOTES FOR ELECTED MEMBERS

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

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

ALTERNATIVE MOTIONS

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

DECLARATIONS OF INTERESTS

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

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

Section 5.60B states;

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

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

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

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

Regulation 34C (Impartiality) states;

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

2024 MEETING DATES

At its Ordinary Meeting of Council on 25 October 2023, Council adopted the following meeting dates for 2024. At its Ordinary Meeting of 28 August 2024, Council amended the start times for the September to December 2024 meetings. Updated times are included in the table below.

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	1.00pm	Council Chamber, Jerramungup
Wednesday	23 October 2024	1.00pm	Council Chamber, Jerramungup
Wednesday	27 November 2024	1.00pm	Council Chamber, Jerramungup
Wednesday	18 December 2024	1.00pm	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

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ORDINARY COUNCIL MEETING AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened atpm 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****RECOMMENDATION**

That _____ be granted Leave of Absence from the Ordinary Council Meeting to be held on 26 February 2025.

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.

RECOMMENDATION

That _____ be granted permission to be present at the Ordinary Council Meeting to be held on 18 December 2024 by audio contact.

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.0 PUBLIC TIME**6.1 PUBLIC QUESTION TIME****6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS****7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****7.1 ORDINARY COUNCIL MEETING HELD 27 NOVEMBER 2024**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 27 November 2024 be CONFIRMED.

7.2 AUDIT COMMITTEE MEETING HELD 12 NOVEMBER 2024

That the Minutes of the Audit Committee Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 12 November 2024 be CONFIRMED.

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

8.1 ACCEPTANCE OF 2023/2024 ANNUAL FINANCIAL REPORT

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	11 December 2024
Attachments:	a) The 2023/2024 Annual Financial Report and Auditors Opinion form part of the Annual Report UNDER SEPARATE COVER
Authority/Discretion:	Legislative

SUMMARY:

For Council to accept the 2023/2024 Annual Financial Report as recommended by the Audit Committee.

BACKGROUND:

The Audit Committee of the Shire of Jerramungup met on 18 December 2024 to consider the 2023/2024 Annual Financial Report and Auditor's Report. The recommendation from the Audit Committee was for Council to adopt the 2023/2024 Annual Financial Report and Auditors Report.

One of the principal objectives of the Audit Committee is to accept responsibility for the annual external audit and to liaise with the Auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs. The Committee's duties and responsibilities in relation to the Annual Financial Report and the external audit are to consider and recommend adoption of the Annual Financial Report to Council.

The Annual Financial Report for the period ending 30 June 2024 has been prepared in accordance with the *Local Government Act 1995* and *Local Government Financial Management Regulations 1996* and is now presented to the Audit Committee for consideration and recommends adoption by Council. The audit this year was undertaken by Lincolns Accountants and Business Advisors under direction of the Office of the Auditor General.

CONSULTATION:

Senior Staff

Lincolns Accountants and Business Advisors

Office of the Auditor General

COMMENT:

Lincolns Accountants and Business Advisors conducted an independent audit on behalf of the OAG in order to enable the Auditor General to express an opinion to the Council on the financial report of the Shire of Jerramungup for the year ended 30 June 2024.

The date entities provided their annual financial report to the Office of Auditor General has been recorded for the purposes of reporting to Parliament. The date recorded for the receipt of the Shire of Jerramungup financial statements was 30 September 2024. The financial statements received on this date were deemed to be audit ready.

The following presents Lincolns Accountants and Business Advisors Audit Findings for the year ended 30 June 2024.

Area of Risk	Audit Outcomes
<p>Grant Funding and Other Revenue</p> <ul style="list-style-type: none"> - Grant expenditure manipulation of cost allocations to avoid refunding grant funds unspent. - Fees and invoices not being raised or accurately reflecting full charged. 	<ul style="list-style-type: none"> • Significant grant revenue was agreed to third party documentation. • Audit included additional analysis of revenue allocation in accordance with AASB 15 Revenue from Contracts with Customers and AASB 1058 Income for Not For Profit Entities. • Risk of fraud in the revenue cycle was also considered including testing of key controls and analytical review. Audit procedures undertaken rebutted the risk of fraud to an acceptable level. • We also reviewed related party transactions. The financial statements adequately disclose related party transactions for Councillors and Key Management Personnel. <p>Grant Funding and Other Revenue as disclosed in the financial statements is materially correct.</p>
<p>Rates</p> <ul style="list-style-type: none"> - Rates revenue incorrectly raised on all rateable properties and differential rates not applied correctly. - Rates invoices raised and not receipted when paid. 	<p>Audit work included the following:</p> <ul style="list-style-type: none"> • Rateable values agreed to the Valuer General rates. • We checked control procedures for the transfer of rates from Valuer General to Internal Software system. • Testing of rates notices was undertaken both on a sample basis and analytically. <p>Results supported the rate revenue and financial statements disclosures.</p>
<p>Expenses</p> <ul style="list-style-type: none"> - Payments are made on non-Shire expenses. Collusion with Suppliers for personal benefit. - Employee/Councillor/relative given preferential supplier status and price above market. - Creditors Bank accounts are changed to related parties or other third parties. 	<p>Our audit of expenses included testing of key financial controls over the recognition of expenses, vouching significant expenses and analytical reviews.</p> <p>Expenditure as disclosed in the financial statements is materially correct.</p>

<p>Payroll/Provisions</p> <ul style="list-style-type: none"> - Employees not paid in accordance with employment agreements or award. - Errors in calculation of superannuation entitlements and PAYG Withholding either known or unknowingly. - Employees that have been terminated not correctly removed from systems, or entitlements still paid. - Fake employees created and paid in pay runs. - Change employees bank account details to pay officer or related party bank account. - Falsify hours worked (including leave). - Unauthorised change to pay rate. 	<p>Audit sampling tested payroll records to the following:</p> <ul style="list-style-type: none"> • Employee awards • Employee contracts • Check calculation of superannuation and tax • Check authority to deduct salary sacrifice • Check the control procedures in payroll department in line with internal policies • Our audit of provisions included reviewing the reasonableness of assumptions used to calculate annual leave and long service leave • Analytical review <p>Results of audit procedures indicate employee costs are materially correct and disclosed correctly in the financial statements.</p>
<p>Management’s monitoring of the control environment</p>	<p>We reviewed council minutes for the following:</p> <ul style="list-style-type: none"> • Process for reviewing internal control procedures including evidence of periodic review of policy manual. • Management’s implementation and monitoring of new control procedures. • Management’s implementation and monitoring for amending current control procedures. <p>We are satisfied that management is applying effective controls and that Council are aware of the control environment.</p>
<p>Management Override of Controls</p> <ul style="list-style-type: none"> - General journals being posted when not authorised or without sufficient supporting information. 	<p>Audit processes were undertaken to:</p> <ul style="list-style-type: none"> • Sample test and judgementally review general journals • Understand and test the adequacy and effectiveness of division of duties • Controls testing • Substantive procedures <p>Sufficient audit evidence was obtained to support the view that controls are operating effectively.</p>

<p>Fixed Assets</p> <ul style="list-style-type: none"> - Assets not being capitalised and recorded as repairs or expenses instead. - Assets purchased or disposed of without council approval or authority. - Management not appropriately assessing impairment of assets. 	<p>Council undertook revaluation process in the 2022 financial year for land and buildings. Council also undertook revaluation processes in the 2023 financial year for infrastructure assets.</p> <p>Audit Processes were undertaken to:</p> <ul style="list-style-type: none"> • Sample test additions and disposals • Check profit/loss on sale of assets • Confirm ownership and existence of assets • Recalculate Depreciation <p>Results of audit procedures indicate fixed assets are materially correct and disclosed correctly in the financial statements.</p>
<p>Accounting Estimates</p> <ul style="list-style-type: none"> - Provisions being overstated due to errors in estimates and assumptions. - Depreciation rates not being appropriately applied to minimise the depreciation expense for the year and achieve a better financial result. - Staff who have been terminated still having leave entitlements accruing. 	<ul style="list-style-type: none"> • We reviewed the method and underlying data that management use when determining critical accounting estimates. This included considering the reasonableness of assumptions and corroborating representations. • For infrastructure, property, plant and equipment we reviewed Management’s assessment of the useful lives and existence of assets. We reviewed management’s monitoring of impairment and determined that adequate processes exist. <p>Audit review determined that estimates are reasonable and supported by appropriate data.</p>
<p>Restricted Reserve Accounts</p> <ul style="list-style-type: none"> - Reserved funds used for purposes other than the approved purpose. - Funds transferred in and out of reserves throughout years to provide cashflow funding to the Shire. 	<ul style="list-style-type: none"> • We will review movements within the restricted reserve accounts to ensure they are approved by Council and that transfers out are used in accordance with the intended purpose of the respective reserve.

Uncorrected Audit Misstatements

	Financial Statements Accounts Impacted	Statement of Financial Position Adjustment	Effect on Operating Surplus	Effect on Other Comprehensive Income	Comment
1.	Land & Buildings Depreciation Expense	(\$63,265) CR	\$63,265 DR		Impairment of Roderick Street properties from fire damage.
2.	Materials & Contracts Expense Other Expenses		(\$68,780) CR \$68,780 DR		Amounts not recovered from WANDRA flood claim in 2024 from 2023, reclassifying to other expense.

Corrected Audit Misstatements

	Financial Statements Accounts Impacted	Statement of Financial Position Adjustment	Effect on Operating Surplus	Effect on Other Comprehensive Income	Comment
1.	Asset Revaluation Reserve Pool Asset – Decommissioning Costs Provision Pool Decommissioning Costs Interest Expense	\$62,799 DR \$134,578 DR (\$134,578) CR	 (\$62,799) CR		Correction to Pool Asset – Decommissioning costs and asset reval reserve for changes in inflation and discount rates on provision.
2.	Contract Assets Non Operating Grants, Contributions & Subsidies	\$241,286 DR	 (\$241,286 CR)		Recognition of Contract Assets for completed LRCI projects where funds not received.
3.	Finance Cost Asset Revaluation Reserve Provision Waste Rehab Landfill Land Fill Asset – Rehab Costs Accumulated Depreciation – Land Fill Asset	 \$87,558 DR (\$5,690) CR (\$31,616) CR (\$55,272) CR	\$5,020 DR		Adjustments to treatment of changes in accounting estimate for inflation and discount in waste rehabilitation provisions.

The Annual Financial Report for the period ending 30 June 2024 has been audited and no significant matters were noted by the auditors.

It is a statutory requirement that:

1. Council accepts the Annual Financial Report
2. The Annual Financial Report be included within the Annual Report
3. The Chief Executive Officer is to publish the Annual Report on the Shire's website within 14 days after the Report has been accepted by Council.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

51. Annual financial report declaration to be signed by CEO

- (1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form1.*

Local Government Act 1995

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.*
- (2) The annual report is to contain —*
- (f) the financial report for the financial year; and*

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Division 3 – Reporting on activities and finance

6.4. Financial report

- (1) A local government is to prepare an annual report for the preceding financial year and such other financial reports as are prescribed.*
- (2) The financial report is to*
- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.*
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor –*
- (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and*
- (b) the annual financial report of the local government for the preceding financial year.*

7.12AD. Reporting on a financial audit

- (1) *The auditor must prepare and sign a report on a financial audit.*
- (2) *The auditor must give the report to —*
 - (a) *the mayor, president or chairperson of the local government; and*
 - (b) *the CEO of the local government; and*
 - (c) *the Minister.*

Division 4 — General**7.12A. Duties of local government with respect to audits**

- (1) *A local government is to do everything in its power to —*
 - (a) *assist the auditor of the local government to conduct an audit and carry out the auditor’s other duties under this Act in respect of the local government; and*
 - (b) *ensure that audits are conducted successfully and expeditiously.*
- (2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*
- (3) *A local government must —*
 - (aa) *examine an audit report received by the local government; and*
 - (a) *determine if any matters raised by the audit report, require action to be taken by the local government; and*
 - (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government must —*
 - (a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
 - (b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- (5) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government’s official website.*

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

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

FINANCIAL IMPLICATIONS:

The Annual Financial Statements set out the operating results for the Shire for the year ended 30 June 2024 and the assets and liabilities as at that date, together with other relevant financial information.

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:

Absolute majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY:

- 1. ADOPTS the 2023/2024 Annual Financial Report for the Shire of Jerramungup and the accompanying 2023/2024 Audit Report-Opinion, as attached to the Annual Report;**
- 2. ACCEPTS the Auditor’s “Report to the Audit Committee” for the year ended 30 June 2024 supplied by Council’s Auditors, Lincolns Accountants and Business Advisors and Office of the Auditor General.**

9.0 REPORTS

9.1 TECHNICAL SERVICES

9.1.1 WORKS REPORT FOR NOVEMBER/DECEMBER 2024

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Gordon Capelli, Works Supervisor
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	6 December 2024
Attachments:	Nil
Authority/Discretion:	Information

SUMMARY:

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

BACKGROUND:

Road Construction

The Road Construction Crew have continued to work on Meechi Road SLK 0.24 to SLK 5.24. The Crew has completed the majority of the drainage and are now three-quarters of the way with the gravel resheeting.

The Crew also provided traffic control during the removal of around 250m of contaminated gravel.

The first seal is scheduled for 24 February 2025. With all going well, the resheeting works should be finished around the second week of January 2025.

Road Maintenance

The road maintenance grader has been out on Mallee Road, Lake Road, Lake Magenta Road, Jerramungup North Road, Cameron Road, and Jacup North Road. A contractor also helped with maintenance grading of Monjebup Road, Millers Point Road, Ocumup Road, Dillon Bay Road, Warramurrup Road and O’Dea Road.

The pruning saw has been on Roberts Road and Carlawillup South Road.

Town Services

Bremer Bay

Town Services staff have completed the following:

- Repairs to seats along Estuary walk trail.
- Maintenance of gardens around town.
- Continued weed control within town site.
- Replaced broken street signage.
- Pruning and widening walk trails along Estuary.
- Finished closing off goat tracks leading to existing walk trails.
- Continued watering Bremer Bay Cemetery.
- Installed fence line and anti-erosion matting down to Estuary from walk trail.
- Maintenance of gardens around Bremer Bay CRC.
- Repaired Skatepark reticulation.

Jerramungup

Town Services staff have completed the following:

- Reinstalled Lions Park sign.
- Pruning of trees along Memorial Road.
- Pruning of trees around Rootpickers Hill.
- Continued spraying throughout the townsite.
- Mowing of old oval.
- Mowing around airstrip lights and water tanks.
- Watering of gardens around town.

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 2024/2025 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 November/December 2024.

9.2 CORPORATE SERVICES

9.2.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2024

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 December 2024
Attachments:	<ul style="list-style-type: none"> a) List of Accounts Paid to 30 November 2024 b) Credit Card Statement 29 October 2024 - 29 November 2024 c) Fuel Card Statement – October 2024
Authority/Discretion:	Information

SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer’s delegated authority during the month of November 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 2024/25 Annual Budget as adopted by Council at its meeting held 24 July 2024 (Minute No. OCM240713 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 November 2024. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28181	
EFT Payments	22664 - 22791	\$686,305.96
Direct Deposits		\$64,487.14
Municipal Account Total		\$750,793.10
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$750,793.10

Included within the EFT payments from the Shire’s Municipal Account are Fuel Card Statement required to be reported under Regulation 13(A), totalling \$4,342.91.

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) came 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:

- a) The List of Accounts Paid to 30 November 2024 totalling \$750,793.10.**
- b) The Credit Card Statement – 29 October 2024 – 29 November 2024 as detailed in Attachment 9.2.1 (b).**
- c) The Fuel Card Statement October 2024 as detailed in Attachment 9.2.1 (c).**

9.2.2 MONTHLY FINANCIAL REPORT – NOVEMBER 2024

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Tamara Pike, Finance Manager
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	11 December 2024
Attachments:	a) Monthly Financial Report for the period ending 30 November 2024
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 30 November 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 30 November 2024.

BACKGROUND:

At its meeting held 24 July 2024 (Minute No. OCM240713 refers), Council adopted the annual budget for the 2024/25 financial year. The figures in this report are compared to the adopted budget.

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year-to-date position to 30 November 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 24 July 2024, Council adopted (Minute No. OCM240716 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2024/25 financial year:

Officer Recommendation 4: That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2024/2025 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 30 November 2024 has been incurred in accordance with the 2024/25 budget parameters, which have been structured on financial viability and sustainability principles.

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

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

AP3 – Regional Price Preference

FP1 – Accounting for Non-Current Assets

FP2 – Debt Recovery

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 30 November 2024 in accordance with section 6.4 of the *Local Government Act 1995*.

9.2.3 EMERGENCY EXPENDITURE

Location/Address:	Meechi Road
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 December 2024
Attachments:	a) CONFIDENTIAL – Asbestos in Soils Risk Assessment Report
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to:

1. Accept that the situation resulting from asbestos contaminated gravel supplies meets the status of 'emergency'.
2. Authorise future expenditure and expenditure incurred to date to complete essential works in relation to the 'emergency', in accordance with legislative requirements as detailed.
3. Authorise an amendment to the purpose of the Effluent Reserve to incorporate the temporary use of funds for undertaking essential remediation works arising from an emergency.

BACKGROUND:

On Friday, 15 November 2024, it was reported that the Shire's gravel source (Gravel Pit) for the Meechi Road construction project may contain asbestos. This resulted in the Shire engaging Morgan Environmental Pty Ltd (Licensed Asbestos Inspector and Licensed Asbestos Assessor) to perform a visual assessment of the site.

The assessment was carried out on 26 November 2024, and included the following:

- Site visit to the Gravel Pit on the farming block located off Devils Creek Road.
- Upon inspecting the Gravel Pit, small pieces of asbestos could be easily seen protruding from the "pushed up gravel".
- Various samples of gravel were bagged and taken to CCS Asbestos in Denmark.
- Several photos were taken to verify the physical sighting of the asbestos.
- A site visit to the first line of gravel windrow on Meechi Road (closest to the intersection of Devils Creek Road and Meechi Road) showed pieces of asbestos protruding from the windrow.

The asbestos in the Meechi Road windrow has been managed by constant watering since the Shire first received advice from Morgan Environmental Pty Ltd to keep it damp.

To address the urgent public health and safety matter Morgan Environmental Pty Ltd was commissioned by the Shire of Jerramungup to conduct an Asbestos-In-Soils (ASBINS) Risk Assessment of suspected asbestos fibre cement fragment contamination in soils visually observed within the Meechi Road windrow. This Confidential report is attached (9.2.3 a)).

In summary, the report finds that the genesis of the suspected ASBINS is buried asbestos demolition debris within the Gravel Pit. A non-intrusive visual inspection of the Gravel Pit confirmed visible ACM fibre cement fragments partially scattered on the surface. The fragments were not observed across the approximate 7,500m³ gravel pit stockpile, however further sampling will be performed early in the new year.

The extent of ASBINS contamination in the affected areas of the Meechi Road windrow was observed as scattered and mostly visible to the surface of stockpiles. Targeted areas of the windrow were sampled at depth (~300mm) to determine the presence or absence of ASBINS, Asbestos fines (AF) and Fibrous Asbestos (FA) within and across the length of the stockpiled windrow.

ACM (fibre cement >7mm) was detected in most of the soil samples collected and analysed.

This ASBINS Risk Assessment is focused on the accessible grounds at the Meechi Road Site only. The Gravel Pit will be assessed and investigated as a separate scope of work.

CONSULTATION:

Extensive consultation has occurred with Works Staff, the Landowner and between the following interested parties:

- Worksafe WA
- Department of Health
- Department of Water and Environmental Regulation
- Local Government Insurance Services
- CCS Asbestos
- Morgan Environmental Pty Ltd

COMMENT:

Based on the professional opinion of Morgan Environmental, the following outcomes and observations are made:

- The Meechi Road windrow was visually confirmed to have (very similar to the Gravel Pit) ACM fibre cement fragments partially scattered across the surface of an approximate 500m³ windrow.
- The Gravel Pit stockpile would require further assessment to delineate the extent of asbestos contamination and determine compliance and remediation requirements specific to the gravel pit area.
- Minor ASBINS contamination is also strongly presumed within the Meechi Road windrow due to the significant amount of visible ACM fragments visually observed during sampling activities.
- The visible ACM fragmentation on the surface of the windrow was assessed as highly likely being minor ASBINS contamination throughout the 300m length of the affected area windrow.
- Soil sub-samples were collected of all test points and submitted for laboratory analysis for AF/FA. Analysis results did not identify asbestos fines or fibrous asbestos above the limit of detection confirming that no friable material was found.
- The assessment of minor contamination is initially based on visual observations and the strong presumption of the soil stockpile being deemed non friable licensed work.
- The estimated extent of asbestos fragment contamination in the windrow is assessed as being above 10m² and would require remediation activities to be performed by trained and competent workers employed by a properly licensed Class A or B asbestos removalist contractors (LARC) (upon confirmation of friability in the soil samples collected).
- Upon the receipt of analysis results and discussions with Regulators, Morgan Environmental will provide a detailed ASBINS risk assessment inclusive of analytical outcomes and remedial recommendations.
- Remediation options will include a cost analysis of each option to inform the Shire of the most financially viable approach to remediation.

Morgan Environmental recommendations provided are based on the assessment findings, analytical outcomes, risk assessment ratings and the understood scope of work provided by Site stakeholders.

In order to remediate the non-friable ASBINS, Morgan Environmental recommended the following:

- A Class A or B Licensed Asbestos Removalist Contractor (LARC) should be engaged to design and conduct full remediation to safely collect, containerise, transport and dispose of ASBINS to an acceptable landfill licensed to receive asbestos waste.
- Upon the successful completion of the asbestos remediation, an independent competent person (eg Licensed Asbestos Assessor) should be engaged to perform a visual inspection and provide a clearance certificate.
- Upon the written clearance certificates being provided, the asbestos exclusion zone can be removed and the site can resume normal operation.
- The remediation contractor is to possess a Class A or Class B Asbestos Removal License. Safe system of work planning requires, but is not limited to, the composition of an Asbestos Removal Control Plan (ARCP), and documented training and supervision requirements. LARC must comply with WA WorkSafe notification requirements.

Any ASBINS taken off-site should be disposed of at an appropriately licensed landfill waste facility able to receive Special Waste Type 1 (Landfill Class Waste 1) as per Landfill Waste Classification and Waste Definitions 1996 (as amended 2019).

A decision has been made between the Shire President, Executive Staff, CCS Asbestos Removal and Morgan Environmental to deposit the gravel located on Meechi Road to the Ravensthorpe Regional Landfill Facility, which is licensed to accept asbestos waste.

Further assessment, compliance and notification to the WA Department of Health may be required inclusive of the development of an ASBINS Site Management Plan (SMP) for the remaining stockpiles and other asbestos affected soil contamination to the originating area of the ASBINS contaminated Gravel Pit.

Potentially affected parties, including current and known future users, should be informed of the remaining ASBINS contamination and the controls in place to protect them from potential harm.

STATUTORY ENVIRONMENT:

Powers of the Shire President in an Emergency

Section 6.8 of the *Local Government Act 1995* provides the Shire President with limited power to approve in advance, expenditure from the Municipal Fund without the expenditure having been authorised by Council in the Budget:

Local Government Act

Section 6.8

1. *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - a. *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - b. *is authorised in advance by resolution [Absolute Majority required]; or*
 - c. *is authorised in advance by the mayor or president in an emergency.*

Such circumstances exist during an emergency. Expenditure approved in advance by the Shire President must be reported to Council at its next ordinary meeting.

Definition of ‘Emergency’ for the purposes of s.6.8(1)(c)

Council should be aware there is some uncertainty as to the whether the current State of Emergency arising from the asbestos constitutes an ‘emergency’ for the purposes of section 6.8(1)(c).

There is no State of Emergency in place pursuant to Section 50 of the *Emergency Management Act 2005*. However, the consequence of this ‘emergency’ is a matter of public health and safety, and emergency remediation work is required to ensure the health and safety of the public.

The Act provides no definition of ‘emergency’ and at the time of writing, legal advice has not been obtained given the timing of the Ordinary Council Meeting and urgent nature of the subject matter.

As the impact of the contamination is assessed and urgent remediation identified to restore critical infrastructure and access to all road users, it may be considered that an emergency situation continues. It may be necessary to undertake immediate works to make safe critical infrastructure for which no budget has been allocated by Council, and where it would be considered prudent to proceed immediately before a Special Meeting of the Council can be convened.

Should Council accept that such circumstances constitute an ‘emergency’, then the Shire President may rely upon that support from Council to approve in advance expenditure to undertake essential emergency works.

To date no expenditure has been incurred for emergency works, however it is considered likely that the circumstances will arise where expenditure needs to be approved and where it is not practicable to call a Special Meeting of Council.

Should emergency expenditure be required, the Chief Executive Officer would make a request to the Shire President specifying the purpose of any proposed emergency expenditure, the estimated cost of the work, and the proposed allocation.

Prior to responding to such a request from the Chief Executive Officer, the Shire President should, where practicable, endeavour to seek the views of all Councillors on the proposal, before determining the Chief Executive Officer’s request.

Should the Shire President approve the expenditure, the Act requires that the expenditure must be reported to the next Ordinary Council Meeting.

Temporary use of Funds from Reserves

Should Council determine to accept that an emergency exists for the purposes of section 6.8(1)(c) of the Act and support the Shire President in exercising the power to authorise expenditure, Council is recommended to make funds available from the Effluent Reserve on a temporary basis to provide sufficient cash flow if necessary for emergency expenditure.

The current purpose for the use of funds from the Effluent Reserve is: “To be used to maintain the efficient running of the facility.” In order to authorise an allocation of funds from a Reserve, the proposed use of those funds must be consistent with the purpose of the Reserve.

Section 6.11 of the Act provides that a change of purpose requires local public notice to be given for one (1) month. An exception to this requirement is in the circumstances of an emergency, where Council can approve by absolute majority, a change in the use of the funds pursuant to section 6.11(3)(b) of the Act and regulation 18 of the *Local Government (Financial Management) Regulations 1996*.

Should Council accept that the conditions of an ‘emergency’ exist as detailed above in the report, Council may determine to support a change in the use of the funds in the Effluent Reserve to allow for the temporary use of funds for essential remediation works arising from asbestos contaminated gravel, where such funds are returned to the Effluent Reserve as soon as practicable.

Procurement and Tendering

Regulation 11(2)(a) of the *Local Government (Functions and General) Regulations 1996* provides that tenders do not have to be publicly invited according to the requirements of the Act if the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act.

Ordinarily, tenders must be called for expenditure over \$250,000, with the determination of same being either by Council, or the Chief Executive Officer (under delegation from Council). Expenditure exceeding \$250,000 for the purposes of the emergency would not require the calling of tenders, where the Shire President approves an application for expenditure in advance from the Chief Executive Officer for emergency related works pursuant to section 6.8(1)(c) of the Act.

The recommendation proposes that, prior to seeking approval from the Shire President, the Chief Executive Officer consider whether it is practical and timely to advertise and determine the tender (by Council, or the Chief Executive Officer, under delegation) in accordance with the Act and Regulations, as though the emergency did not exist. If this is the case, it is also proposed that the Shire President follow the same procedure as for the authorisation of expenditure, in that best efforts are made to contact and seek the view of all Councillors beforehand. Where a tender process is not used, each instance is to be reported to the following Ordinary Meeting of Council.

STRATEGIC IMPLICATIONS:

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

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

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

FINANCIAL IMPLICATIONS:

The Shire of Jerramungup has arrangements in place to protect its assets and will further utilise the following financial arrangements for emergency and or recovery where required:

- Authorising emergency purchases in line with the *Shire of Jerramungup Procurement of Goods and Services Policy FP6*;
- Use of s6.8(1) and s6.11(2) of the *Local Government Act 1995* with respect to expenditure of funds not included in the annual budget;
- *Local Government (Financial Management) Regulations 1996* – regulation 18(a) provides an exemption for Council to make budget related decisions in emergencies without giving local public notice of changes to financial reserves; and
- Use of s6.20(2) of the *Local Government Act 1995* enabling borrowing of funds, subject to one month's local public notice of the proposal and exercising of the power to borrow by absolute majority decision of Council.

Any expenditure authorised from the Effluent Reserve will be returned to the Effluent Reserve as soon as practicable.

The following contractor expenditure has been incurred, and is predicted to be incurred, in relation to this contaminated gravel situation:

Payee	Description	Amount
CCS Asbestos Removal and Demolition Pty Ltd	Initial consultation and sample testing for the Meechi Road contaminated gravel windrow	\$1,485.00
Morgan Environmental Pty Ltd	Provision of Licensed Asbestos Assessor to conduct onsite visual inspection	\$5,126.00
CCS Asbestos Removal and Demolition Pty Ltd	Remediation services to remove the contaminated Meechi Road windrow	\$100,228.00
Morgan Environmental Pty Ltd	Conduct Asbestos Risk Assessment of in-situ asbestos after the removal of the asbestos on Meechi Road	\$7,766.00
Shire of Ravensthorpe	Hire of plant and equipment located at the Ravensthorpe Regional Landfill Facility	\$6,820.00
	KNOWN EXPENDITURE TO DATE:	\$121,425.00

As per the gravel agreement with the landowner the Shire purchased the gravel for an amount of \$21,780. Until remediation works for this stockpile has been identified the Shire is unable to utilise this stockpile to complete the Meechi Road construction project. Alternative gravel supplies are currently being sought.

Further expenditure will be incurred in the new year for the remaining stockpile once the scope of remediation works has been identified by the licensed assessors.

The Shire will also need to seek legal advice in relation to this matter.

WORKFORCE IMPLICATIONS:

There are significant workforce implications for Council due to this emergency. To date there have been many hours of Executive time invested in addition to Works Staff being required to work seven (7) days a week to ensure the Meechi Road windrow remains wet until removed, to ensure the health and safety of the public.

Due to the quantity of gravel located in the Gravel Pit, Council should be aware this works project will require significant investment in the new year.

POLICY IMPLICATIONS:

Should Council support the recommendation it will create a policy position for authorising emergency purchases in line with the *Shire of Jerramungup Procurement of Goods and Services Policy FP6* due to the emergency situation arising from exposed contaminated gravel on Meechi Road and in the Gravel Pit.

The Shire's Work Health and Safety Policies also apply.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:**That COUNCIL, BY AN ABSOLUTE MAJORITY:**

1. **Accepts the situation resulting from the contaminated gravel supplies (“the Emergency”) where specific, or sufficient budgeted funds are not available, as required, and where the Shire President may need to authorise such expenditure in advance, pursuant to section 6.8(1)(c) of the *Local Government Act 1995*.**
2. **Supports the exercise of such discretion by the Shire President, whilst noting that the Shire President should endeavour, where practicable, to consider the flowing hierarchy, before exercising the authority under s6.8(1)(c) of the *Local Government Act 1995*: (a) Put such requests to an Ordinary Meeting of the Council meeting for consideration, and determination, where practicable, or (b) Put such requests to a Special Council Meeting, either in person, or an electronic meeting, or by electronic attendance for consideration, and determination.**
3. **Requests that during the Emergency, before determining any application from the Chief Executive Officer to approve expenditure in accordance with section 6.8(1)(c) of the *Local Government Act 1995*, the Shire President endeavour to contact all Councillors, seeking their views on the application, whilst acknowledging that circumstances and timeframes may prevent this occurring, and that in such an event the Shire President has absolute authority to determine the application from the Chief Executive Officer. Where Councillors express their views on the application, the Shire President will give regard to, but not be bound by such responses, consistent with the provisions of s6.8 of the *Local Government Act 1995*.**
4. **Requests that any applications by the Chief Executive Officer to the Shire President seeking authority to incur expenditure during the Emergency, and which are to be referred to Councillors for comment, prior to determination, be based on specific proposed estimated expenditure.**
5. **Notes the requirement of s6.8(2)(b) of the *Local Government Act 1995*, that any expenditure authorised in advance by the Shire President, due to the Emergency, be reported to the following Ordinary Council Meeting. Such information is to include details of the date when the expenditure was incurred, payee/beneficiary, the goods or services delivered, the amount paid (with, or without GST), and whether the expenditure is complete, or if there is ongoing expenditure to be incurred.**
6. **Approves for the purposes of completing essential works during the Emergency, the Shire President to, under section 6.8(1)(c), authorise the Chief Executive Officer to determine expenditure without the need to go to tender, or obtain quotes pursuant to regulation 11(2)(a) of the *Local Government (Functions and General) Regulations 1996*, subject to consideration of the practicality and timeliness of undertaking a formal tender process, but if not so, to report same to Council, as per the prior requirement, and consistent with section 6.8(2)(b) of the *Local Government Act 1995*.**
7. **Authorise expenditure incurred to date totalling \$121,425 for Licensed Asbestos Contractors to remediate Meechi Road to ensure the road can be reopened to the public.**
8. **Pursuant to section 6.11(3)(b) of the *Local Government Act 1995* and regulation 18 of the *Local Government (Financial Management) Regulations 1996*, authorises an amendment to the purpose of the Effluent Reserve to incorporate the temporary use of funds for undertaking essential remediation works arising from an emergency.**

9.2.4 SHIRE OF JERRAMUNGUP LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS (LEMA)

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 December 2024
Attachments:	a) UNDER SEPARATE COVER - Shire of Jerramungup Local Emergency Management Arrangements (LEMA)
Authority/Discretion:	Legislative

SUMMARY:

Council is required to endorse the Shire of Jerramungup Local Emergency Management Arrangements (LEMA).

The Shire of Jerramungup has an established Local Emergency Management Committee (LEMC) under section 38(1) of the *Emergency Management Act 2005* to risk assess, plan and exercise the Shire of Jerramungup LEMA.

The report is seeking Council endorsement so the LEMA can be tabled for noting with the Great Southern District Emergency Management Committee (DEMC) and State Emergency Management Committee (SEMC).

BACKGROUND:

The aim of the Shire of Jerramungup LEMA is to describe the overall emergency management coordination arrangements within the Shire.

The purpose of these emergency management arrangements is to set out and enable:

- a) the local government's policies for emergency management;
- b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;
- c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph b);
- d) a description of emergencies that are likely to occur in the local government district;
- e) strategies and priorities for emergency management in the local government district;
- f) other matters about emergency management in the local government district prescribed by the regulations; and
- g) other matters about emergency management in the local government district the local government considers appropriate. (S. 41(2) of the *Emergency Management Act 2005* (EM Act)).

CONSULTATION:

The major review of the LEMA has been developed in consultation with the LEMC as a representative committee providing advice and information to the Shire on behalf of the community.

COMMENT:

These arrangements are to ensure the community is prepared to deal with the identified emergencies should they arise. It is not the intent of the LEMA to detail the procedures for a Hazard Management Agency (HMA) in dealing with an emergency. These should be detailed in the HMA's individual plan.

Furthermore:

- This document applies to the local government district of the Shire of Jerramungup;
- This document covers areas where the Shire of Jerramungup provides support to HMA's in the event of an incident;
- This document details the Shire of Jerramungup's capacity to provide resources in support of an emergency, while still maintaining business continuity; and
- This document addresses the Shire of Jerramungup's responsibility in relation to recovery management.

These arrangements are to serve as a guideline to be used at the local level. Incidents may arise that require action or assistance from district, state or federal level.

These arrangements have been produced under the authority of S. 41(1) of the *Emergency Management Act 2005* and endorsed by the Shire of Jerramungup Local Emergency Management Committee (LEMC).

STATUTORY ENVIRONMENT:

Emergency Management Act 2005

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL IMPLICATIONS:

Nil

WORKFORCE IMPLICATIONS:

The Local Emergency Management Committee membership must include at least one local government representative and the Local Emergency Coordinator. Relevant government agencies and other statutory authorities will nominate their representatives to be members of the LEMC.

The following Shire staff have been appointed to the LEMC;

- Chair – President, Shire of Jerramungup
- Executive Officer – CESM, Shire of Jerramungup
- Local Recovery Coordinator – CEO, Shire of Jerramungup
- Local Government Liaison Officer (Evacuation) – DCEO, Shire of Jerramungup
- Chief Bush Fire Control Officer, Shire of Jerramungup

In the event of an emergency, the Shire of Jerramungup will need to liaise with a range of state agencies who will be involved in the operational aspects of the emergency.

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 ENDORSE the Shire of Jerramungup Local Emergency Management Arrangements.

9.2.5 SHIRE OF JERRAMUNGUP LOCAL RECOVERY PLAN

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 December 2024
Attachments:	a) UNDER SEPARATE COVER Shire of Jerramungup Local Recovery Plan
Authority/Discretion:	Legislative

SUMMARY:

Council is required to endorse the Shire of Jerramungup Local Recovery Plan.

The Shire of Jerramungup Local Recovery Plan has been prepared by the Shire of Jerramungup Local Emergency Management Committee to address Council's legislative responsibility under Section 36 and Section 41 of the *Emergency Management Act 2005* and the *Emergency Management Regulations 2006*. The Recovery Plan sits directly under the Shire of Jerramungup Local Emergency Management Arrangements (LEMA).

The report is seeking Council endorsement so the Recovery Plan can be tabled for noting with the Great Southern District Emergency Management Committee (DEMC) and State Emergency Management Committee (SEMC).

BACKGROUND:

The Local Recovery Plan has been prepared in accordance with section 41(4) of the *Emergency Management Act 2005* (EM Act) and forms a part of the Local Emergency Management Arrangements for the Shire of Jerramungup.

This plan has been endorsed by the Shire of Jerramungup Local Emergency Management Committee and will be tabled for information and comment with the Great Southern District Emergency Management Committee and State Emergency Management Committee.

CONSULTATION:

The major review of the LEMA and Recovery Plan has been developed in consultation with the LEMC as a representative committee providing advice and information to each Council on behalf of the community.

COMMENT:

The purpose of the Local Recovery Plan is to describe the arrangements for effectively managing recovery at a local level, including accountability and responsibility.

The objectives of the Plan are to:

- Describe the roles, responsibilities, available resources and procedures for the management of recovery from emergencies for the Shire of Jerramungup.
- Establish a basis for the coordination of recovery activities at the local level.
- Promote effective liaison between all Hazard Management Agencies (HMA), emergency services and supporting agencies, which may become involved in recovery.
- Provide a framework for recovery operations.

The scope of the Recovery Plan is limited to the boundaries of the Shire of Jerramungup and forms a part of its Local Emergency Management Arrangements. It details the local recovery arrangements for the community.

STATUTORY ENVIRONMENT:

Emergency Management Act 2005

STRATEGIC IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

The primary responsibility for safeguarding and restoring public and private assets affected by an emergency rests with the asset owner, who needs to understand the level of risk associated with their asset and have appropriate mitigation strategies in place.

The Shire of Jerramungup has arrangements in place to ensure its assets and will further utilise the following financial arrangements for recovery where required:

- Authorising emergency purchases in line with the *Shire of Jerramungup Procurement of Goods and Services Policy FP6*;
- Establishing a cash reserve for Community Recovery, where it is considered appropriate for the level of risk to the community;
- Use of s6.8(1) and s6.11(2) of the *Local Government Act 1995* with respect to expenditure of funds not included in the annual budget;
- *Local Government (Financial Management) Regulations 1996* – regulation 18(a) provides exemption for Council to make budget related decisions in emergencies without giving local public notice of changes to financial reserves; and
- Use of s6.20(2) of *Local Government Act 1995* enabling borrowing of funds, subject to one month's local public notice of the proposal and exercising of the power to borrow by absolute majority decision of Council.

The Australian and Western Australian Government recognise that communities and individuals do not always have the resources to provide for their own recovery and have joint arrangements in place to provide financial assistance in certain circumstances.

If necessary, the following arrangements have been made to fund recovery activities:

[Disaster Recovery Funding Arrangements Western Australia](#) (DRFAWA)

[Services Australia \(Centrelink\)](#)

[Lord Mayor's Distress Relief Fund](#) (LMDRF).

Individual Assistance:

Any requests for relief aid over and above assistance available through defined State/Commonwealth Government schemes should be referred to the LMDRF.

Public Fundraising Appeals:

Any request to initiate a public fundraising appeal for victims of an emergency should be directed to the LMDRF. If the LMDRF Board agrees to the request, the Board will liaise directly with the affected local government(s) to establish the required guidelines. For further information regarding the LMDRF visit:

<http://www.appealswa.org.au>

Volunteers and Donations:

Where possible, all offers of, or requests for, volunteer assistance with recovery activities and spontaneous donations should be coordinated through the Local Recovery Coordination Group (LRCG) to avoid duplication of effort.

Non-Government Organisations (NGOs):

In some circumstances, non-government organisations provide assistance by way of emergency relief funds, shelter, accommodation or household supplies. Where possible, the LRCG should deal with all offers of, or requests for, assistance from NGOs to avoid duplication of effort and confusion. At the State Government level, coordination is undertaken by the State Recovery Coordinator or the State Recovery Coordination Group (SRCG), if established. The distribution of the donated goods shall be undertaken by the organisations concerned.

WORKFORCE IMPLICATIONS:

The Shire of Jerramungup Chief Executive Officer has been appointed as the Local Recovery Coordinator in accordance with the EM Act s. 41(4). The Shire of Jerramungup Deputy Chief Executive Officer will act in the role when the primary appointee is unavailable when an emergency occurs.

The Local Recovery Coordinator is responsible for the development and implementation of the recovery arrangements for the local government.

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 ENDORSE the Shire of Jerramungup Local Recovery Plan.

9.2.6 SHIRE OF JERRAMUNGUP LOCAL EMERGENCY RELIEF AND SUPPORT PLAN

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 December 2024
Attachments:	a) UNDER SEPARATE COVER - Shire of Jerramungup Local Emergency Relief and Support Plan
Authority/Discretion:	Legislative

SUMMARY:

Department of Communities is responsible for the development, maintenance and annual review of the Local Emergency Relief and Support Plan (LERSP). This is completed in consultation with the Shire of Jerramungup and Local Emergency Management Committee (LEMC).

Council is required to endorse the Shire of Jerramungup Local Emergency Relief and Support Plan.

BACKGROUND:

The Department of Communities (Communities) is the support organisation responsible for providing and coordinating emergency relief and support services (previously welfare) for the 28 prescribed hazards, as specified in the emergency management legislation.

The Local Emergency Relief and Support Plan (LERSP) details the operational activities for the management and coordination of emergency relief and support services under the Local Emergency Management Arrangements (LEMA).

This LERSP is to be read in conjunction with the LEMA and the State Support Plan – Emergency Relief and Support. This LERSP refers to a range of existing plans and documents relating to emergency relief and support services, including directions to websites and other sources where further information can be obtained.

This plan has been endorsed by the Shire of Jerramungup Local Emergency Management Committee at the meeting held 9 December 2024.

CONSULTATION:

The review of the LERSP has been developed in consultation with the Department of Communities (Communities), Shire of Jerramungup, LEMC and the representatives of the nominated evacuation centres. The nominated evacuation centres have been audited by the Department of Communities.

COMMENT:

The purpose of this LERSP is to detail the activities for the activation and coordination of emergency relief and support services before, during and after emergencies within the Local Emergency Management Committee or Local Government boundary.

The objective of this LERSP is to outline:

- the activation, and stand-down protocols of Communities and partner agencies;
- Communities' responsibilities for the preparedness, response and recovery coordination of emergency relief and support services and resources; and
- the responsibilities of partner agencies to support emergency relief and support service delivery.

Emergency relief and support services provide immediate and ongoing social supports to alleviate, as far as practicable, the effects on people impacted by an emergency. These are provided across six functional domains:

- Emergency accommodation - the provision of temporary shelter for impacted people evacuating from or displaced by an emergency.
- Emergency food – coordination of basic and essential food support for impacted people without the capacity to self-manage resulting from an emergency.
- Emergency clothing and personal requisites – coordination of basic and essential clothing, and personal items for emergency impacted people.
- Emergency personal support services – the provision of a variety of assistance for emergency impacted people. This can include early psychosocial support, practical assistance, and referral to advisory services, counselling or psychological services.
- Registration and reunification – the process of enabling emergency impacted people in a community to be traced and reunited with family and friends.
- Financial assistance – the coordination of financial assistance which, depending on the nature of an emergency, may be available to eligible impacted people affected by the event.

STATUTORY ENVIRONMENT:

Emergency Management Act 2005

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL IMPLICATIONS:

Nil

WORKFORCE IMPLICATIONS:

Nil

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 ENDORSE the Shire of Jerramungup Local Emergency Relief and Support Plan.

9.2.7 SHIRE OF JERRAMUNGUP BUSHFIRE RISK MANAGEMENT PLAN 2024 – 2027

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 December 2024
Attachments:	<ul style="list-style-type: none"> a) UNDER SEPARATE COVER - Final Draft – Shire of Jerramungup Bushfire Risk Management Plan 2024-2027 b) Stakeholder Working Group (SWG) Summary with Submissions c) UNDER SEPARATE COVER - Guidelines for Preparing a Bushfire Risk Management Plan
Authority/Discretion:	Legislative

SUMMARY:

Council is required to endorse the Final Draft Bushfire Risk Management Plan (BRMP) to go to the Office of Bushfire Risk Management for final acceptance.

BACKGROUND:

Of the 650,700 hectares within the Shire of Jerramungup, 200,415 hectares is Crown land, with 136,647 hectares of this managed by the Department of Biodiversity, Conservation and Attractions. The remaining Crown land (20,822 hectares) is unallocated or unmanaged.

By definition, Crown land is held by the State. However, in practical terms, the responsibility to manage Crown land is spread across a range of government agencies, and through them, often assigned to other entities or individuals, creating a complex patchwork of tenure arrangements.

The Shire of Jerramungup is also identified primarily as being bushfire prone. The responsibility for managing bushfire risk is shared across community. Successful bushfire risk management requires local government, State Government, industry, private landholders, and other community members to collaboratively identify and assess risk and implement coordinated treatments across the landscape.

The Shire of Jerramungup under the State Emergency Management Framework is assigned the responsibility for Bushfire Risk Management (BRM) planning by virtue of the State Hazard Plan Fire 2023.

Local governments identified within this State Hazard Plan Fire as having high or extreme bushfire risk must develop a BRM Plan that applies to the entire local government area. —State Hazard Plan Fire 2023.

- The BRMP provides contextual information to inform a structured approach to identifying, assessing, prioritising, monitoring and treating bushfire risk.
- The BRMP is to be undertaken through consultation with land and asset managers throughout its development to ensure an informed and collaborative approach to planning.
- The BRMP is to be prepared with due consideration of the principles of risk management as described in *ISO 31000:2018 Risk Management* and the Guidelines for Preparing a Bushfire Risk Management Plan (attached) published by the Office of Bushfire Risk Management.
- The Shire has engaged the services of BioDiverse Solutions to facilitate and Chair the Stakeholder Working Group.

CONSULTATION:

The Shire of Jerramungup Stakeholder Working Group is comprised of representation from the following agencies, local government, traditional owners, community interest groups and qualified local members:

- BioDiverse Solutions (Chair)
- BioDiverse Solutions (Facilitator)
- DBCA – Regional Leader Conservation
- DBCA – Albany District Threatened Flora Officer
- DBCA – Regional Leader Conservation
- District Officer, Great Southern Region
- Wagyl Kaip Southern Noongar Aboriginal Corporation - Representative
- Shire of Jerramungup – 2 x Council Representatives
- Shire of Jerramungup – Deputy Chief Executive Officer
- Shire of Jerramungup – Chief Bush Fire Control Officer
- Shire of Jerramungup – Bushfire Risk Mitigation Coordinator
- Jerramungup VFES Representative
- Bremer Bay VFES Representative
- Point Henry Bushfire Ready Group Representative
- FBG/Wellstead Estuary Group Representative
- Bremer Bay Primary School Representative
- Jerramungup District High School Representative
- Boxwood Combined Sports Club Representative
- Gairdner Progress Association Representative
- Bremer Bay Progress Association Representative
- Bremer Bay Sports Club Representative
- Fitzgerald Biosphere Community Collective Representative
- Bremer Bay Caravan Park Representative
- Bremer Bay Beaches Resort Tourist Park Representative
- Jerramungup Sports Club Representative

COMMENT:

Under the State Hazard Plan – Fire, local governments with significant bushfire risk are required to develop an integrated Bushfire Risk Management Plan (BRMP).

The BRMP is a strategic document that describes how local government intends to identify, assess, treat and monitor bushfire risks. Essentially the BRMP establishes:

- Who is involved in bushfire risk management and what are their responsibilities;
- What factors influence bushfire risk and treatment within the local government;
- What processes are in place to assess, treat and monitor bushfire risk; and
- What action/s will be taken when a bushfire risk is identified within the local government.

An external consultant, BioDiverse Solutions (BDS), who specialises in bushfire risk management, was engaged by the Shire to assist with the requirements of the BRMP in alignment with the Department of Fire and Emergency Services (DFES) “Bushfire Risk Management Planning Guidelines”.

BDS worked with DFES to establish the risk assessment within the parameters of the DFES Bushfire Risk assessment system.

A Community and Stakeholder Consultative Committee was formed, identifying stakeholders who were invited to participate and provide input. Input was sought through written submissions.

Three submissions were received

1. FBG/Wellstead Estuary (Bremer Projects) – Leonie McMahon
2. Bremer Bay Progress Association – Katrina Wellstead
3. Alex Jones – Chief Bush Fire Control Officer (CBFCO)

The Shire reviewed all of the submissions and made the appropriate amendments to the draft BRMP. All stakeholders who submitted a submission have been contacted and their concerns discussed with the Bushfire Risk Mitigation Coordinator. These submissions and discussions will be considered when planning mitigation treatments going forward.

STATUTORY ENVIRONMENT:

Emergency Management Act 2005

Under the State Hazard Plan for Fire (Westplan Fire) an integrated BRMP is to be developed for local government areas with significant bushfire risk.

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL IMPLICATIONS:

The 2024/2025 annual budget has been based on the requirements for the update of the Bushfire Risk Management Plan.

WORKFORCE IMPLICATIONS:

The review and update of the Bushfire Risk Management Plan to the new DFES guidelines will require a strong commitment from the Executive Staff and the Shire's Bushfire Risk Mitigation Coordinator to deliver the works identified in the Plan.

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 ENDORSE the Final Draft Shire of Jerramungup Bushfire Risk Management Plan 2024 – 2027 to proceed with gaining Office of Bushfire Risk Management endorsement.

9.2.8 ANNUAL REPORT 2023/2024

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	11 December 2024
Attachments:	a) UNDER SEPARATE COVER - 2023/2024 Annual Report
Authority/Discretion:	Legislative

SUMMARY:

For Council to accept the Shire of Jerramungup's 2023/2024 Annual Report.

BACKGROUND:

In accordance with section 5.53 of the *Local Government Act 1995* the 2023/2024 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The Shire's external auditor, in conjunction with the Office of the Auditor General, has completed the audit of Council's Annual Financial Statements for the 2023/2024 financial year and these statements are the subject of a separate report to Council. The Annual Financial Statements form part of the 2023/2024 Annual Report.

The 2023/2024 Annual Report forms the main item of business discussed at the Annual General Meeting of Electors. Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the Annual Report is accepted. The Annual Report contains statements from the Shire President, Chief Executive Officer, and the Annual Financial Statements for the 2023/2024 financial year.

CONSULTATION:

Senior Staff

Lincolns Accountants and Business Advisors

Office of the Auditor General

COMMENT:

The Department of Local Government, Sport and Cultural Industries Integrated Planning and Reporting Framework sets out the requirements for local governments to undertake planning and reporting on their activities. This includes the annual reporting to the community on achievements and the financial statements. The Annual Report is also seen as an essential tool to inform the community and key stakeholders about its performance and future plans.

The *Local Government Act 1995* requires every local government to prepare an Annual Report. The Annual Report provides progress on the performance, highlights and achievements of the previous financial year to the community. The Annual Report also contains the audited Financial Statements from the previous financial year. It is a statutory requirement that Council accepts an Annual Report and for the report to be presented to the Annual General Meeting of Electors.

The 2023/2024 Annual Report has been prepared addressing the highlights and achievements of the year. The Annual Report also includes measurements against the Shire of Jerramungup Corporate Business Plan. Reports against statutory requirements are also included in the Annual Report.

Once adopted by Council the Annual Report, incorporating the Annual Financial Report, will be made available on the Shire's website. A minimal number of printed, bound colour copies will be available for viewing at Libraries and Customer Services Areas of the Shire.

In order for the Shire of Jerramungup to meet its legislative requirements, it is recommended that Council accepts the Annual Report for the financial year 2023/2024.

STATUTORY ENVIRONMENT:

Section 5.53 of the *Local Government Act 1995* states the following in relation to the contents of the Annual Report:

5.53 Annual Reports

- (1) *The local government is to prepare an annual report each financial year.*
- (2) *The annual report is to contain:*
 - (a) *a report from the Mayor or President;*
 - (b) *a report from the Chief Executive Officer;*
 - (c) *deleted;*
 - (d) *deleted;*
 - (e) *an overview of the Plan for the Future of the District made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year;*
 - (f) *the financial report for the financial year;*
 - (g) *such information as may be prescribed in relation to the payments made to employees;*
 - (h) *the auditor's report for the financial year;*
 - (ha) *a matter on which a report must be made under Section 29(2) of the Disability Services Act 1993;*
 - (hb) *details of entries made under Section 5.121 during the financial year in the register of complaints, including –*
 - I. *the number of complaints recorded in the register of complaints;*
 - II. *how the recorded complaints were dealt with; and*
 - III. *any other details that the regulations may require; and*
 - (i) *such other information as may be prescribed.*

Section 5.54 of the *Local Government Act 1995* states the following in relation to the acceptance of the Annual Report:

5.54 Acceptance of Annual Reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after the financial year.*

**Absolute Majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Section 5.55 of the *Local Government Act 1995* states the following in regard to the notice regarding the availability of the Annual Report:

5.55 Notice of Annual Reports

The Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by the Local Government.

5.55A Publication of Annual Reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

Part 5 – Annual Reports and Planning of the *Local Government (Administration) Regulations 1996* states the following in relation to the contents of the Annual Report:

Division 2 – Annual reports**19B. Information to be included in annual report (Act s. 5.53(2)(g) and (i))**

(1) *In this regulation –*

remuneration *has the meaning given in the Salaries and Allowances Act 1975 section 4(1).*

(2) *For the purposes of section 5.53(2)(g) and (i), the annual report for a financial year beginning on or after 1 July 2020 must contain the following –*

- (a) *the number of employees of the local government entitled to an annual salary of \$130,000 or more;*
- (b) *the number of employees of the local government entitled to an annual salary that falls within each band of \$10,000 over \$130,000;*
- (c) *any remuneration and allowances paid by the local government under Schedule 5.1 clause 9 during the financial year;*
- (d) *any amount ordered under section 5.110(6)(b)(iv) to be paid by a person against whom a complaint was made under section 5.107(1), 5.109(1) or 5.114(1) to the local government during the financial year;*
- (e) *the remuneration paid or provided to the CEO during the financial year;*
- (f) *the number of council and committee meetings attended by each council member during the financial year;*
- (g) *if available, the gender, linguistic background and country of birth of council members;*
- (h) *if available, the number of council members who are aged –*
 - (i) *between 18 years and 24 years; and*
 - (ii) *between 25 years and 34 years; and*
 - (iii) *between 35 years and 44 years; and*
 - (iv) *between 45 years and 54 years; and*
 - (v) *between 55 years and 64 years; and*
 - (vi) *over the age of 64 years;*
- (i) *if available, the number of council members who identify as Aboriginal or Torres Strait Islander;*
- (j) *details of any modification made to a local government's strategic community plan during the financial year;*
- (k) *details of any significant modification made to a local government's corporate business plan during the financial year.*

[Regulation 19B inserted: SL 2020/213 r. 20.]

19BB. Information about trading undertakings to be included in annual report (Act s. 5.53(2)(i))

(1) In this regulation —

income statement has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 3(1);

major trading undertaking has the meaning given in section 3.59(1);

statement of financial position has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 3(1);

trading undertaking has the meaning given in section 3.59(1).

(2) For the purposes of section 5.53(2)(i), the annual report for a financial year beginning on or after 1 July 2022 must include the following —

(a) separately, in relation to each trading undertaking carried on during the financial year —

(i) an income statement; and

(ii) a statement of financial position; and

(iii) any other information that is necessary to provide full and complete information on the undertaking;

(b) in relation to each major trading undertaking, in addition to the information required under paragraph (a), a statement setting out all other revenue and expenditure that is not included in the income statement referred to in paragraph (a)(i) but that has been used in the pricing structure for goods or services to be provided by the undertaking.

[Regulation 19BB inserted: SL 2023/106 r. 33.]

19BC. Information about land transactions to be included in annual report (Act s. 5.53(2)(i))

(1) In this regulation —

major land transaction has the meaning given in section 3.59(1);

nature classification has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 3(1).

(2) For the purposes of section 5.53(2)(i), the annual report for a financial year beginning on or after 1 July 2022 must include the following, separately in relation to each major land transaction (according to nature classification) —

(a) all income and expenditure for the transaction received or expended during the financial year;

(b) details of assets and liabilities at 30 June;

(c) any other information that is necessary to provide full and complete information on the transaction;

(d) if the transaction is to span more than 1 financial year, a brief statement showing the cash flows expected during the lesser of the following periods —

(i) the term of the transaction;

(ii) the period covered by the corporate business plan.

(3) For the purposes of section 5.53(2)(i), if a major land transaction has spanned more than 1 financial year and it is completed during a financial year beginning on or after 1 July 2022, the annual report for that financial year must —

(a) disclose —

(i) details of the total income and expenditure for the transaction from the date of commencement to the date of completion; and

- (ii) details of the amount or value of any surplus of money or assets distributed to the local government or a person other than the local government; and
 - (iii) the amount or value of any loss and the resources used to cover the loss;
 - and
 - (b) include —
 - (i) a comparison of the outcomes over the life of the transaction with expected outcomes in the business plan prepared for the transaction; and
 - (ii) an explanation of the benefits of the transaction to the local government and the community.
- [Regulation 19BC inserted: SL 2023/106 r. 33.]

19BD. Information about fees, expenses and allowances to be included in annual report (Act s. 5.53(2)(i))

For the purposes of section 5.53(2)(i), the annual report for a financial year beginning on or after 1 July 2022 must include, in relation to fees, expenses or allowances paid during the financial year to council members, the mayor or the president, for each person —

- (a) the nature of the fee, expense or allowance; and
- (b) the total amount or value of each class of fee, expense or allowance.

[Regulation 19BD inserted: SL 2023/106 r. 33.]

19BE. Information about capital grants, subsidies and contributions to be included in annual report (Act s. 5.53(2)(i))

(1) In this regulation —

renew, in relation to an asset, means to return the asset to its original state by rebuilding, repairing or restoring the asset;

replace, in relation to an asset, does not include to upgrade the asset or to replace the asset with a different version of the asset.

(2) For the purposes of section 5.53(2)(i), the annual report for a financial year beginning on or after 1 July 2022 must include the amount of all capital grants, subsidies and contributions, for replacing and renewing assets, that were received by the local government during —

- (a) the financial year; and
- (b) the 2 financial years before the financial year.

[Regulation 19BE inserted: SL 2023/106 r. 33.]

[19CA. Deleted: SL 2020/213 r. 20.]

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/BUDGET IMPLICATIONS:

There are no financial implications resulting from the recommendations of 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:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY:

1. Pursuant to section 5.54 of the *Local Government Act 1995*, ACCEPTS the Annual Report for the 2023/2024 financial year, as attached to this report;
2. Pursuant to section 5.55 of the *Local Government Act 1995*, GIVES local public notice of the availability of the 2023/2024 Annual Report.

9.2.9 ANNUAL MEETING OF ELECTORS

Location/Address:	N/A
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	11 December 2024
Attachments:	Nil
Authority/Discretion:	Legislative

SUMMARY:

For Council to determine the meeting date and time for the Annual General Meeting of Electors.

BACKGROUND:

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors be held on a day selected by the local government, but not more than 56 days after the Annual Report is accepted. It is anticipated that Council will accept the Annual Report at its meeting to be held Wednesday, 18 December 2024.

Furthermore, section 5.29 of the *Local Government Act 1995* states that the Chief Executive Officer is to convene an Electors Meeting by giving at least 14 days public notice.

Should Council adopt the Annual Report at its meeting to be held 18 December 2024, the earliest date to issue local public notice is Thursday, 19 December 2024, meaning that the earliest date the Annual General Meeting of Electors can be held is Thursday, 2 January 2025, with the last date being Thursday, 13 February 2025. It is proposed to hold the Annual General Meeting of Electors on Wednesday, 5 February 2025.

CONSULTATION:

The *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the Annual Report to be made publicly available.

While the Shire advertises the meeting in accordance with the *Local Government Act 1995*, the Shire will promote the scheduled meeting date as soon as possible and will publicise the Annual Report through the Shire's website and Facebook page once it is adopted by Council.

COMMENT:

The audited Annual Financial Statements for 2023/2024 are the subject of a separate report to the Audit Committee and then Council. Once these statements are adopted by Council, they are inserted into the 2023/2024 Annual Report which is also adopted by Council as a separate item.

In order for the Shire of Jerramungup to meet its legislative requirements, it is recommended that Council convenes the Annual General Meeting of Electors at 8.30am on Wednesday, 5 February 2025, at the Council Chambers, Jerramungup.

STATUTORY ENVIRONMENT:

Section 5.27 of the *Local Government Act 1995* states the following in regard to the Annual General Meeting of Electors:

5.27. Electors' general meetings

(1) *A general meeting of the electors of a district is to be held once every financial year.*

- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Section 5.29 states the following in respect to convening Electors Meetings:

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving:*
- (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under Section 1.7(1)(a) and is to continue by way of exhibition under Section 1.7(1)(b) and (c) until the meeting has been held.*

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the Annual General Meeting of Electors. They are the contents of the Annual Report for the previous financial year and then any other general business. It is suggested therefore, that the agenda format for the Annual Meeting of Electors be:

- Attendance and Apologies
- Contents of the 2023/2024 Annual Report
- General Business

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/BUDGET IMPLICATIONS:

There are no financial implications resulting from the recommendations of this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. **Pursuant to section 5.27 of the *Local Government Act 1995*, CONVENES the Annual General Meeting of Electors on Wednesday, 5 February 2025 commencing at 8.30am at the Council Chambers, Jerramungup; and**
2. **ADVERTISE the Annual General Meeting of Electors in accordance with section 5.29 of the *Local Government Act 1995*.**

9.2.10 REQUEST FOR QUOTE CONSIDERATION – RFQ 09/24 REPLACEMENT OF SOFT FALL MATERIAL AT ROE PARK, JERRAMUNGUP

Location/Address: Shire of Jerramungup
Name of Applicant: Shire of Jerramungup
File Reference: RFQ 09/24
Author: Patrick Steinbacher, Consultant Works Manager
Responsible Officer: Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest: Nil
Date of Report: 9 December 2024
Attachments: a) CONFIDENTIAL – Evaluation Report
 b) CONFIDENTIAL – Evaluation Spreadsheet
Authority/Discretion: Executive

SUMMARY:

This item addresses the outcome of a request for quote issued via eQuotes for the replacement of soft fall material at Roe Park, Jerramungup.

BACKGROUND:

The Shire of Jerramungup is seeking a suitable Contractor for the replacement of soft fall material as part of the 2024/25 works program. As the total cost of these works will exceed the tender threshold a tender process was required, however in this instance officers took advantage of the Western Australian Local Government Association’s (WALGA) Preferred Supplier Program whereby suitable Contractors are pre-qualified to quote and as such the process can be carried out as a Request for Quote (RFQ) via the eQuotes system.

An RFQ document including specification was prepared and lodged online via eQuotes. The closing date of the RFQ was 30 October 2024. The scope of works called for the supply and installation of suitable rubber based soft fall material at Roe Park in Jerramungup.

Three submissions were received by the deadline of the RFQ:

- Astro Synthetic Surfaces PTY LTD
- Perth Playground and Rubber PTY LTD
- Retech Rubber

The Tender submissions were reviewed by an Evaluation Panel consisting of the Works Supervisor and the Consultant Works Manager.

Each submission was evaluated against the key qualitative criteria:

<p>A. Demonstrated Capability and Experience</p> <p>Respondents must address the following information in an attachment and label it “Demonstrated Capability and Experience”:</p>	<p>Weighting</p> <p>25%</p>
<p>1) Provide details of your organisational capacity to resource the works i.e. current workload and forecast workload.</p> <p>2) Provide details of at least three similar undertaken including a brief summary of the work undertaken, client contact details and project value.</p>	

<p>B. Works Program/Design</p> <p>Respondents must address the following information in an attachment and label it “Works Program”:</p>	<p>Weighting</p> <p>25%</p>
<p>1) Demonstrate your understanding of the Specification and scope of work by outlining the process you intend to use to deliver on the Requirements of the Specification. Provide information such as:</p> <ul style="list-style-type: none"> • A summary of the scope of work • A project schedule/timeline ; • The methodology or process for the delivery of the goods and/ or /services, considering, Works staging, communications, identifying and managing site specific issues, personnel, plant and materials availability, delay mitigation and potential site variations. • A demonstrated understanding of any particular issues relating to the scope of the work. 	

Submissions were also evaluated against the weighted cost criteria:

Criteria	Weighting
Quoted Price	50%

The evaluation was based on a best value for money approach. This means that, although price is considered, the submission containing the lowest price will not necessarily be adopted, nor will the submission ranked the highest against the qualitative criteria. The extent to which a submission demonstrates greater satisfaction of each criteria will result in a greater score.

A scoring system was used for the assessment of the qualitative criteria and the submitted price which is attached as a confidential attachment.

CONSULTATION:

Executive Staff

Tenderers

COMMENT:

All three companies submitted compliant responses to the RFQ and it is clear from their list of referees and previous works that they are all suitably experienced and qualified to carry out these works. Officers travelled to Perth to inspect works from Retech Rubber and Perth Playground and Rubber as the two most cost-effective options. Retech made available one of its Partners and its Operations Manager to show Officers a number of projects both recent and a number of years old, while Perth Playground and Rubber sent a list of addresses via email for officers to visit on their own.

Retech Rubber’s performance both in the quality of the material it sources, the finished product and the customer service supplied by making available key personnel for the site visits, coupled with the fact that their price was the lowest, left Officers very confident to recommend them as the preferred supplier.

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:

Shire of Jerramungup Strategic Community Plan 2021-2031:

Community

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The works carried out under the resultant contract are funded in the 2024/25 budget through:

- Council funds

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:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

- Accept the quote submitted by Retech Rubber as the most advantageous quote to form a Contract for the Replacement of Soft Fall Material as part of the 2024/25 Works Program.**
- 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.**

9.2.11 REQUEST FOR TENDER CONSIDERATION – RFT 11/24 VARIOUS CIVIL CONSTRUCTION PROJECTS IN JERRAMUNGUP AND BREMER BAY

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	RFQ 11/24
Author:	Patrick Steinbacher, Consultant Works Manager
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 December 2024
Attachments:	a) CONFIDENTIAL – Evaluation Report RFT 11/24
Authority/Discretion:	Executive

SUMMARY:

This item addresses the outcome of a request for tender (RFT) that was advertised for the completion of various civil construction projects in Jerramungup and Bremer Bay.

BACKGROUND:

The Shire of Jerramungup is seeking a suitable Contractor for the completion of various civil construction projects as part of the 2024/25 works program:

- Re-construction of Jerramungup Sports Club parking area
- Newton Street, Jerramungup – remove existing kerbing, install new kerbing and prepare for asphalt overlay
- Collins Street, Jerramungup – remove existing kerbing, install new kerbing and prepare for asphalt overlay
- Gnornbup Terrace, Bremer Bay – remove existing kerbing, install new kerbing and prepare for asphalt overlay
- Roberts Street, Bremer Bay – remove existing kerbing, install new kerbing and prepare for asphalt overlay
- Frantom Way, Bremer Bay – remove existing kerbing, install new kerbing and prepare for asphalt overlay, and widen shoulders on remainder
- Mary Street, Bremer Bay – prepare for asphalt overlay

As the total cost of these works will exceed the tender threshold a tender process was required.

An RFT document including specification, selection criteria and designs was prepared and advertised. The closing date was initially 29 November at 4:00pm however this was revised to 2 December at 4:00pm following a request for additional time by one of the tenderers.

Two submissions were received by the deadline of the RFT:

- River Hill WA Pty Ltd
- Bremer Bay Civil Pty Ltd

The Tender submissions were reviewed by an Evaluation Panel consisting of the Works Supervisor and the Consultant Works Manager.

Each submission was evaluated against the key qualitative criteria:

<p>A. DEMONSTRATED CAPABILITY AND EXPERIENCE</p> <p>Tenderers must address the following information in an attachment and label it “Demonstrated Capability and Experience”:</p>	<p style="text-align: center;">Weighting</p> <p style="text-align: center;">25%</p>
<p>1) Provide details of your organisational capacity to resource the works i.e. current workload and forecast workload.</p> <p>2) Provide a detailed cost breakdown of each project within the schedule of rates.</p>	
<p>B. TENDERER’S RESOURCES</p> <p>Tenderers should demonstrate their ability to supply and sustain the necessary:</p> <ul style="list-style-type: none"> a) Plant, equipment and materials; b) Quality control; and c) Any contingency measures or back up of resources including plant and personnel (where applicable). <p>As a minimum, Tenderers should provide a statement detailing their ability to supply the material in accordance with the Principal’s request, a current commitment schedule, plant/ equipment schedule and details of quality control procedures in an attachment and label it “Tenderer’s Resources”.</p>	<p style="text-align: center;">Weighting</p> <p style="text-align: center;">25%</p>

Submissions were also evaluated against the weighted cost criteria:

Criteria	Weighting
Quoted Price	50%

The evaluation was based on a best value for money approach. This means that, although price is considered, the submission containing the lowest price will not necessarily be adopted, nor will the submission ranked the highest against the qualitative criteria. The extent to which a submission demonstrates greater satisfaction of each criteria will result in a greater score.

A scoring system was used for the assessment of the qualitative criteria and the submitted price which is attached as a confidential attachment.

CONSULTATION:

- Executive Staff
- Tenderers
- Stantec Consulting Engineers

COMMENT:

Both companies submitted compliant tender responses to a high standard. During the evaluation process Officers sought a number of clarifications from both tenderers which were supplied. While Officers are bound to the submitted prices for the purposes of evaluation and recommendation, on both submissions there were cost items that need to be dealt with once a contract is entered into. Despite this, River Hill WA was still the most advantageous in terms of price even when the Regional Price Preference policy was applied to Bremer Bay Civil's costs.

It should be noted that the budget for these projects also needs to cover the cost of bitumen seal and asphalt which is a separate contract to that of the civil works. Financial implications are discussed in more detail in the confidential evaluation report.

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 Built

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

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications of the Contract being awarded are noted in the confidential evaluation report.

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:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

- a) Agree to award the works the subject of Request for Tender 11/24 Various Civil Construction Projects in Jerramungup and Bremer Bay to the Contractor as recommended in the Confidential evaluation report.**
- b) Due to budget constraints, grant delegation to the Chief Executive Officer to enter into negotiations with the successful contractor to revise the scope of works to reflect a reduced number of individual projects able to be completed and some minor revisions to the scope of the remaining projects where necessary.**

9.3 DEVELOPMENT SERVICES

9.3.1 SOUTH WEST NATIVE TITLE SETTLEMENT – LAND BASED CONSULTATION – LAND LISTS 1767 AND 1768

Location/Address:	Various Locations within the Shire of Jerramungup
Name of Applicant:	Department of Planning, Lands and Heritage
File Reference:	CP.AD.2
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 December 2024
Attachments:	a) South West Settlement – Table 1 – Land Lists 1767 -1768 b) Location Plans – Land List 1767 c) Location Plans – Land List 1768
Authority/Discretion:	Administrative

SUMMARY:

Purpose of this report is for Council to consider the possible future disposition of further Crown Land parcels to the Noongar Estate as part of the South-West Native Title Settlement.

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

This report provides recommendations as to the possible transfer of the properties detailed in Land Lists 1767 and 1768.

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 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 responses on possible land parcels that may be eligible for transfer to the NBT on eleven 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
- Ordinary Council Meeting 21 December 2023 – Item 9.3.1
- Ordinary Council Meeting 28 February 2024 – Item 9.3.1
- Ordinary Council Meeting 27 November 2024 – Item 9.3.1

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

CONSULTATION:

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

COMMENT:

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

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

The current matter for which Council is being asked to provide comment refers to twenty-four (24) lots located within the Shire of Jerramungup.

Comments to each of the Lots under consideration along with recommendations towards the future transfer of the land parcels are detailed within Table 1 (Attachment 9.3.1 a)).

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 does not infer any additional development rights or exemptions from having to obtain land use and development approvals. This statement excludes any rights afforded to the traditional owners under the terms of the Settlement.

Table 1 attached 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.

Comments within Table 1 form the Shire’s response to the DPLH regarding the land parcels proposed for 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.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That COUNCIL endorses the comments provided in Table 1 in respect to the possible transfer of Land Lists 1767 and 1768 to the Noongar Boodja Trust as its formal response to the Department of Planning, Lands and Heritage (DPLH).

9.3.2 PROPOSED DISPOSAL OF LAND – RESERVE 36259 JOHN STREET, BREMER BAY (EMERGENCY SERVICES PRECINCT)

Location/Address:	Portion Reserve No.48293, 31F John Street, Bremer Bay
Name of Applicant:	Shire of Jerramungup and WA Police
File Reference:	A23301
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 December 2024
Attachments:	a) Site Plan – Reserve 36259 and Proposed Northern Access Leg over Portion Lot 810
Authority/Discretion:	Legislative

SUMMARY:

The proposed action supports the future development of the Bremer Bay Emergency Services Precinct.

The Shire of Jerramungup holds the Management Order over Reserve No.36259 which has the land use designation of Drain. It is recommended that management of the Reserve be transferred to WA Police in order to provide an alternative point of access to the proposed new Police Post to be developed on the adjoining Reserve No.48293.

The Reserve to be disposed is regarded as being surplus to the Shire’s requirements and the proposal is supported.

BACKGROUND:

- The subject land parcel is located adjacent to the northern boundary of Bremer Bay Emergency Services Reserve No. 48293 and backs onto residential lots that face onto Barbara Street;
- Reserve No. 48293 has previously been identified as being suitable for the development of an Emergency Services Precinct on which a future St John WA Ambulance Base, WA Police Post and expanded Department of Fire and Emergency Services (DFES) facilities would be located;
- To progress this aspiration, Council, at its Ordinary Meeting held on 26 May 2021 – MOTION: OCM210509 – initiated actions to acquire an adjacent parcel of Vacant Crown Land to be amalgamated into the existing Reserve. That action has since been finalised and a new Management Order (Emergency Services Site) was issued in favour of the Shire on 4 March 2022;
- Since that time, St John WA, DFES and the WA Police have substantially progressed their development options for the site;
- WA Police provided written confirmation that they request a portion of Reserve 48293 to be transferred from the Shire to the Minister for Police to support the proposed establishment of a Police Post in Bremer Bay;
- DFES have previously articulated to Council their intention to have land held under their direct management;
- Council considered a report proposing the disposal of land to DFES and WA Police at the Ordinary Meeting of Council held 24 July 2024. The decision of Council was:

MOTION: OCM240719**That Council:**

- 1. Confirms by ABSOLUTE MAJORITY that the subject land, being portions of Reserve 48293, Lot 500 on DP2421657, 35 John Street, Bremer Bay as shown on the draft concept plan (Drawing VFRS Model V2.1) dated 16 June 2023 is surplus to its operational requirements and supports the transfer of those portions of land and buildings to the Department of Fire and Emergency Services and WA Police;**
- 2. Advise the Department of Planning, Lands and Heritage that the Shire agrees to relinquish its Management Order and Interests in land and buildings over Portion of Reserve 48293 as described in 1 above;**
- 3. Authorise the Chief Executive Officer and Shire President to execute documentation consistent with the Council's decision to dispose of the Shire's interests in the land and buildings that may be required by the Department of Planning Lands and Heritage to facilitate the transfer of the land and buildings;**
- 4. Authorise the Chief Executive Officer to negotiate a cost sharing arrangement with the Department of Fire and Emergency Services and WA Police for survey and documentation costs as is necessary for the transfer/disposal of land to be finalised.**

CARRIED BY ABSOLUTE MAJORITY: 5/0

CONSULTATION:

Consultation has been an ongoing matter between all stakeholders.

COMMENT:

An overall concept plan has been developed by DFES on behalf of all stakeholders that identifies how Reserve No. 48293 may be redescribed into three separate land parcels with sufficient area to accommodate the individual needs of each agency.

The current proposal for WA Police to take access over Reserve 36259 was flagged as an option in Report 9.3.1 considered by Council on 24 July 2024. WA Police have subsequently advised that they would seek to assume management control over that land if it were to be developed as an access leg to service and access the future Police Post.

It is common practice that State Agencies hold Management Orders over land on which their infrastructure is located, and once transferred, WA Police would become responsible for the future development and maintenance of the Reserve. Being a Crown Reserve, there is no financial disadvantage to the Shire by relinquishing its interest in the land.

The Reserve, as previously described, has the land use designation of Drain. The land does not contain any Shire managed infrastructure, however, there is a Water Corporation sewer access point located within the Reserve and the adjoining lot to the east (Lot 804) has more recently connected to the Water Corporation sewer. This had required an easement to be created over a portion of the Reserve to enable that access and to protect the sewer. The easement would necessarily need to carry forward with any management change of the land.

A further access option was flagged in the July 2024 Report that proposed WA Police gained access over a portion of Vacant Crown Land located immediately to the north of Reserve 48293 (Lot 810 on DP422210) to provide access from the new Police Post onto Barbara Street. As that land is not managed by the Shire, it is not open to the Council to grant access, however, it is recommended that the Council provide its support towards WA Police being granted management of a portion of that land now, so that future applications to DPLH can be submitted with the Council's endorsement to the request.

STATUTORY ENVIRONMENT:

Local Planning Scheme No.2
Land Administration Act

Local Government Act – 3.58. Disposing of property

(1) *In this section –*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(5) *This section does not apply to –*

- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
- (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
- (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
- (d) *any other disposition that is excluded by regulations from the application of this section.*

STRATEGIC IMPLICATIONS:

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

Encourage and support volunteers and community groups to grow an active volunteer base

Environment Built

Deliver sustainable long-term planning for the built environment that meets the needs of the community

Advocate for strategic projects that will benefit residents, workers and visitors to the Shire

SUMMARY:

Given the location and vesting of the land and the purpose for which it is now proposed to be put, it is the recommendation of the Administration that the proposed disposition is supported and that the Shire advises the Department of Planning Lands and Heritage of this decision.

FINANCIAL/BUDGET IMPLICATIONS:

As the land is a Crown Reserve, there is no financial consideration associated with the proposed disposition of the land that would be incurred by the Shire. Any costs associated with the transfer would be the responsibility of WA Police.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION:**That Council:**

- 1. Confirms by ABSOLUTE MAJORITY that the subject land being Reserve 36259, Lot 158 on DP214143, 31F John Street Bremer Bay is surplus to its operational requirements and supports the transfer of the Reserve to WA Police;**
- 2. Advises the Department of Planning, Lands and Heritage that the Shire agrees to relinquish its Management Order and Interests in Reserve 36259;**
- 3. Authorises the Chief Executive Officer and Shire President to execute documentation consistent with the Council's decision to dispose of the Shire's interests in the land that may be required by the Department of Planning Lands and Heritage to facilitate the transfer of the land;**
- 4. Supports WA Police being granted access over a portion of Unallocated Crown Land being Lot 810 on DP422210; and**
- 5. Notify WA Police that as the transfer of the Reserve is for the primary benefit of WA Police, any costs incurred in the transfer of this Reserve would be the responsibility of WA Police.**

9.3.3 STRUCTURE PLAN ENDORSEMENT

This report will be distributed prior to the Ordinary Council Meeting.

9.3.4 PROPOSED SEVEN LOT RESIDENTIAL SUBDIVISION – LOT 791 GARNETT ROAD, BREMER BAY

Location/Address:	Lot 791 Garnett Road, Bremer Bay
Name of Applicant:	John Kinnear and Associates on behalf of owners Wood Brothers Investments Pty Ltd
File Reference:	A1602047 – WAPC Ref 201014
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	4 December 2024
Attachments:	a) Lot 791 Garnett Road – Location Plan for Subdivision b) Lot 791 Garnett Road – Preliminary Mapping (Vegetation and BAL Contour Maps) c) Lot 791 Garnett Road – Subdivision Guide Plan
Authority/Discretion:	Legislative

SUMMARY:

- Council is to consider a subdivision application to create seven (7) residential zoned lots fronting Garnett Road and a currently unnamed and unconstructed road reserve;
- It is recommended that the application be conditionally supported;
- Council is to provide a recommendation on the application to the Western Australian Planning Commission (WAPC).

BACKGROUND:

Zoning:

Lot 791 Garnett Road is zoned Residential R2/R15 under the Shire of Jerramungup Local Planning Scheme No.2.

The Objectives of the Residential Zone include:

- To retain the single house as the predominant form of residential development in a town.
- To provide for lifestyle choice in and around a town with a range of residential densities.
- To allow for the establishment of non-residential uses subject to local amenities not being adversely affected.

Planning Framework:

The subject lot falls within an approved Subdivision Guide Plan (SGP) originally prepared to inform and guide the subdivision of Part Lot 110 Bremer Road, Bremer Bay;

The proposed subdivision at hand is consistent with the adopted SGP. The original SGP proposed the original Lot 110 be subdivided into a total of 286 residential zoned lots with an average lot size of 679m²;

Since the adoption of the original SGP, the land has been developed on a staged basis that has resulted in a total of 43 small lots with average areas of 679m² being released and the balance of the land was subdivided into 32 'balance' lots with an average area of 5,000m².

Clause 5.30.2 of LPS No.2 acknowledges that any Subdivision Guide Plan duly approved by both the local government and endorsed by the Western Australian Planning Commission shall have the same force and effect as if it was approved as a Structure Plan in accordance with Clause 5.29.6. The effect of this Clause is that the future subdivision of land that falls within the area of an approved SGP is required to be developed in accordance with that approved plan.

Surrounding Land Uses:

Consistent with the approved Subdivision Guide Plan, surrounding land uses to the north, west and south of the subject site are a number of partially developed and undeveloped Residential zoned lots. Land located on the eastern side of Garnett Road is identified as Special Use Site 8 – Town Centre.

Access:

Vehicular access to the site is by way of Garnett Road and an existing Reserve to the south of the lot that has been designated as a Right of Way rather than a Public Road. The action to dedicate the road as a Reserve with the purpose of a Right of Way was instigated as part of the original subdivision of Lot 110 and is a departure from the norm whereby future roads are normally ceded as Public Roads. The WAPC has advised that the current designation does represent legal access and therefore the proposed subdivision that requires the Right of Way for access to four of the new lots can be supported.

Constructed pedestrian linkages exist and extend along the western side of Garnett Road connecting the new lots towards Barnes Drive and to the Freeman Drive intersection. A new footpath will be required to be installed on the southern frontage of the lot, along the currently unnamed Right of Way.

The Shire's adopted Bike Plan makes provision for a footpath to be constructed across the frontage of the subject lot providing linkages for pedestrian movement to and from the school and to surrounding areas.

CONSULTATION:

The WAPC has referred the application to the Shire for comment along with other service authorities with an interest in the land, including Western Power and the Water Corporation.

Internal consultation has been undertaken with Council's Consultant Works Manager.

COMMENT:**Location and Site Description**

The subject lot is located on the western side of Garnett Road and is positioned between the Barnes Drive and Yandil Street intersections.

The subject site is a regular shaped 5,012m² lot and is generally levelled and cleared. The land adjoins similarly sized and zoned properties on its northern and western boundaries. The southern boundary of the property faces onto an unnamed, unconstructed road reserve.

Past Approvals

The land has been the subject of a past subdivision approval applicable to the original parent Lot 110. Conditions applied to those approvals have addressed typical matters pertaining to the new lots being connected to services, the land being drained and filled and provided with pedestrian accessways. The scope of works has previously been documented on approved engineering drawings prepared to satisfy conditions of WAPC approval.

As the further subdivision of the subject land has not been wholly progressed under those past approvals those conditions are yet to be fulfilled and therefore the current application will need to be conditioned in similar manner to past approvals. In particular, conditions will need to be applied so that drainage systems are installed at the rear of the lots, enabling stormwater from individual lots to be directed into the existing local drainage system.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The intent of State Planning Policy (SPP) 3.7 Planning in Bushfire Prone Areas (Department of Planning and Western Australian Planning Commission, 2015) is to ensure that bushfire risks are considered in a timely manner and that planning documents demonstrate the appropriate application of the various policy measures.

Accordingly, the applicant has prepared BAL Contour Maps to assess the level of risk and to ensure that the land is suitable for the intended purpose.

From the BAL Assessment and BAL Contour Maps, the following bushfire hazard issues have been identified:

- Three lots facing onto Garnett Road – (described on plan as Lots E, F and G) are subject to BAL Ratings ranging from BAL29 at the Garnett Road frontage, which then reduce to BAL19 with the majority of area of the lots being rated BAL12.5. As a matter of explanation, BAL ratings are determined by factors such as proximity to vegetation, the type of vegetation and topography. Generally speaking, the further the distance from the fire source, the lower the BAL Rating.
- Proposed lots A, B, C and D are subject to a rating of BAL12.5. The BAL12.5 rating applies across those four lots as they are located further away from the fire source, which is vacant land located on the eastern side of Garnett Road.
- The BAL ratings provided in the BAL Contour Maps and associated tables are indicative only and are for the purposes of demonstrating compliance with the bushfire protection criteria of SPP 3.7. Typically, lots should achieve a BAL29 rating to be considered suitable for development.
- Individual BAL assessments are required to determine the final BAL ratings for applicable buildings prior to the issuance of building permits.
- Future residential buildings and any associated Class 10a buildings are to be constructed to the applicable construction standard of AS 3959.
- As all seven proposed lots within the subdivision are subject to a rating above BAL-LOW the relevant bushfire protection criteria apply.

The above assessment indicates that the land is suitable for the intended purpose and there are no peculiar or untoward mitigation measures required to be set in place to maintain the BAL ratings.

Conditions to be applied:

The current application is essentially a repeat of past applications and approvals. The Shire holds approved engineering drawings that show the scope of works required to be undertaken to ‘deliver’ the seven new individual lots. In applying conditions to this new application, the Shire must reference the WAPC’s Schedule of Model Subdivision Conditions. Typically, the Shire may only apply standardised conditions unless there are extenuating circumstances.

At the time of completing this report, the administration is still in the process of cross-referencing conditions of past approvals applied to this land to the current standardised conditions as set by the WAPC. This matter is ongoing and to ensure that the report is finalised in time for the agenda it is proposed that the Council delegate authority to Chief Executive Officer to issue the WAPC the conditions to which the Council supports the application being approved.

In line with past approvals the proposed conditions would be drawn to address the following matters:

- Drainage – developer to install drainage systems at the rear of each new lot to connect into the local storm water drainage system;
- A drainage easement being prepared and lodged on the titles of the land;
- A pedestrian access path to Council specifications is to be constructed across the southern frontage of the proposed lots and be designed to match into the existing surrounding footpath network;
- Notifications being lodged on future titles informing future owners that land falls within an area designated as being bushfire prone;
- All lots to be connected to the town’s reticulated waste and potable water system to the requirements of the Water Corporation; and

- The portion of the unconstructed Right of Way providing access to proposed Lots A-D being constructed, drained, kerbed and lit to the satisfaction and specification of the Shire, and is to include a temporary turnaround area at the extent of its western terminus.

The satisfaction of the conditions listed above would be at the developer's cost. It is noted that Council is limited to applying conditions to which it is responsible for clearing. (Conditions regarding connection to water and sewer services would be applied by Water Corporation/Western Power).

Future Road Naming:

Ultimately, Council will need to instigate actions to allocate a new road name to the road (Right of Way) proposing access to Lots A- E. Advice is currently being sought from Landgate in respect to this matter given the unusual circumstances whereby the future road was created as a Reserve rather than it being initially ceded as a public road as part of the subdivision of Lot 110. Once the appropriate course of action has been resolved, it will be the subject of a further report to Council.

STATUTORY ENVIRONMENT:

The Shire of Jerramungup is a referral body only in the assessment of subdivisions. Decisions are made by the Western Australian Planning Commission (WAPC) assessed against the WAPC State Planning Policies, Development Control Policies and having due regard to the Shire's Local Planning Scheme.

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

STRATEGIC IMPLICATIONS:

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

Environment Built

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

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

Advocate for strategic projects that will benefit residents, workers and visitors to the Shire.

FINANCIAL/BUDGET IMPLICATIONS:

Additional lots will raise rates for the Shire. Maintenance of a newly constructed road and footpath will fall to the Shire once handed over by the Developer.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

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

SUMMARY:

The proposed subdivision is uncontentious in that it is consistent with the Shire's endorsed Subdivision Development Guide Plan and represents a natural continuation of the broader subdivision. The proposed development will create lots that are readily able to be developed and are consistent with the prevailing R15 Coding that applies to the land.

Having regard to the above, it is the recommendation of the Administration that the subdivision be supported subject to conditions.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That COUNCIL:

- 1. Recommend that the Western Australian Planning Commission approve the application for seven (7) lots on Lot 791 Garnett Road, Bremer Bay subject to conditions;**
- 2. By Absolute Majority, delegates authority to the Chief Executive Officer to submit the list of Conditions of approval to the Western Australian Planning Commission.**

9.3.5 PROVISION OF MEDICAL SERVICES IN RURAL AND REGIONAL WA

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 December 2024
Attachments:	<ul style="list-style-type: none"> a) 150 Square – Provision of Medical Services in Rural and Regional WA – Summary of Inception Meeting b) Correspondence from Shire of Dundas to Hon Emma McBride MP, Assistant Minister for Rural and Regional Health
Authority/Discretion:	Advocacy

SUMMARY:

For Council to consider the attached 150 Square summary report and endorse the Shire of Jerramungup collaborating with near-neighbour Shires to advocate for Federal and/or State Government funding to assist local governments who are currently relied on to fund medical services in rural and regional WA.

BACKGROUND:

At the ALGA national meeting in September 2024, the Shire of Dundas put forward the following motion (113), which was carried:

This National General Assembly calls upon the Australian Government and the Federal Minister for Health and Aged Care, Hon Mark Butler MP, to plan and fund the provision of medical services (in consultation with relevant local governments) to regional, rural and remote communities.

In addition, on Friday, 11 November 2024, WALGA convened a meeting of band 4 local governments. The purpose of the meeting was to identify the strategic priorities of the members, to help inform WALGA advocacy and support on a variety of issues. It was agreed at the meeting that “Local Governments allocating ratepayer funds towards delivering medical services or contracting medical service providers to have a presence in their community” was the second highest priority to all band 4 local governments.

In response to both the ALGA and WALGA meetings, the Shire of Lake Grace called a meeting of local governments (band 3 and band 4) and key stakeholders to meet at the Lake Grace Sports Club on Friday, 29 November 2024. The purpose of the meeting was to discuss the financial and in-kind contributions made by local governments to secure medical service providers in their communities.

CONSULTATION:

The following Shires were in attendance:

- Shire of Jerramungup
- Shire of Lake Grace
- Shire of Narembeen
- Shire of Gnowangerup
- Shire of Kojonup
- Shire of Ravensthorpe
- Shire of Wagin

COMMENT:

Endorsing and advocating for greater compensation as a collective with a standardised approach will strengthen the argument, which is more likely to result in an improved outcome for each local government. State and Federal responsibilities such as health care should not be the responsibility of a local government to fund.

Attending local government representatives (the Group) workshopped the problem and potential solutions to the issue at hand. A summary of the responses is below:

Issues:

- Federal government is responsible for primary health.
- Inequity of access to primary healthcare services and infrastructure (metropolitan versus rural areas).
- Failure of the current Medicare funding model to provide adequate service provision to smaller populations.
- Small rural WA local governments 'stepping into' the funding of medical services in their towns.
- Local governments inadvertently 'bidding' against each other for doctors.

Challenges:

- Terminology used by Federal, State and local government is inconsistent.
- WACHS Health regions versus State Government regions do not align.
- Local governments have 'skin in the game' due to community expectations. It is difficult to retract without significantly impacting or closing the provision of medical services in their communities.

Solutions:

- 2025 WA State Budget submission by the Group.
- Agreed policy position/statement by the Group.
- Work towards a 2025 State and Federal Government election commitment for the Group.
- Investigate the Tasmanian State Government General Practice Sustainability and Viability Initiative.

STATUTORY ENVIRONMENT:

Nil.

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.

FINANCIAL/BUDGET IMPLICATIONS:

Utilise \$5,000 from the Administration Consultant 2024/25 budget provision to engage a Consultant to investigate the Tasmanian State Government General Practice Sustainability and Visibility Initiative and provide an advocacy position.

(Note that each local government in the Group will contribute \$5,000 for this purpose.)

WORKFORCE IMPLICATIONS:

Executive Staff will need to allocate time to advocate for an improved outcome in providing medical services in rural and regional WA.

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. For the purpose of advocating for an improved outcome associated with medical services, endorses the Shire of Jerramungup becoming part of the group of Band 3 and 4 local governments who are currently funding medical services.**
- 2. Supports the engagement of 150 Square to investigate the Tasmanian State Government General Practice Sustainability and Visibility Initiative and provide an advocacy position.**
- 3. Notes that subsidising medical services is the responsibility of Federal and State Governments.**

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN NOVEMBER/DECEMBER 2024

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Glenda Forbes, Executive Administration Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 December 2024
Attachments:	a) November/December 2024 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for November/December 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 November 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;
Provide informed and transparent decision making that meets our legal obligations and the needs of our diverse community.

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

FINANCIAL IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of November/December 2024.

9.4.2 PROPOSED NEW POLICY – RECORDING OF COUNCIL MEETINGS POLICY

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 December 2024
Attachments:	a) Draft Policy CP7 – Recording of Council Meetings Policy
Authority/Discretion:	Legislative

SUMMARY:

Council is requested to consider the adoption of a proposed new Policy relating to the recording and publication of recordings of Council Meetings.

BACKGROUND:

The latest amendments to the *Local Government Act 1995* have been passed through Parliament as part of the State Government’s most significant review of the Act in more than twenty five years. One of those changes is the mandating of live streaming and recording of Council meetings, which comes into effect on 1 January 2025.

Based upon a Local Government’s banding by the Salaries and Allowances Tribunal, the Band 1 and 2 Local Governments will need to live stream meetings of Council. Band 3 and 4 Local Governments will need to audio record their meetings and publish that audio recording on the Local Government’s website. The Shire of Jerramungup (the Shire) is a Band 4 Local Government.

The change is intended to make Local Government meetings more transparent and to improve the accountability of Elected Members by ensuring records are available of what was said at meetings on items for debate.

It is considered appropriate to formalise within a Council Policy the process for fulfilling Council’s requirements to ensure compliance with legislation.

CONSULTATION:

Given the legislative requirements of this Policy, the Administration is of the view that external consultation with the community regarding the adoption of the Policy is not required.

Internal consultation has occurred with the Department of Local Government, Sport and Cultural Industries.

COMMENT:

The Shire has not undertaken audio recording of its Council Meetings as it has not been a legislated requirement.

Part 2A of the *Local Government (Administration) Regulations 1996*, titled “Electronic broadcasting and video or audio recording of council meetings”, will apply to all formal meetings of Council held on or after 1 January 2025.

A Policy has been developed which details the approach to audio recording of in-person Council Meetings. A copy of the Policy is presented as attached.

For the Shire, the Regulations mean:

- Audio recordings of Council Meetings will need to be made publicly available on the Shire’s website (excluding parts of the meetings which are closed to the public) for a minimum of five (5) years.

- The ‘usual meeting place’ for Council Meetings will be the Council Chambers located at the Shire Administration Office to allow for audio technology to be used.
- Recordings of the confidential parts of the meeting will still be made, however these will not be accessible to the public.

The Regulations will require, at a minimum, an audio recording to be made in which the quality of the recording must be sufficient to allow persons to listen effectively to the deliberations and communications of the meeting’s proceedings. In the case of a technical failure, an improvised recording must be attempted as reasonably practicable. Where that is not possible the Local Government is to provide a notice on its website which states:

1. That it was not possible for a recording of the meeting or part of the meeting to be made with the usual technology available and explain the reasons why; and
2. That an improvised recording was made by means other than the usual technology as well as how the improvised recording was made, the deficiencies in the recording and an explanation of the reasons for those deficiencies.

To ensure that all Elected Members, Administration Staff and Members of the Public who attend the meetings are aware of the recording, the Agenda Template will be modified to include a statement by the Presiding Member to advise that the meeting is being audio recorded.

STATUTORY ENVIRONMENT:

Local Government Act 1995

2.7. Role of council

(1) The council —

- (a) governs the local government’s affairs; and*
- (b) is responsible for the performance of the local government’s functions.*

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government’s finances and resources; and*
- (b) determine the local government’s policies.*

5.23A. Electronic broadcasting and video or audio recording of council meetings

(1) In this section —

council meeting means a meeting of a council or committee;

electronic broadcasting means broadcasting by way of the Internet or other electronic means;

recording means a video recording or an audio recording.

(2) Regulations may require, regulate or otherwise make provision in relation to any of the following —

- (a) the electronic broadcasting of council meetings (either live or with a delay);*
- (b) the making or retaining of recordings of council meetings;*
- (c) the making of recordings of council meetings publicly available;*
- (d) the provision of, or otherwise making available of, recordings of council meetings to any person (on the person’s request or otherwise).*

(3) Regulations made for the purposes of subsection (2) cannot require or authorise —

- (a) the electronic broadcasting of any part of a council meeting that is closed to members of the public;*
or
- (b) a recording of any such part of a council meeting —*

- (i) to be made publicly available; or
 - (ii) to be provided to, or otherwise made available to, any person other than the Departmental CEO or a person authorised by the Departmental CEO.
- (4) Without limiting section 9.57A(2) or subsection (2), regulations made for the purposes of subsection (2) may provide for a local government, or any other person, to be not liable to an action for defamation in prescribed circumstances.

Regulations 14F to 14K of the *Local Government (Administration) Regulations 1996* are applicable and state:

Local Government (Administration) Regulations 1996

Part 2A — Electronic broadcasting and video or audio recording of council meetings (Act s. 5.23A)

14F. Application of Part

- (1) This Part applies for the purposes of section 5.23A(2).
- (2) This Part applies to meetings of councils held on or after 1 January 2025.

Note for this subregulation:

This Part does not apply to meetings of committees of councils.

14G. Terms used

- (1) In this Part —

broadcast technology, in relation to a local government, means the technology by means of which meetings of its council are, or are to be, publicly broadcast under regulation 14H(2);

closed proceedings, in relation to a council, means —

- (a) if a meeting of the council is closed to the public — the meeting; or
- (b) if a part of a meeting of the council is closed to the public — that part of the meeting;

electronic meeting means a meeting held by electronic means under regulation 14D;

improvised recording — see regulation 14I(4);

meeting day, in relation to a council's meeting, means the day on which the meeting is held;

publicly available — see subregulations (2) and (3);

recording means a video recording (with audio) or an audio only recording;

recording technology, in relation to a local government, means the technology by means of which recordings of meetings of its council are, or are to be, made under regulation 14I(1)(a);

usual meeting place, in relation to a council, means the place at which its meetings (other than electronic meetings) are, or are to be, usually held.

- (2) For the purposes of this Part, a local government makes a video recording publicly available by making a copy of the recording **publicly available** for viewing (with audio) —
 - (a) on its official website; or
 - (b) on another website a link to which is publicly provided on its official website.
- (3) For the purposes of this Part, a local government makes an audio only recording **publicly available** by making a copy of the recording publicly available for listening to —
 - (a) on its official website; or
 - (b) on another website a link to which is publicly provided on its official website.

- (4) For the purposes of subregulations (2) and (3), the quality of the copy of the recording —
- (a) must be substantially the same as the quality of the recording; and
 - (b) without limiting paragraph (a), must meet the requirement of regulation 14I(2)(b) or (c) (as applicable), subject to regulation 14I(5)(b) if the recording is an improvised recording.

Note for this regulation:

In this Part, class 1 local government and class 2 local government have the meanings given in the *Local Government (Constitution) Regulations 1998* regulations 2A and 2B.

14H. Class 1 local governments and class 2 local governments to broadcast council meetings publicly

- (1) This regulation applies to a local government only if the local government is a class 1 local government or a class 2 local government.
- (2) A local government must, in accordance with subregulation (3), publicly broadcast every meeting of its council that —
 - (a) is held at the council's usual meeting place; or
 - (b) is an electronic meeting.
- (3) For the purposes of subregulation (2) —
 - (a) the broadcast must be live (with only so much of a delay as is inherent in live broadcasting by means of the local government's broadcast technology); and
 - (b) the broadcast must be on —
 - (i) the local government's official website; or
 - (ii) another website a link to which is publicly provided on the local government's official website;
 and
 - (c) the broadcast must be both visual and audio; and
 - (d) the quality of the broadcast must be sufficient to allow persons effectively to watch and listen to the deliberations and communications that are part of the meeting's proceedings.
- (4) Despite subregulation (2), a council's meeting, or a part of a council's meeting, may be held without being publicly broadcast if, because of a technological failure beyond the control of the local government, it is not possible for the meeting or part (as the case requires) to be publicly broadcast by means of the local government's broadcast technology.
- (5) Despite subregulation (2), a local government must not publicly broadcast any closed proceedings of its council.

14I. Local governments to make recordings of council meetings

- (1) A local government must —
 - (a) make a recording of every meeting of its council in accordance with subregulation (2); and
 - (b) make the recording publicly available —
 - (i) within 14 days after the meeting day; and
 - (ii) until, at least, the end of the period of 5 years after the meeting day;
 and
 - (c) retain the recording until, at least, the end of the period of 5 years after the meeting day; and
 - (d) provide a copy of the recording to the Departmental CEO if the Departmental CEO requests a copy under subregulation (11)(a) during —

- (i) *the period of 5 years after the meeting day; or*
 - (ii) *any longer period during which the local government retains the recording or any copy of it.*
- (2) *For the purposes of subregulation (1)(a) —*
- (a) *if the meeting is a meeting of the council of a class 1 local government or class 2 local government — the recording must be a video recording (with audio), except that the recording may be an audio only recording —*
 - (i) *if the meeting is not held at the council’s usual meeting place and is not an electronic meeting; or*
 - (ii) *to the extent that the recording is of closed proceedings of the council;*
- and*
- (b) *if, or to the extent that, the recording is a video recording (with audio) — the quality of the recording must be sufficient to allow persons effectively to watch and listen to the deliberations and communications that are part of the meeting’s proceedings; and*
 - (c) *if, or to the extent that, the recording is an audio only recording — the quality of the recording must be sufficient to allow persons effectively to listen to the deliberations and communications that are part of the meeting’s proceedings.*
- (3) *Subregulation (4) applies to a council’s meeting, or a part of a council’s meeting, if, because of a technological failure beyond the control of the local government, it is not possible for a recording of the meeting or part (as the case requires) to be made by means of the local government’s recording technology.*
- (4) *Despite subregulation (1)(a), the meeting or part may be held so long as the local government does everything that is reasonably practicable to make a recording (an **improvised recording**) of the meeting or part by means other than the local government’s recording technology.*
- (5) *An improvised recording must —*
- (a) *cover as much of the meeting or part as it is reasonably practicable to cover; and*
 - (b) *meet the requirement of subregulation (2)(b) or (c) (as applicable) to the extent reasonably practicable.*
- (6) *If a meeting or part is held under subregulation (4) and an improvised recording is made —*
- (a) *subregulation (1)(b) to (d) apply to the improvised recording; and*
 - (b) *the local government must publish on its official website, for the period during which it makes the improvised recording publicly available under subregulation (1)(b), a notice that does the following in effect —*
 - (i) *states that it was not possible for a recording of the meeting or part to be made by means of the local government’s recording technology and explains why that was the case;*
 - (ii) *states that the improvised recording was made by means other than the local government’s recording technology;*
 - (iii) *states the means by which the improvised recording was made;*
 - (iv) *states any deficiencies in the improvised recording and explains the reasons for them.*

Examples for this subparagraph:

1. The improvised recording is deficient if it does not cover the whole of the meeting or part.
2. The improvised recording is deficient if it does not meet the requirement of subregulation (2)(b) or (c) (as applicable).

(7) Subregulation (8) applies if –

- (a) a meeting or part is held under subregulation (4); but*
- (b) no improvised recording is made because it is not reasonably practicable for the local government to make any improvised recording.*

(8) The local government must publish on its official website, in accordance with the timings in subregulation (1)(b)(i) and (ii), a notice that does the following in effect –

- (a) states that it was not possible for a recording of the meeting or part to be made by means of the local government’s recording technology and explains why that was the case;*
- (b) states that no improvised recording was made;*
- (c) states that it was not reasonably practicable for the local government to make any improvised recording and explains why that was the case.*

(9) If a part of a meeting is held under subregulation (4) –

- (a) the local government must make a recording of the rest of the meeting under subregulation (1)(a) by means of the local government’s recording technology; and*
- (b) subregulation (1)(b) to (d) apply to that recording accordingly.*

(10) Despite subregulation (1)(b), a local government must not make a recording publicly available to the extent that the recording is of closed proceedings of its council.

Note for this subregulation:

This subregulation does not affect a local government’s duty to make a recording under subregulation (1)(a) of any closed proceedings of its council, to retain the recording under subregulation (1)(c) and to provide a copy of the recording to the Departmental CEO under subregulation (1)(d) if requested under subregulation (11)(a).

(11) For the purposes of subregulation (1)(d) –

- (a) the Departmental CEO may request a copy of the recording for the purpose of obtaining information about a matter concerning the local government or its operations or affairs; and*
- (b) the quality of the copy provided to the Departmental CEO –*
 - (i) must be substantially the same as the quality of the recording; and*
 - (ii) without limiting subparagraph (i), must meet the requirement of subregulation (2)(b) or (c) (as applicable), subject to subregulation (5)(b) if the recording is an improvised recording.*

14J. Informing members of public of broadcasting or recording

A local government must take reasonable steps to ensure that members of the public attending a meeting of its council are informed beforehand of the following, as applicable –

- (a) that the meeting will be publicly broadcast;*
- (b) that a recording of the meeting will be made.*

Example for this regulation:

Members of the public could be informed by means of a notice displayed in a prominent place near or inside the meeting room.

14K. Defamation

- (1) A local government is not liable to an action for defamation in relation to any of the following done by the local government as required or authorised under this Part –*

- (a) publicly broadcasting a meeting;*
- (b) making a recording of a meeting;*
- (c) making a recording of a meeting publicly available;*
- (d) retaining a recording of a meeting or a copy of a recording;*
- (e) providing a copy of a recording of a meeting to the Departmental CEO.*

(2) In subregulation (1), references to a meeting include a part of a 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:

The adoption of the new Recording of Council Meetings Policy will have minimal financial impact for the organisation. A provision for the purchase of recording equipment was made in the 2024/2025 budget.

WORKFORCE IMPLICATIONS:

The Policy provides direction for Elected Members and staff in the recording and publishing of Council Meetings.

POLICY IMPLICATIONS:

The proposal is to adopt a new Policy, consistent with the requirements of legalisation and advice of DLGSC.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council ADOPT the draft Policy “CP7 – Recording of Council Meetings Policy” as attached to this report.

9.4.3 PROPOSED NEW POLICY – ELECTORAL CARETAKER PERIOD POLICY

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	6 December 2024
Attachments:	a) Draft Policy CP8 – Electoral Caretaker Period Policy
Authority/Discretion:	Legislative

SUMMARY:

Council is requested to consider the adoption of a new Electoral Caretaker Period Policy. The Policy establishes clear guidelines in relation to the activities of Elected Members, Shire staff and election candidates during election periods.

BACKGROUND:

The Shire of Jerramungup has not previously had an Electoral Caretaker Period Policy.

The need for this Policy has resulted from the reforms to the *Local Government Act 1995*. This reform standardises a caretaker period across all local governments in Western Australia. It prevents a local government from making significant decisions while an election is underway, particularly decisions that would bind a future Council to a particular course of action.

The caretaker period will apply to all ordinary Local Government elections from 2025 onwards. It will also apply to any election to elect a Council after it has been declared vacant or dismissed. It will not apply to extraordinary Local Government elections.

The 'Caretaker Period' applies from the close of nominations, being 37 days prior to the Election Day in accordance with section 4.49(a) of the *Local Government Act 1995*, until 6.00pm on Election Day.

CONSULTATION:

Nil

COMMENT:

The Electoral Caretaker Period Policy has been provided by WALGA as a template.

STATUTORY ENVIRONMENT:

The following legislation relates to this policy:

Local Government Amendment Act 2023

Section 1.4A Caretaker Period

(1) *In this Act –*

Caretaker period, in relation to a local government, means a period that –

(a) *Begins at the close of nominations (as defined in section 4.49(a)) for a relevant election for the local government; and*

(b) *Ends –*

(i) *On the day after the day on which the returning officer declares the result of the relevant election under section 4.77;*

Or

- (ii) *If section 4.57(1) applies to the relevant election – on the day after the day on which the close of nominations falls; or*
- (iii) *If section 4.58(1) applies to the relevant election – on the day after the day on which the candidate dies.*

(2) *In subsection (1) –*

Relevant election means any of the following –

- (a) *An ordinary election;*
- (b) *An inaugural election;*
- (c) *An election under section 4.11, 4.12, 4.13 or 4.14;*
- (d) *An election under section 4.15 after an election that is a relevant election under paragraph (a), (b) or (c) or this paragraph is declared invalid.*

Local Government Act 1995

Part 3

Division 5 – Caretaker Period

3.73 Restrictions on what local government may do during caretaker period

(1) *In this section –*

emergency means –

- (a) *the occurrence, or imminent occurrence, of an event, situation or condition that is a hazard under the definition of that term in the Emergency Management Act 2005 section 3; or*
- (b) *a public health emergency as defined in the Public Health Act 2016 section 4(1);*

land transaction has the meaning given in section 3.59(1);

major land transaction has the meaning given in section 3.59(1);

major trading undertaking has the meaning given in section 3.59(1);

senior employee means a senior employee under section 5.37;

significant act means any of the following –

- (a) *making a local law (including making a local law to amend or repeal a local law);*
- (b) *entering into, or renewing or terminating, the contract of employment of the CEO or of a senior employee;*
- (c) *entering into a major land transaction;*
- (d) *entering into a land transaction that is preparatory to entry into a major land transaction;*
- (e) *commencing a major trading undertaking;*
- (f) *entering into a contract, or other agreement or arrangement, in prescribed circumstances;*
- (g) *inviting tenders in prescribed circumstances;*
- (h) *deciding to do anything referred to in paragraphs (a) to (g);*
- (i) *an act done under a written law or otherwise that is a prescribed act.*

(2) *During a caretaker period, a local government must not do a significant act.*

(3) *Subsections (4) to (6) apply despite subsection (2).*

(4) *A local government may do a significant act during a caretaker period if –*

- (a) *the local government’s decision to do the significant act was made before the caretaker period;*
and

- (b) *any prescribed requirements are met.*
- (5) *A local government may do a significant act during a caretaker period if it is necessary for the local government to do the significant act during the caretaker period in order to comply with any of the following –*
- (a) *a written law;*
 - (b) *an order of a court or tribunal;*
 - (c) *a contractual obligation of the local government under a contract entered into by the local government before the caretaker period.*
- (6) *The Departmental CEO may authorise a local government to do a significant act during a caretaker period if the Departmental CEO is satisfied that it is necessary for the local government to do the significant act during the caretaker period –*
- (a) *because of an emergency; or*
 - (b) *to ensure the proper operation of the local government.*

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

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

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

The proposal is to adopt a new Policy, consistent with the requirements of legalisation and advice of the Department of Local Government, Sport and Cultural Industries.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council ADOPT the draft policy “CP8 – Electoral Caretaker Period Policy” as attached to this report.

10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**(CONFIDENTIAL MATTERS)****10.1 CLOSURE OF MEETING TO THE PUBLIC****OFFICER RECOMMENDATION:**

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

10.2 CONFIDENTIAL – AUSTRALIA DAY AWARDS 2024**Simple Majority Vote Required****10.2 CONFIDENTIAL – AUSTRALIA DAY AWARDS 2024**

Location/Address:	N/A
Name of Applicant:	Shire of Jerramungup
File Reference:	CR.AW.1
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Charmaine Solomon, Deputy Chief Executive Officer
Date of Report:	9 December 2024
Attachments:	<ul style="list-style-type: none"> a) Award Eligibility and Assessment Criteria b) CONFIDENTIAL – Award Nominations <ul style="list-style-type: none"> i.-iv. Nomination Forms 2024 - Citizen of the Year v.-vi. Nomination Forms 2024 - Senior Sportsperson vii.-ix. Nomination Forms 2024 - Junior Sportsperson x.-xi. Nomination Forms 2024 – Community Group or Event
Authority/Discretion:	Confidential

SUMMARY:

This item addresses Council’s annual Citizen, Community Group or Event and Sporting Awards which are presented at the Australia Day Breakfast.

BACKGROUND:

As part of Council’s annual traditions Citizen, Community Group or Event and Sporting Awards are presented each year at the Australia Day Breakfast.

CONSULTATION:

Community nominations are sought for these awards.

COMMENT:

Copies of the nominations will be presented to the Council meeting and Council will need to close the meeting to the public to consider the nominations in “committee”.

Nominations opened on 14 October 2024 and were advertised via the Shire website, Facebook page, displayed on local notice boards, circulated via email and in the Jerry Journal and Bremer Bulletin newsletters. The call for nominations was also emailed out to the three sporting clubs and various community groups. Nominations for the awards closed on 9 December 2024 at 4pm. One nomination was received after the deadline.

This year nominations have been received for each category.

The award winners will be recorded in the official minutes however in order to maintain confidentiality the names will not be published in community minutes until after the presentation on Australia Day.

STATUTORY ENVIRONMENT:

Nil

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.

Encourage and support volunteers and community groups to grow an active volunteer base.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no additional 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 REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

- 1) That Council AWARD the 2024 Citizenship Award to _____, with it being presented to the recipient on 26 January 2025 at the Australia Day Breakfast Event.
- 2) That Council AWARD the 2024 Community Group of Event Award to _____, with it being presented to the recipient on 26 January 2025 at the Australia Day Breakfast Event.
- 3) That Council AWARD the 2024 Senior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2025 at the Australia Day Breakfast Event.
- 4) That Council AWARD the 2024 Junior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2025 at the Australia Day Breakfast Event.

10.3 REOPENING OF THE MEETING TO THE PUBLIC

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

OFFICER RECOMMENDATION:

That Council reopens the meeting to the public.

Simple Majority Vote Required

11.0 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, 26 February 2025, commencing at 1.00pm, in Jerramungup.

14.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atam

These minutes were confirmed at a meeting held

.....

Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: