



SHIRE OF JERRAMUNGUP

NOTICE OF COUNCIL MEETING

To the President and Councillors,

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

Wednesday, 25 September 2024
At the Council Chamber,
Jerramungup
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.

Noel Myers
ACTING CHIEF EXECUTIVE OFFICER
19 September 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 atam 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

Cr Raegan Zacher

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 25 September 2024.

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 25 September 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 28 AUGUST 2024**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 28 August 2024 be CONFIRMED.

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

9.0 REPORTS

9.1 TECHNICAL SERVICES

9.1.1 WORKS REPORT FOR AUGUST/SEPTEMBER 2024

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Gordon Capelli, Works Supervisor
Responsible Officer:	Noel Myers, Acting Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 September 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 has started a gravel resheet and drainage on Cuiss Road from SLK 0.00 to SLK 4.15. This should be completed around the first week in October all going well.

The Construction Crew will then move onto Meechi Road to do a 5km section ready to be sealed in February 2025, along with Rabbit Proof Fence Road and Cuiss Road.

Road Maintenance

The road maintenance grader has been out on Boxwood – Ongerup Road, Boxwood Hill townsite, Paperbark Road, Millers Point Road and Devils Creek South Road.

The pruning saw is up and running again, working in front of the maintenance grader. This work will be carried out on Ocumup Road, Roberts Road and Marnigarup Road.

Town Services

Bremer Bay

Town Services staff have completed the following works:

- Widening of walk trails in key areas.
- Fertilizing grassed areas around town.
- Starting on mowing/slashing in preparation for firebreak season.
- Repairs to coastal reserves infrastructure.
- Continued weed control within town site.
- Reinstated bollards along coastal reserves.
- Repairing broken amenities at Paperbarks Park.
- Replaced broken street signage.
- Tree pruning carried out by contractors.
- Continued removal of Victorian Tea Tree within Shire reserves.

Jerramungup

Town Services staff have completed the following:

- Removal of old paved brick footpath.
- Clearing of evasive Golden Wattle around Lions Park.
- Pruning of trees around Jerramungup CRC.
- Fertilizing grassed areas around town.
- Mowing of Old Oval/Dog Exercise oval.
- Starting on mowing/slashing in preparation for firebreak season.
- Continued mowing of parklands.
- Tree pruning carried out by contractors.
- Hand spraying throughout the townsite.
- Removal of graffiti from Lions Park.
- Installation of fence and gate at Jerramungup airstrip.

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 August/September 2024.

9.2 CORPORATE SERVICES

9.2.1 ACCOUNTS FOR PAYMENT – AUGUST 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:	9 September 2024
Attachments:	a) List of Accounts Paid to 31 August 2024 b) Credit Card Statement 29 July 2024 – 23 August 2024 c) Fuel Card Statement – July 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 August 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 August 2024. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28181	
EFT Payments	22322 – 22438	\$709,271.20
Direct Deposits		\$70,114.86
Municipal Account Total		\$779,386.06
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$779,386.06

Included within the EFT payments from the Shire’s Municipal Account are Fuel Card Statement required to be reported under Regulation 13(A), totalling \$3,173.26.

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 31 August 2024 totalling \$779,386.06.**
- b) The Credit Card Statement - 29 July 2024 – 23 August 2024 as detailed in Attachment 9.2.1 (b).**
- c) The Fuel Card Statement July 2024 as detailed in Attachment 9.2.1 (c).**

9.2.2 MONTHLY FINANCIAL REPORT – AUGUST 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:	16 September 2024
Attachments:	a) Monthly Financial Report for the period ending 31 August 2024
Authority/Discretion:	Information

SUMMARY:

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

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31 August 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 31 August 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 31 August 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 31 August 2024 in accordance with section 6.4 of the *Local Government Act 1995*.

9.2.3 REQUEST FOR QUOTE RFQ 06-24 - SUPPLY OF BITUMEN SEALS AND ASPHALT

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	RFQ 06-24
Author:	Patrick Steinbacher, Consultant Works Manager
Responsible Officer:	Noel Myers, Acting Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 September 2024
Attachments:	a) CONFIDENTIAL RFQ 06-24 Evaluation Report - Supply of Bitumen Seals and Asphalt b) CONFIDENTIAL –Evaluation Spreadsheet
Authority/Discretion:	Executive

SUMMARY:

This item addresses the outcome of a request for quote issued via eQuotes for the supply and delivery of bitumen seals and asphalt.

BACKGROUND:

The Shire of Jerramungup is seeking a suitable Contractor(s) for the supply and delivery of bitumen seals and asphalt 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 27 August 2024. The scope of works called for the supply and delivery of various sprayed bitumen for use in bitumen seals and the supply and delivery of asphalt seals.

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

Four (4) Tenders were received by the Deadline of the Request for Quote:

- Fulton Hogan
- Boral Asphalt (Boral submitted their quotes for asphalt in tonnes rather than the requested per square metre rate therefore their submission for asphalt was disregarded.)
- Bitutek Pty Ltd
- Colas Western Australia Pty Limited (Colas, after discussion with the Consultant Works Manager did not submit quotes for the Asphalt component of the RFQ as they felt they would not be competitive at the distance represented by the Shire of Jerramungup.)

The Tender submissions were reviewed by an Evaluation Panel consisting of the Deputy Chief Executive Officer 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 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 details of at least three similar undertaken including a brief summary of the work undertaken, client contact details and project value.</p>	
<p>B. RESPONDENT’S RESOURCES</p> <p>Respondents 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, Respondents 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 “Respondent’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

COMMENT:

The evaluation process revealed that in both the supply and delivery of bitumen and the supply and delivery of asphalt, Bitutek scored the highest. Each of the four Contractors are well known to staff and the industry and their reputation for quality work and the ability to carry out the works as per the specification are very sound.

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

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

The Evaluation Panel recommends that Council accepts the quote submitted by Bitutek Pty Ltd as the most advantageous quote to form a Contract for the supply and delivery of bitumen and asphalt, commencing as soon as practicable and continuing until 30 June 2025. Further, the contract will allow for two one year extensions to the substantive contract period (subject to conditions). Officers recommend that the Chief Executive Officer be granted delegation to negotiate and approve or not approve these extension periods.

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;

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 maximises its life, capacity and function

FINANCIAL IMPLICATIONS:

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

- Roads to Recovery
- Regional Road Group
- Council funds
- Other external funding sources

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Tendering for this supply contract is in accordance with Council's Policy AP3 – Regional Price Preference Policy and Finance Policy 6 – Procurement of Goods and Services.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council by ABSOLUTE MAJORITY:

- 1. Accept the quote submitted by Bitutek Pty Ltd as the most advantageous quote to form a Contract for the Supply and Delivery of bitumen and asphalt seals as part of the 2024/25 Works Program.**
- 2. Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**
- 3. Grant delegation to the Chief Executive Officer to negotiate with the successful contractor the option of entering into the two one year extension periods.**

9.3 DEVELOPMENT SERVICES

9.3.1 GENESTREAMS SCULPTURE PROJECT

Location/Address:	Portion Reserve No.51951 Corner Yandil Street and Seadragon Avenue, Bremer Bay
Name of Applicant:	Shire of Jerramungup
File Reference:	A1606374
Author:	Noel Myers, Acting Chief Executive Officer
Responsible Officer:	Noel Myers, Acting Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 September 2024
Attachments:	a) CONFIDENTIAL – Genestreaming Artwork Commission Agreement b) Architectural Drawing
Authority/Discretion:	Administrative

SUMMARY:

The purpose of this report is for Council to accept the gift of a sculpture and to seek support and approval from Council for the execution of the Genestreaming Artwork Commission Agreement and the specific location for the Genestreams Sculpture.

BACKGROUND:

The “Genestreams of Gondwana Link” is a sculpture trail that has been predominantly funded by a \$573,000 grant to Gondwana Link from Lotterywest plus sponsorship from BlueScope Steel, Vulcan and Hartway Galvanisers, community and local government contributions. The overall project comprises a mix of physical and augmented reality sculptures.

Gondwana Link Ltd is an Albany-based limited liability company established for the public charitable purposes of protecting and restoring the natural environment across south-western Australia.

The Gondwana Link trail is the creative concept of Carol Petterson and artist Ben Beeton. The sculptures bring together traditional indigenous knowledge and western science to tell the story of the ecology of south-western Australia and its evolution over time. Each Genestreams sculpture will be a unique representation of the locality it is to be located in.

The sculpture trail will consist of physical and augmented reality sculptures in four locations - Northcliffe, Denmark, Bremer Bay and Ravensthorpe, augmented reality sculptures in - Kings Park, Capel, Kondinin, and Kellerberrin, and existing physical sculpture at Twin Creeks, north of Porongurup.

Each sculpture comprises multiple artworks brought together in a cross-cultural approach that tells the ‘deep time’ story of why south-western Australia is such a globally significant place – both for the age of its Noongar cultures and its ecological richness.



Photographs (above) showing the physical Genestreams sculpture at Twin Creeks, north of Porongurup.

CONSULTATION:

Shire of Jerramungup Councillors and Executive Staff have recently met with Carol Petterson and representatives to discuss the background and status of this project as well as the possible location for the placement of the Genestreams physical sculpture within the Shire.

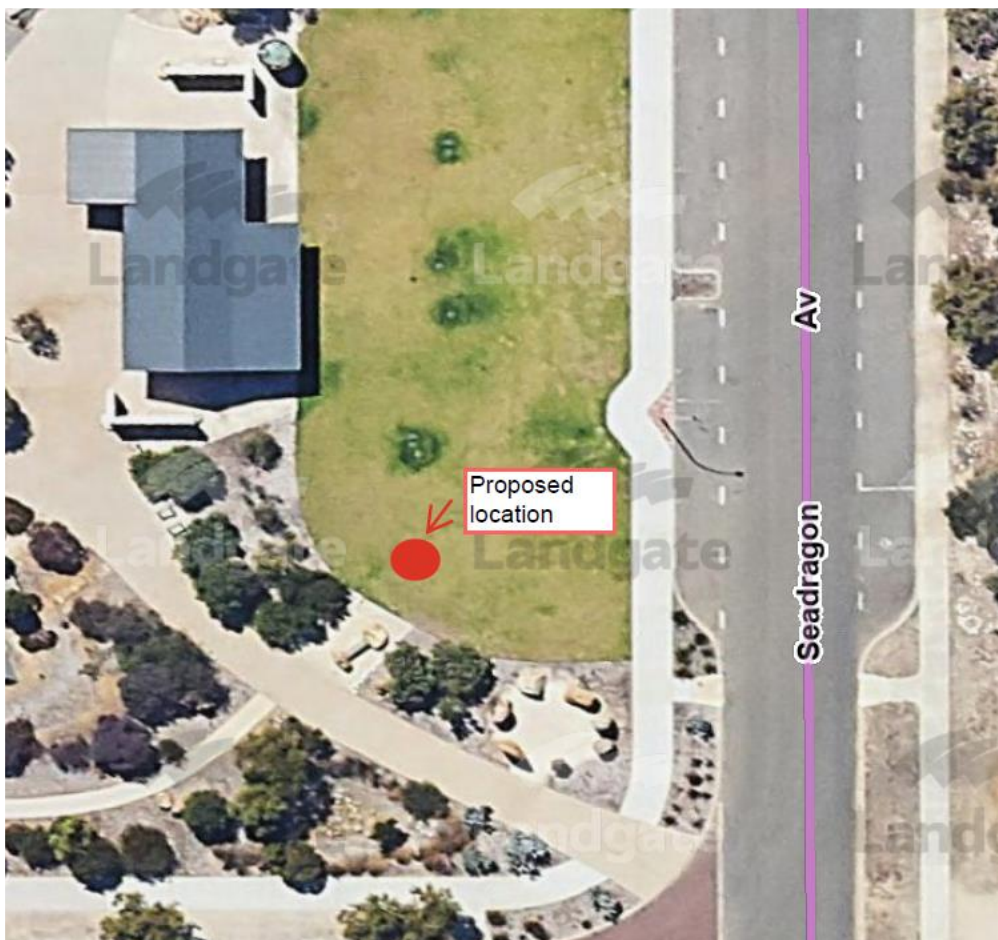
COMMENT:

The Shire of Jerramungup Councillors have previously supported the community's involvement with this project by placing monies in the Shire's 2024/2025 budget for this project. The Council had also made budget allocations in the preceding budget period when the project was first envisaged.

In the recent meeting (OCM March 2024) that Councillors held with the Gondwana Link's co-ordinator for this project, a site within the township of Bremer Bay was considered and recommended for the placement of the Genestreams physical sculpture.

The recommended site for the placement of the Genestreams sculpture is within the lawn area of the Skate Park playground located on Seadragon Avenue, Bremer Bay. The Skate Park is a high quality area of public open space that is the focal point for many community events and is accessible and a place that is regularly used by locals and visitors to the town. The park currently incorporates elements that recognise indigenous culture and the natural assets of the area and the inclusion of the sculpture in this location builds on those thematics.

A location in the North West corner of the lawned area of the park has been chosen to install the sculpture. That location is considered to provide a balanced aesthetic and also one that provides access from the surrounding pathways and does not overly intrude into the useable and functional areas of the park. (Location as indicated in the red circle in the photo below).



(Landgate 2024)

Plans for the installation of this project include earthworks being undertaken in October of this year followed by an 'opening' in November 2024. Further details around that ceremony will be provided closer to the time.

STATUTORY ENVIRONMENT:

Nil.

STRATEGIC IMPLICATIONS:

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

Community

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

Economy

Use the natural beauty and the heritage of the region to promote the Shire as a great place to visit

Environment Built

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

FINANCIAL IMPLICATIONS:

Lotterywest's grant of \$573,000 which went to Gondwana Link Ltd for the whole of the Genestreams Trail project in southern Western Australia included Gondwana Link utilising up to \$100,000 of the grant for costs involving the Bremer Bay sculpture.

Committed in the Shire of Jerramungup's 2024/2025 budget is \$10,000 (ex GST) towards the Genestreaming Artwork Commission Agreement and \$7,000 (ex GST) has been set aside for ground works for costs regarding the sculpture's installation and commissioning event in Bremer Bay.

As the sculpture is being gifted to the Shire, it will be entered into the Shire's asset inventory for insurance purposes and provision will be made within future budgets for its upkeep and maintenance. The Shire's cleaning contract is to be amended to provide for the regular cleaning and maintenance of the structure.

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:

- 1. Accepts the gift of the Genestreams Sculpture from Gondwana Link Ltd; and**
- 2. Delegates to the Chief Executive Officer the authority to execute Genestreams Artwork Commission Agreement with Gondwana link Ltd for the Genestreams physical sculpture and supports the sculpture being installed within the Bremer Bay Skate Park, being a portion of Reserve 51951 (Lot 4) Yandil Street, Bremer Bay.**

9.3.2 APPLICATION FOR PROPERTY TO BE USED AS SHORT-TERM HOLIDAY HOME

Location/Address: 32 Margaret Street, Bremer Bay
Name of Applicant: B & I Baum
File Reference: A1600025
Author: Noel Myers, Acting Chief Executive Officer
Responsible Officer: Noel Myers, Acting Chief Executive Officer
Disclosure of any Interest: Nil
Date of Report: 17/09/2024
Attachments: a) Location Plan – 32 Margaret Street, Bremer Bay
 b) Management Plan – 32 Margaret Street, Bremer Bay
Authority/Discretion: Administrative

SUMMARY:

The purpose of this report is for Council to consider an application for the owner of the subject property to rent out their property on a short-term basis as a Holiday Home.

It is recommended that the application be approved subject to conditions.

BACKGROUND:

- Suburb/Location – The subject property is located on the north western side of the intersection of Margaret and George Streets, Bremer Bay.
- Applicant – The applicants are the owners of the property.
- Zoning DPS – The land is zoned Residential R15/30 under the Shire’s Local Planning Scheme No.2.
- Site Area - The property has an area of 842m².

CONSULTATION:

The application has been advertised to three adjacent property owners in accordance with the requirements of Planning Policy No.20 – Holiday Homes (PP20).

One submission objecting to the proposal was received. Comments raised in the objection to the proposal are summarised in the following table, along with an officer response:

Summary of Submission	Officer Comment
Neighbouring property owner is proposing to sell their property and is of opinion approval would adversely affect sale price	Noted, however, observation regarding the potential impact on property values is subjective and typically financial considerations are not relevant planning considerations if a land use is one which can be considered under the local planning scheme.
Potential for increased noise to residents in neighbouring properties	Noted. It is acknowledged that community concerns can arise about holiday homes and often those concerns relate to the behaviour of guests rather than being associated with the use per se. The short-term Holiday Home use of a property is to be undertaken having regard to the various matters outlined within the Shire’s PP20 which has been adopted to introduce management controls to any properties being used for this purpose.

	<p>To this end the applicant has prepared a Management Plan that is consistent with the template and contains relevant provisions that apply to the behaviour of guests. If a property is, in the opinion of the Council, proving to be a cause of continuing and ongoing nuisance, Council may rescind its approval.</p> <p>Further - Clause 6.2.5 - Renewal and Approval Period. This clause of PP20 sets out the basis on which Council will assess both initial and renewal applications.</p> <p><i>a. All initial planning approvals for holiday homes shall be granted for a one year period unless the local government determines otherwise;</i></p> <p><i>b. In determining an application for renewal, the Shire will consider the nature of any comments made regarding the operation of the activity and any other information available relating to the adverse impact of the activity on the amenity of neighbours and surrounding area. Some allowance will be made for the busy New Years and Easter period in Bremer Bay given the higher than normal tourist numbers in the town in general.</i></p> <p><i>c. Where complaints have been made, issues relating to impact on amenity have been verified or other non-compliance with the planning approval has occurred, approval of the renewal application is unlikely to be granted.</i></p> <p><i>d. Where the Shire is satisfied that the holiday home has been appropriately managed, an approval of the renewal application for a period of up to three years may be granted.</i></p> <p>Note:</p> <p><i>Property Managers are fully responsible for the holiday home and to ensure there is minimal impact on the amenity of neighbouring properties. This provides a degree of certainty to operators, while also enabling the Shire flexibility to terminate approval of non-compliant operators, particularly where valid complaints are received, conditions of approval are not being complied with and/or there are concerns relating to the holiday home operations.</i></p>
<p>Increased traffic to and from the property and potential parking issues arising from a potential 8 guests, and potential for guests to require parking for boats</p>	<p>The property is developed with a substantial four bedroom, two storey residential dwelling that is located on the north western corner of the Margaret and George Street intersection and as such has frontage to both streets. The property has its main entry and driveway orientated to the Margaret Street frontage.</p>

	<p>A double driveway takes access from Margaret Street and has space to accommodate four (4) vehicles within the driveway and carport and wholly within the property boundary. The verge area surrounding the lot has been formalised and stabilised and could also provide additional parking areas should the need ever arise. The need to use those areas would likely only be incidental and would neither obstruct the roadway or pedestrian access as there is no pedestrian path extending across the frontage of the lot. Both roads surrounding the property are fully constructed and sealed roads and are designed to accommodate any traffic flow that would arise from the use of the property for accommodation purposes.</p>
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COMMENT:

Whilst acknowledging the objection to the proposed use from the adjoining neighbour, it is considered that there are sufficient controls able to be implemented to manage any adverse impacts arising from the use. As stated in the preceding sections of this report, the Shire’s Planning Policy requires that property managers enforce management plans and affords the Council to opportunity to review the standing of approvals should the operation be found to be not complying with conditions of approval.

Having regard to the matters set out above, it is recommended that the Council approve the application subject to conditions as set out in the officer recommendation below.

STATUTORY ENVIRONMENT:

- Shire of Jerramungup Local Planning Scheme No.2 in respect to land use permissibility
- Local Planning Policy No.20 – Holiday Homes

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.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Nil.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the Shire of Jerramungup Local Planning Scheme No.2, **APPROVES** the development application for a Holiday Home at No. 32 Margaret Street (Lot:732; D/P:219791), Bremer Bay in accordance with the plans submitted with the application dated 26 August 2024, subject to the following conditions, with the associated determination advice notes:

CONDITIONS

1. The holiday accommodation is to be used for short stay accommodation only, with a maximum stay of three months occupancy per annum by any single tenant;
2. The property manager will provide the code of conduct, the property management plan and the fire and emergency plan (including the fire evacuation route) in readily visible locations including the kitchen or living area of the home;
3. The holiday accommodation/home is to be operated in a manner consistent with the details of the approved property management plan at all times;
4. This planning approval is granted for a period expiring 12 months from the date of Council's approval after which time reapplication is required;
5. The Council may revoke its approval to operate the property as a Holiday Home should it (in its opinion) determine that the conditions of approval are not being complied with.

DETERMINATION ADVICE NOTE.

- i) In determining an application for renewal, the Shire will consider the nature of any comments made regarding the operation of the activity and any other information available relating to the adverse impact of the activity on the amenity of neighbours and surrounding area.

Note 1:

If an applicant is aggrieved by this determination there is a right of review under Part 14 of the Planning and Development Act 2005. Application for a review must be lodged with the State Administrative Tribunal within 28 days. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN AUGUST/SEPTEMBER 2024

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Glenda Gray, Executive Assistant
Responsible Officer:	Noel Myers, Acting Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 September 2024
Attachments:	a) August/September 2024 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for August/September 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 August 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 August/September 2024.

10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

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, 23 October 2024, 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

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Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: