



SHIRE OF JERRAMUNGUP

NOTICE OF COUNCIL MEETING

To the President and Councillors,

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

Wednesday, 27 November 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.

Martin Cuthbert
CHIEF EXECUTIVE OFFICER
22 November 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 18 December 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 27 November 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 23 OCTOBER 2024**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 23 October 2024 be CONFIRMED.

7.2 SPECIAL COUNCIL MEETING HELD 12 NOVEMBER 2024

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

7.3 AUDIT COMMITTEE MEETING HELD 12 NOVEMBER 2024

Attachment 7.3 a) Minutes

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.

7.4 BUSH FIRE ADVISORY COMMITTEE MEETING HELD 14 OCTOBER 2024

Attachment 7.4 a) Minutes

That Council RECEIVE the Minutes of the Bush Fire Advisory Committee Meeting held on 14 October 2024.

7.5 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 14 OCTOBER 2024

Attachment 7.5 a) Minutes

That Council RECEIVE the Minutes of the Local Emergency Management Committee Meeting held on 14 October 2024.

7.6 BREMER BAY COMMUNITY DEVELOPMENT COMMITTEE MEETING HELD 13 NOVEMBER 2024

Attachment 7.6 a) Minutes

That Council RECEIVE the Minutes of the Bremer Bay Community Development Committee Meeting held on 13 November 2024.

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

8.1 REVIEW OF TERMS OF REFERENCE – BREMER BAY COMMUNITY DEVELOPMENT COMMITTEE

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 November 2024
Attachments:	a) BBCDC Terms of Reference – Draft
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to review the amended Terms of Reference for the Bremer Bay Community Development Committee.

BACKGROUND:

On 23 October 2024 correspondence was received from the Bremer Bay Progress Association (BBPA) advising that they had voted to join the Bremer Bay Community Development Committee (BBCDC) and providing their nominated representatives.

In order for the BBPA to officially become members, the following steps were required to be carried out:

1. The BBCDC was to consider the letter from the BBPA;
2. The Terms of Reference were to be updated as a draft to include membership of the BBPA;
3. A report to be prepared for Council consideration to accept the membership of the BBPA and the draft Terms of Reference.

Steps 1. and 2. have now been completed. Please see the Draft Terms of Reference attached (updates are highlighted in yellow).

The updated Terms of Reference now need to be endorsed by Council.

CONSULTATION:

Bremer Bay Community Development Committee.

COMMENT:

At the meeting of the Bremer Bay Community Development Committee held on 13 November 2024, the correspondence from the BBCDC and draft updated Terms of Reference were considered. The Committee resolved as follows:

Moved: Raegan Zacher **Seconded: Leonie McMahon**

That the BBCDC endorse the request from the BBPA to join the BBCDC.

CARRIED

Moved: Jen Harland **Seconded: Cr Raegan Zacher**

That the BBCDC recommend to Council that the draft Terms of Reference be accepted to include membership of the Bremer Bay Progress Association.

CARRIED

Moved: Raegan Zacher Seconded: Leonie McMahon

That the BBCDC recommend to Council that the following representatives of the BBPA be appointed as delegates on the BBCDC;

Member 1 – Jody Scott

Member 2 – Gail Hiilinen

Proxy 1 – Katrina Wellstead

CARRIED

STATUTORY ENVIRONMENT:

Local Government Act 1995

Subdivision 2 – Committees and their meetings

5.8. Establishment of committees

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

** Absolute majority required.*

5.9. Committees, types of

(1) *In this section –*

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

(2) *A committee is to comprise –*

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

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

There are 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 ADOPT the Terms of Reference for the Bremer Bay Community Development Committee as amended and attached to this report.

9.0 REPORTS**9.1 TECHNICAL SERVICES****9.1.1 WORKS REPORT FOR OCTOBER/NOVEMBER 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:	18 November 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 is progressing with gravel resheeting and drainage works on Meechi Road from SLK 0.24 to SLK 5.24.

Drainage works have been completed and the gravel resheet has begun in preparation for the first seal scheduled for 24 February 2025. All going well, the work should be finished around the second week of December.

Road Maintenance

The road maintenance grader has been out on Marnigarup South Road, Cowalellup Road, Corackerup Road and Ocumup Road. The pruning saw is now working on Marnigarup South Road and Roberts Road.

Town Services**Bremer Bay**

Town Services staff have completed the following:

- Repairs to coastal reserves infrastructure
- Maintenance of gardens around town
- Repaired steps down to flat rock
- Repaired vandalism around town
- Continued weed control within town site
- Replaced broken street signage
- Pruning and widening walk trails along estuary
- Closed off 'goat tracks' leading to existing walk trails
- Cleared vegetation to improve sight line issues at Paperbarks
- Started hand spraying dolichos pea within native vegetation along the Estuary
- Started watering Bremer Bay Cemetery
- Re-mulched gardens in front of the Brewery and CRC grounds

Jerramungup

Town Services staff have completed the following:

- Removed old information signage around the Fitzgerald Biosphere Garden and installed new signage.
- Vacuumed fake turf and softfall within Roe Park
- Repaired sprinkler system at the Cemetery
- Re-mulched entry statements
- Pruned gardens around the townsite
- Revamped garden around the Jerramungup CRC
- Continued spraying throughout the townsite

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 October/November 2024.

9.2 CORPORATE SERVICES

9.2.1 ACCOUNTS FOR PAYMENT – OCTOBER 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:	18 November 2024
Attachments:	<ul style="list-style-type: none"> a) List of Accounts Paid to 31 October 2024 b) Credit Card Statement 21 September 2024 – 29 October 2024 c) Fuel Card Statement – September 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 October 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 October 2024. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28181	
EFT Payments	22531 - 22663	\$558,696.33
Direct Deposits		\$65,433.22
Municipal Account Total		\$624,129.55
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$624,129.55

Included within the EFT payments from the Shire’s Municipal Account are Fuel Card Statement required to be reported under Regulation 13(A), totalling \$4,005.73.

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 October 2024 totalling \$624,129.55.**
- b) The Credit Card Statement – 21 September 2024 – 29 October 2024 as detailed in Attachment 9.2.1 (b).**
- c) The Fuel Card Statement September 2024 as detailed in Attachment 9.2.1 (c).**

9.2.2 MONTHLY FINANCIAL REPORT – OCTOBER 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:	18 November 2024
Attachments:	a) Monthly Financial Report for the period ending 31 October 2024
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 October 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 October 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 October 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 October 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 October 2024 in accordance with section 6.4 of the *Local Government Act 1995*.

9.2.3 DELIVERY OF WASTE SERVICES

Location/Address:	Shire of Jerramungup
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:	20 November 2024
Attachments:	a) Confidential – Evaluation Report
Authority/Discretion:	Legislative

SUMMARY:

To formally reject tenders for the Provision of Waste Services and to seek formal quotations from select suppliers under the provisions of section 11 (2) (c) of the *Local Government (Functions and General) Regulations 1996*.

BACKGROUND:

The Shire engaged UTL Utilities Pty Ltd to assist in the preparation of the Request for Tender (RFT) Documentation. Key information required to inform the documentation included:

Waste Collection

1. Rates database
2. Service day maps
3. Collection area maps
4. List of commercial services including history of additional services
5. List of public place services
6. Tonnage of material moved/transported if available

Bulk Haulage

1. Bin sizes
2. Historical service frequency
3. Confirm locations for deposit
4. Historical tonnes and loads

Council then sought Tenders for the Delivery of Waste Services under the requirements of section 11 (1) of the *Local Government (Functions and General) Regulations 1996*.

Prospective Respondents were invited to submit Tenders for the supply of:

- (i) The Collection Services;
- (ii) The Bulk Haulage Services; or
- (iii) Any combination of the Waste Services,

in accordance with the terms of this Request for Tender.

Whilst a formal regional tender process was not adopted, four Local Governments with similar requirements advertised tenders at the same time, including the:

- City of Albany;
- Shire of Denmark;
- Shire of Jerramungup; and
- Shire of Plantagenet.

The Shire of Jerramungup RFT was advertised in the West Australian on 8 July 2024 and was emailed to the following suppliers on request:

- Talis Consultants
- Cleanaway (Victoria)
- Cleanaway (Malaga)
- Veolia
- Soft Landing
- Solo
- Andromena, trading as Vancouver Waste Services Waste Services
- Solutions Management Services

One response was received by the Deadline of the RFT for Bulk Waste Services only. A second response was received after the deadline. The response received after the closing date is non-conforming as it has failed to meet the requirements in Clause 6.4(a) of the RFT documentation.

The Tender submissions were reviewed by an Evaluation Panel consisting of:

Name	Position	Role
Troy Uren	UTL Utilities Pty Ltd	Evaluator
Charmaine Solomon	Deputy Chief Executive Officer	Evaluator

CONSULTATION:

The Shire engaged Corrs Chambers Westgarth to perform a legal review of the RFT and Bulk Haulage Service Specification prior to advertising.

Officers have generally sought advice with WALGA and other Local Governments involved in the general procurement process.

COMMENT:

The Request for Tender structured the services into two key Separable Portions, being:

- Separable Portion A (SPA) – Waste Collection Services; and
- Separable Portion E (SPE) – Bulk Haulage Services (noting that other Separable Portions B, C and D relate to other Local Governments not specific to Jerramungup).

Separable Portion A

One Tender was received for SPA, however this Tender was received later than the required time and must be rejected under the provisions of section 18 (1) of the *Local Government (Functions and General) Regulations 1996*.

Separable Portion E

Two Tenders were received for SPE.

One submission was received later than the required time and must be rejected under the provisions of section 18 (1) of the *Local Government (Functions and General) Regulations 1996*.

A further Tender was received from another supplier, however this Tender did not meet the requirements specified in the Request for Tender and is recommended to be rejected under the provisions of section 18 (2) of the *Local Government (Functions and General) Regulations 1996*.

The submission did not provide any financial or other information to the credit reporting agency to allow the completion of a contractor report considering the financial capacity of the Respondent. In addition to this major non-conformance, and amongst other deficiencies, this Tender did not contain:

- all required pricing information;
- the provision of Bulk Waste Containers;
- key details with regard to proposed fleet; and
- the provision of the relevant Benchmark Rates.

As a result, it is recommended that Council does not accept any Tender under the provisions of section 18 (5) of the *Local Government (Functions and General) Regulations 1996*.

STATUTORY ENVIRONMENT:***Local Government (Functions and General) Regulations 1996*****18. *Rejecting and accepting tenders***

- (1) *A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.*
- (2) *A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.*
- (3) *If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.*
- (4) *Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.*
- (4a) *To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.*
- (5) *The local government may decline to accept any tender.*
- (6) *If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.*

- (7) *If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.*

The Officer recommendation is proposing that the Shire seek formal quotations for the services generally in accordance with the tender documents from select suppliers under the provisions of section 11 (2) (c) of the Local Government (Functions and General) Regulations 1996.

LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 – REG 11

11. When tenders have to be publicly invited

(1A) *In this regulation —*

state of emergency declaration *has the meaning given in the Emergency Management Act 2005 section 3.*

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*
- (a) *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; or*
- (aa) *the supply of the goods or services is associated with a state of emergency; or*
- (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or*
- [(ba) deleted]*
- (c) *within the last 6 months —*
- (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or*
- (ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer.*

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL IMPLICATIONS:

Waste collection and waste transfer facilities are core services delivered by Council. The current contract has expired and must be re-tendered. As the process commenced in the 2023/24 financial year the 2024/25 budget identified expenditure towards consultancy and legal services.

It is believed the recommended approach will maintain competitive tension and will allow for the receipt of prices to allow Council to consider the future provision of the services and value for money.

WORKFORCE IMPLICATIONS:

Resources will be required in order to assist with the tender process. Tender documents have been prepared but will require minor amendments as they were designed to suit the potential regional delivery approach.

POLICY IMPLICATIONS:

Council's Policy FP6 – Procurement of Goods and Services.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That COUNCIL:

- **Does not accept any Tender under the provisions of section 18 (5) of the *Local Government (Functions and General) Regulations 1996*; and**
- **Seek formal quotations for the services generally in accordance with the Tender Documents from select suppliers under the provisions of section 11 (2) (c) of the *Local Government (Functions and General) Regulations 1996*.**

9.3 DEVELOPMENT SERVICES

9.3.1 SOUTH WEST NATIVE TITLE SETTLEMENT – LAND BASED CONSULTATION – LAND LISTS 1760 AND 1761

Location/Address:	Various Locations within the Jerramungup Townsite
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:	18 November 2024
Attachments:	a) South West Settlement – Table 1 – Land Lists 1760 and 1761 b) Location Plans – Land List 1760 c) Location Plans – Land List 1761
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 eleventh 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 1760 and 1761.

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 seven 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

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 nineteen (19) lots located within the Jerramungup townsite.

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 1760 and 1761 to the Noongar Boodja Trust as its formal response to the Department of Planning, Lands and Heritage (DPLH).

9.3.2 PROPOSED BIRD HIDE – WELLSTEAD ESTUARY, BREMER BAY

Location/Address:	Portion Reserve No.21646 – Wellstead Estuary, Bremer Bay
Name of Applicant:	Fitzgerald Biosphere Group
File Reference:	CU.PR.2 – A1604451
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	18 November 2024
Attachments:	<ul style="list-style-type: none"> a) Location Plan – Proposed Wellstead Estuary Bird Hide b) FBG Letter Seeking Design Approval for Wellstead Estuary Bird Hide c) Desktop Review of Proposed Bird Hide Site by Shore Coastal d) Wellstead Estuary Bird Hide Design 2024 e) Wellstead Estuary Bird Hide Design Screen 2024 f) Site Classification Report by Structerre Consulting 2024
Authority/Discretion:	Administrative

SUMMARY:

The Fitzgerald Biosphere Group (FBG) seeks Development Approval for the construction of a Bird Hide on a portion of the Wellstead Estuary.

This report recommends that Council approves the application.

BACKGROUND:

- The proposal by the FBG to construct a Bird Hide and associated Access Path on a portion of the Wellstead Estuary has come before Council on three prior occasions, in 2009, 2010 and 2021.
- The matter was first considered at the Ordinary Meeting of Council held **18 August 2009**. The decision of the Council at that meeting was to **Refuse** the application. Whilst records indicate the Council was supportive of the concept, it was considered that the *proposed design was excessive from a size and form perspective and that ongoing operational costs such as maintenance and insurance would be significant over the life of the structure.*
- Following Council's refusal of the application, the FBG undertook to modify and simplify the design of the Bird Hide and a new application was submitted.
- Council considered the new application at the Ordinary Meeting of Council held **16 March 2010**. The decision of the Council at that meeting was to **Refuse** the application. The reason given for the refusal at that time was that *Council was concerned with the present amount of coastal infrastructure within the Bremer Bay coastal reserves and Council was not prepared to commit further resources at that time.*
- The access path leading to and past the proposed location of the Bird Hide has since been constructed as part of other subdivisions, and the Wellstead Estuary walking trail has also been further developed.
- The FBG presented the Bird Hide proposal to the Bremer Bay Community Development Committee, held 3 February 2021. The presentation identified that the FBG, in consultation with community members, was developing a project focused on shorebird protection and awareness in Bremer Bay and that it was proposed to submit an application to the Building Better Regions Fund – Infrastructure Grant Round 5 (BBRF) for the construction of the Bird Hide.
- It is well accepted that Wellstead Estuary is an important habitat for feeding, breeding and loafing for large numbers of waterbirds including several threatened species such as Hooded Plovers. Monitoring has also demonstrated that one of the largest threats to successful breeding on the estuary is human disturbance.

- The aspirations of the project and long term benefits are seen as affording a greater community and visitor understanding of the values of the estuary and the role people can play in protecting it. Promotion of the area's values was seen to be consistent with the Council's strategic visions from all of the environmental, economic and social perspectives.
- The matter was reconsidered by Council at the Ordinary Meeting of Council held 24 March 2021. The decision of the Council at that meeting was:

MOTION: OCM210309

MOVED: Cr Leenhouwers

SECONDED: Cr Bailey

That COUNCIL:

- 1. Advises the Fitzgerald Biosphere Group that it provides its in-principle support towards the Wellstead Estuary Bird Hide project;**
- 2. Advises the Fitzgerald Biosphere Group that in providing its in-principal support does not bind the Council to the project should issues arise in the opinion of the Council prove to be fatal flaws from an environmental, engineering and financial perspective.**

CARRIED: 6/0

- July 2023: A desk-top engineering review of the Bird Hide site was conducted by Shore Coastal (report attached). Conclusion: *"In general the site is considered a suitable location for the proposed design of the bird hide subject to testing of the underlying sediments, detailed design and approvals"*.
- July 2024: Council provided a Budget Allocation of \$15,000 towards the planning and development of the Bird Hide within the 2024/2025 Budget.
- September 2024: A site classification assessment was completed by Structerre Consulting (report attached). Conclusion: *no significant obstacles encountered*. (Funded by private donation and a significant discount from Structerre in return for acknowledgement of in-kind contribution).
- October 2024: A revised design was drawn up by Architect Ian Weir which in part addresses previous concerns about the potential for anti-social behavior to occur within the area and also rationalizes and improves on internal spaces within the Bird Hide.

CONSULTATION:

Preliminary investigations have been undertaken with the Department of Transport's Coastal Infrastructure Branch in respect to licensing of structures over navigable waters. Initial indication is that the structure may be able to be included onto the Shire's existing Jetty Licence. This matter is to be confirmed.

No broader community consultation has yet been undertaken. It is proposed that should Council be satisfied with the general intent of the design and location as presented, the proposal would be put out for public comment and on the basis there were no sustainable objections or matters raised from that process, delegated authority would be granted to the Chief Executive Officer to issue Development Approval.

In the event there were matters arising from the consultation that could not be reasonably be determined or resolved, the matter would be referred back to the next available Council Meeting.

COMMENT:

The proposal is considered to be consistent with a number of the Council's key strategic planning documents including the Strategic Community Plan, Wellstead Estuary Plan, and the Shire's Coastal Management Plan, the Local Planning Strategy and Trails Management Plan. The proposal also accords with other strategic planning documents developed for the region and in particular is consistent with the Fitzgerald Biosphere Action Plan and is a practical example of implementing actions that manage the natural environment and how people interact with it.

It is acknowledged that previous decisions of Council have reflected concerns about social and financial implications that may arise from the installation of the Bird Hide in the proposed location. Whilst the issues surrounding antisocial behaviours arising post installation cannot be ruled out entirely, the latest plan has included specific design elements to assist in redressing some of those concerns.

Similarly, the previous concerns raised by Council regarding future maintenance liabilities are valid, however, if the structure is designed and constructed to a standard and of robust materials that are to the satisfaction of the Shire, the ongoing maintenance is a matter that should be able to be satisfactorily managed through the annual budgetary process. This is an issue that can be fully addressed in any future building plans that are developed for the installation of the structure.

Having regard to the matters outlined above, it is considered that there is merit in supporting the FBG in progressing the development of the Bird Hide by approving the Development Application. Affording the FBG such support provides them with the ability to progress with funding applications to complete the detailed design of the structure, cost of the proposal and then apply for additional grant funding to construct.

It is noted that the granting of Development Approval does not bind nor commit the Council to any further financial commitment beyond that already provided for in the current 2024/2025 budget. Ultimately, the completion of the project is dependent upon securing external funding and any departure to that arrangement would need to be the subject of further consideration by Council.

STATUTORY ENVIRONMENT:

The proposed structure would ultimately link from the adjacent access path located on the foreshore of the estuary and extend out over the water body of the estuary. The structure would potentially straddle over two different land tenures, one being an undeveloped Road Reserve and the other a Crown Reserve.

The Road Reserve appears to be an historical anomaly insofar that it is a stranded lot that lies between a Foreshore Reserve and the water body of the estuary. The Road Reserve by virtue of its location is not required for future access requirements, which is reflected by its designation as 'Recreation' under the Shire's reserve system set out under LPS No.2.

The Wellstead Estuary itself is not zoned or reserved under the Shire of Jerramungup Local Planning Scheme No.2, however, there is a Management Order in favour of the Shire over the water body and is held on Reserve No. 21646 which has a 'Recreation' purpose.

As such, the development of a Bird Hide in the proposed location can reasonably be considered as being consistent with the Scheme Objectives for the area and with the reserve purpose.

Previous considerations of the Bird Hide had identified that a Jetty licence would ultimately be required to be obtained for the structure from the Department of Transport.

STRATEGIC IMPLICATIONS:

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

Community

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

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

Economy

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

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

Environment Natural

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

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

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

FINANCIAL/BUDGET IMPLCATIONS:

The Shire has made an existing provision of \$15,000 within the 2024/2025 budget to assist with the planning and design of the structure.

Future provisions would be included with in the building maintenance budget once the structure was completed.

WORKFORCE IMPLICATIONS:

Nil in respect to approval of this application.

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. Approves the revised plans dated 22 October 2024 for the Wellstead Estuary Bird Hide project subject to the satisfactory conclusion of a 21-day Community Consultation process;**
- 2. Delegates authority to the Chief Executive Officer to issue Development Approval post the conclusion of the Community Consultation process on the basis there are no sustainable objections or matters raised from that process that cannot be reasonably resolved without material modifications to the plans considered by Council. In the event there were matters arising from the consultation that could not be reasonably be determined or resolved, the matter is to be referred back to the next available Council Meeting for determination;**
- 3. Advises the proponent that final detailed engineering plans are to be submitted for approval and be to the satisfaction of the Shire prior to the commencement of construction; and**
- 4. Advises the proponent that in approving the Revised Plans as per Condition 1. Above, this does not bind the Council to the project should issues arise which in the opinion of the Council prove to be fatal flaws from an environmental, engineering and financial perspective.**

Determination Advice Note:

This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the proponent to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN OCTOBER/NOVEMBER 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:	18 November 2024
Attachments:	a) October/November 2024 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for October/November 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 October 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 October/November 2024.

9.4.2 INFORMATION STATEMENT REVIEW 2024/2025

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
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:	16 November 2024
Attachments:	a) 2024/2025 Information Statement
Authority/Discretion:	Administrative

SUMMARY:

The purpose of this report is for Council to review, prior to the publishing of, the Shire of Jerramungup Information Statement as required under the *Freedom of Information Act 1992*.

BACKGROUND:

Section 96(1) of the *Freedom of Information Act 1992* requires each government agency, including local governments, to prepare and publish annually an Information Statement.

The Information Statement must set out:

- The Agency's Mission Statement;
- Details of legislation administered;
- Details of the agency structure;
- Details of decision-making functions;
- Opportunities for public participation in the formulation of policy and performance of agency functions;
- Documents held by the agency; and
- The operation of Freedom of Information (FOI) in the agency.

CONSULTATION:

Internal – Relevant Shire staff have been consulted.

COMMENT:

The Shire of Jerramungup's Information Statement is attached to this agenda. The document complies with the requirements of the *Freedom of Information Act 1992*, as outlined above. The Council last reviewed its Information Statement in the 2023/2024 financial year (Minute No. OCM231115 refers).

A copy of the Information Statement will be forwarded to the Commissioner. The Shire is required to submit a statistical return annually, reporting any access applications and allowing the Office of the Information Commissioner to be appraised of where the Shire stands in relation to its obligations under sections 94 through to 97 of the *Freedom of Information Act 1992*.

The following minor changes were made to the Information Statement:

- Updated to reflect the 2024/2025 financial year.
- Addition of the Shire's Manager of Works, Patrick Steinbacher (Consulting) to page 7.
- Ordinary Council Meeting commencement time amended to 1.00pm on page 8.

STATUTORY ENVIRONMENT:

Freedom of Information Act 1992

Section 96. Information statement, each agency to publish annually

(1) An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act –

(a) within 12 months after the commencement of this Act; and

(b) at subsequent intervals of not more than 12 months.

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 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 ADOPT the Shire of Jerramungup 2024/2025 Information Statement as presented and attached to this agenda and publish in accordance with the *Freedom of Information Act 1992*.

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, 18 December 2024, commencing at 1.00pm, in Bremer Bay.

14.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atam

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