



SHIRE OF JERRAMUNGUP

NOTICE OF COUNCIL MEETING

To the President and Councillors,

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

Wednesday, 28 August 2024
At the Town Hall,
Bremer Bay
Commencing at 10:00am

Council Meeting Procedures

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

Noel Myers
ACTING CHIEF EXECUTIVE OFFICER
23 August 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:

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

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

APPLICATION FOR LEAVE OF ABSENCE

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

Shire of Jerramungup

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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

Cr Neil Foreman

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 28 August 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 28 August 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 24 JULY 2024**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 24 July 2024 be CONFIRMED.

7.2 BREMER BAY COMMUNITY DEVELOPMENT COMMITTEE MEETING HELD 7 AUGUST 2024

Attachment 7.2 a)

That Council RECEIVE the Minutes of the Bremer Bay Community Development Committee Meeting held on 7 August 2024.

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

9.0 REPORTS

9.1 TECHNICAL SERVICES

9.1.1 WORKS REPORT FOR JULY/AUGUST 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:	21 August 2024
Attachments:	Nil
Authority/Discretion:	Information

SUMMARY:

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

BACKGROUND:

Road Construction

The road construction crew have commenced the 2024/25 Roads Program. Rabbit Proof Fence Road from SLK3.36 – SLK 7.00 was started on 24 July and completed on Wednesday 14 August.

The construction crew is now heading to Cuiss Road to start forming up and gravel sheeting a 4.15km section in preparation for sealing in February.

Road Maintenance

The road maintenance grader has been on Cardininnup Road, Carney Road and Norman Road.

The maintenance crew have also been on Boxwood–Borden Road undertaking shoulder grading work to remove vegetation and improve clearance and driver sight lines.

Town Services

Bremer Bay

Town Services staff have completed the following works:

- Pruning of walk trails
- Ground works in preparation for community garden at Bremer CRC
- Fixing of playground equipment at Skate Park
- Finalised footpath maintenance works around town
- Ongoing weed control within town site
- Fixing of playground equipment at Paperbarks Park
- Reinstated bollards along coastal reserves
- Performed maintenance works on directional signage

Jerramungup

Town Services staff have completed the following:

- Removal of termite infested poles and replaced with new poles for Roe Park sign
- Removal of damaged poles and replaced with new poles for Lions Park sign
- Removed signs damaged by fire and replaced with new signs along South Coast Highway
- Removal of old garden at Jerramungup CRC
- Pruning trees around Jerramungup CRC
- Mowing of old oval/dog exercise oval

- Pruning of trees heading down to Sports Center
- Ongoing mowing of parklands
- Pruning and removal of dead trees within Biosphere grounds
- Hand spraying throughout the town site

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 July/August 2024.

9.2 CORPORATE SERVICES

9.2.1 ACCOUNTS FOR PAYMENT – JULY 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: 7 August 2024
Attachments: a) List of Accounts Paid to 31 July 2024
 b) Credit Card Statement 30 May 2024 – 01 July 2024
 c) Credit Card Statement 01 July 2024 – 30 July 2024
 d) Fuel Card Statement – June 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 July 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 July 2024. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28181	
EFT Payments	22212 – 22321	\$563,973.40
Direct Deposits		\$84,511.83
Municipal Account Total		\$648,485.23
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$648,485.23

Included within the EFT payments from the Shire’s Municipal Account are Fuel Card Statement required to be reported under Regulation 13(A), totalling \$3,899.00.

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 July 2024 totalling \$648,485.23.**
- b) The Credit Card Statement - 30 May 2024 – 01 July 2024 as detailed in Attachment 9.2.1 (b).**
- c) The Credit Card Statement - 01 July 2024 – 30 July 2024 as detailed in Attachment 9.2.1 (c).**
- d) The Fuel Card Statement June 2024 as detailed in Attachment 9.2.1(d).**

9.2.2 MONTHLY FINANCIAL REPORT – JULY 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:	19 August 2024
Attachments:	a) Monthly Financial Report for the period ending 31 July 2024
Authority/Discretion:	Information

SUMMARY:

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

9.2.3 ALTERATION TO COUNCIL MEETING DATES SEPTEMBER TO DECEMBER 2024 AND SETTING COUNCIL MEETING DATES 2025

Location/Address:	N/A
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Noel Myers, Acting Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 August 2024
Attachments:	Nil
Authority/Discretion:	Administrative

SUMMARY:

For Council to:

1. Amend the commencement time set for Ordinary Meetings of Council to be held in September, October, November and December 2024; and
2. Set the dates for the Ordinary Meetings of Council to be held in 2025.

The *Local Government (Administration) Regulations 1996* requires a local government to give local public notice of the dates, times and place at which the Ordinary Meetings of Council are to be held for the next 12 months.

BACKGROUND:

At the Ordinary Meeting of Council held on 16 October 2023, Council determined its meeting dates up to and including 18 December 2024. The four meetings remaining in 2024 are scheduled as follows:

DAY	DATE	TIME	VENUE
Wednesday	25 September 2024	10.00am	Council Chamber, Jerramungup
Wednesday	23 October 2024	10.00am	Council Chamber, Jerramungup
Wednesday	27 November 2024	8.30am	Council Chamber, Jerramungup
Wednesday	18 December 2024	8.30am	Bremer Bay Hall, Bremer Bay

Following the June 2024 Ordinary Meeting of Council, Council and Executive staff noted that the 10.00am and 8.30am commencement times are proving to be inefficient, therefore this item recommends a change to the commencement times of the abovementioned four meetings remaining in 2024.

In addition, Council will need to determine its meeting dates for the next 12 months in accordance with the *Local Government (Administration) Regulations 1996*. During 2023 and 2024 eight meetings were scheduled to be held in Jerramungup and three in Bremer Bay (April, August and December).

Consideration of the future year's meeting dates usually occurs annually in October however this has been brought forward due to efficiencies with presenting one report.

CONSULTATION:

The management team has agreed that commencing meetings at 1.00pm will be more efficient.

In addition, the management team has agreed on the proposed dates for 2025, taking public holidays and other events into consideration.

Once dates and times are approved by Council they will be advertised throughout the Shire in accordance with legislation.

COMMENT:

Below are the significant annual events that need to be taken into consideration when adopting Council Meeting dates.

Easter is Friday 18 April 2025 – Monday 21 April 2025;

Anzac Day is Friday 25 April 2025;

Christmas Day is Thursday 25 December 2025.

The following is a list of public holidays for Western Australia in 2025:

WESTERN AUSTRALIA PUBLIC HOLIDAYS 2025

Holiday	Date	Day	Holiday Type	Area
New Year's Day	1 January	Wednesday	Public	WA Wide
Australia Day	27 January	Monday	Public	WA Wide
Labour Day	3 March	Monday	Public	WA Wide
Good Friday	18 April	Friday	Public	WA Wide
Easter Sunday	20 April	Sunday	Public	WA Wide
Easter Monday	21 April	Monday	Public	WA Wide
ANZAC Day	25 April	Friday	Public	WA Wide
Western Australia Day	2 June	Monday	Public	WA Wide
King's Birthday *	29 September	Monday	Public	WA Most Areas
Christmas Day	25 December	Thursday	Public	WA Wide
Boxing Day	26 December	Friday	Public	WA Wide

* Alternate dates for the King's Birthday Public Holiday are proclaimed in the following areas:

Town of Port Hedland, City of Karratha, Shire of East Pilbara (Marble Bar, Nullagine and Newman).

Councils meetings are held on the fourth Wednesday of each month. In April 2025 it is proposed that the Council meeting will be held on the fifth Wednesday due to the number of Public Holidays in the month. In July 2025 it is proposed that the Council meeting would be held on the fifth Wednesday to allow Executive Staff additional time to finalise the Annual Budget.

STATUTORY ENVIRONMENT:***Division 2 — Council meetings, committees and their meetings and electors' meetings******Subdivision 1 — Council meetings******5.3. Ordinary and special council meetings***

- (1) *A council is to hold ordinary meetings and may hold special meetings.*
- (2) *Ordinary meetings are to be held not more than 3 months apart.*
- (3) *If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

(a) *if called for by either —*

- (i) *the mayor or president; or*
- (ii) *at least 1/3 of the councillors,*

in a notice to the CEO setting out the date and purpose of the proposed meeting; or

(b) *if so decided by the council.*

5.5. Convening council meetings

- (1) *The CEO is to convene an ordinary meeting by giving each council member at least 72 hours’ notice of the date, time and place of the meeting and an agenda for the meeting.*
- (2) *The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.*

Local Government (Administration) Regulations 1996–Regulation 12

12. Meetings, public notice of (Act S 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
 - (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

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

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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 1:

That COUNCIL, with respect to the 2024 Ordinary Meeting of Council Schedule:

- 1. **APPROVE** the following Ordinary Meeting of Council dates, times and venues for September to December 2024, rescinding those approved on 25 October 2023 (OCM231009 refers):

DAY	DATE	TIME	VENUE
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

2. **REQUEST that the Chief Executive Officer or his authorised officer advertise the approved dates by Public Notice and on the Shire of Jerramungup website and social media sites.**

OFFICER RECOMMENDATION 2:

That COUNCIL, with respect to the 2025 Ordinary Meeting of Council Schedule:

1. **APPROVE the following Ordinary Meeting of Council dates, times and venues for the year ahead:**

DAY	DATE	TIME	VENUE
Wednesday	26 February 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	26 March 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	30 April 2025	1.00pm	Bremer Bay Hall, Bremer Bay
Wednesday	28 May 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	25 June 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	30 July 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	27 August 2025	1.00pm	Bremer Bay Hall, Bremer Bay
Wednesday	24 September 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	22 October 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	26 November 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	17 December 2025	1.00pm	Bremer Bay Hall, Bremer Bay

2. **REQUEST that the Chief Executive Officer or his authorised officer advertise the approved dates by Public Notice and on the Shire of Jerramungup website and social media sites.**

9.2.4 REQUEST FOR TENDER 05-24 – SUPPLY AND DELIVERY OF ONE SIX WHEEL TIP TRUCK AND TRADE OF EXISTING VEHICLE

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	PE.AC.1
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Noel Myers, Acting Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	21 August 2024
Attachments:	a) Request for Tender 05-24 b) CONFIDENTIAL –Tender submissions received (x2)
Authority/Discretion:	Executive

SUMMARY:

This item addresses the outcome of a request for tender issued for the purchase of one new six wheel tip truck and/or outright purchase Council's existing 2017 UD tip truck as identified in the 24/25 annual budget.

BACKGROUND:

Council's 2024/25 annual budget includes an allocation to purchase one new six wheel tip truck and to dispose of Council's 2017 UD tip truck as per Council's plant replacement program.

A specification was prepared and the tender was advertised in the West Australian on Saturday, 3 August 2024.

A total of two (2) responses were received by the closing date, one for the supply of one new tip truck and/or one for the outright purchase of Council's existing truck.

CONSULTATION:

Consultation has occurred between the Shire's Executive team and the Works Department.

COMMENT:

The request for tender closed at 12:00pm on Tuesday 21 August 2024 with one submission received for the supply of one new tip truck and one submission received for the outright purchase of Council's 2017 UD tip truck.

The submissions were reviewed by an Evaluation Panel consisting of the Shire's Acting Chief Executive Officer, Deputy Chief Executive Officer and Works Supervisor.

One (1) response was received for the supply of one new six wheel tip truck from the following supplier by the closing date:

- Albany City Motors

One (1) response was received for the outright purchase of Council's 2017 UD tip truck from the following supplier by the closing date:

- Dronow Contracting (2005) Pty Ltd

The recommendation is to reject the submission received from Albany City Motors for the supply of one new six wheel tip truck as a delivery date before 30 June 2025 could not be provided or guaranteed.

The recommendation is to also reject the tender received from Dronow Contracting (2005) Pty Ltd for the outright purchase of the Council's existing tip truck be rejected for the reason that the tendered price was below that predicted allocation to dispose of the asset.

STATUTORY ENVIRONMENT:***Local Government Act 1995******3.57. Tenders for providing goods or services***

(1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*

(2) *Regulations may make provision about tenders.*

Local Government (Functions and General) Regulations 1996**Part 4 — Provision of goods and services****Division 2 — Tenders for providing goods or services (s. 3.57)****11. When tenders have to be publicly invited**

(1A) In this regulation —

COVID-19 declaration has the meaning given in the *Emergency Management Act 2005* section 77C(1);

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 a COVID-19 declaration; 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;

or

(d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or

(e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or

- (ea) the goods or services are to be supplied —
 - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines;or
- (h) the following apply —
 - (i) the goods or services are to be supplied by —
 - (I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or
 - (II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;and
 - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money;or
- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (ia) the contract is formed by the novation of a contract to which subregulation (1) applies; or
- (j) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;or

- (ja) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
 - (i) the original contract is to expire within 3 months; and
 - (ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and
 - (iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration or a COVID-19 declaration applying to the district, or part of the district, of the local government;
 or
 - (jb) the contract is a renewal or extension of the term of a contract (the **original contract**) for the supply of dental or medical services by a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the dental profession or medical profession; or
 - (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.
- (3) For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if —
- (a) the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government; and
 - (b) the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.
- (4) For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a COVID-19 declaration if —
- (a) the contract for the supply is entered into while there is in force a COVID-19 declaration applying to the district, or part of the district, of the local government; and
 - (b) the local government considers that the goods or services are required for the purposes of addressing a need arising from the occurrence of COVID-19, or from the impact or consequences of the occurrence of COVID-19, in the area to which the COVID-19 declaration relates.
- (5) For the purposes of subregulation (2)(jb), it is immaterial that the supplier also supplies services under the original contract that are not dental or medical services.
- (6) Subregulation (2)(jb) does not apply in relation to the renewal or extension of the term of a contract by —
- (a) the local government of a district in the metropolitan area; or
 - (b) the City of Mandurah.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031; *Maintenance and renewal of assets is environmentally and financially sustainable.*

FINANCIAL IMPLICATIONS:

As an expected delivery date of the new six wheel tip truck could not be provided by Albany City Motors the officer recommendation is to reject the tender received. The Shire’s plant replacement program requires the capital purchase to be carried out in the 2024-25 financial year. As the supplier could not provide an expected

delivery date there is no guarantee this plant item would be delivered by 30 June 2025 which would then have a significant impact on Council's future plant replacement program.

\$100,000 ex GST was identified in the 2024-2025 Annual Budget to dispose of Council's existing truck. The officer recommendation is to reject the tender received as the loss of asset disposal would be \$13,500.

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:

Simple Majority

OFFICER RECOMMENDATION:

That Council by ABSOLUTE MAJORITY:

- 1. REJECTS the Tender submitted by Albany City Motors for the supply of one new six wheel tip truck as expected delivery of the vehicle prior to 30 June 2025 could not be guaranteed.**
- 2. REJECTS the Tender submitted by Dronow Contracting (2005) Pty Ltd for the outright purchase of Council's existing 2017 UD tip truck due to the financial impact on Council's annual budget to dispose of the asset at the tendered price.**

9.3 DEVELOPMENT SERVICES

9.3.1 PROPOSED EXHIBITION CENTRE – UNLISTED USE

Location/Address:	8118 (Lot 202) Borden Bremer Bay Road, Bremer Bay
Name of Applicant:	T. Pittard
File Reference:	A1603986
Author:	Noel Myers, Acting Chief Executive Officer
Responsible Officer:	Noel Myers, Acting Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	21 August 2024
Attachments:	a) Site Plans b) Building Plans c) Applicants Submission
Authority/Discretion:	Administrative

SUMMARY:

For Council to determine the application under Town Planning Scheme No. 2 (LPS No.2) as an Unlisted Use.

In brief the Application seeks approval for the construction of a new shed gallery building that will be divided into spaces to enable the display and sale of art pieces, furniture, locally produced items and fresh produce. The building will also provide a space for local artists to collaborate on projects and to occasionally host artist workshops.

The proposed use is defined as an Exhibition Centre and under LPS No.2 this is not included as a Use Class in the Zoning Table and as such is an 'Unlisted Use'.

BACKGROUND:

Subject lot is Zoned Rural under the Shire of Jerramungup Local Planning Scheme No.2;

The property has an overall area 482ha.

The property is primarily put to productive broad acre cropping purposes and is developed with a dwelling, two sheds and other incidental improvements associated with the agricultural activities undertaken on the property.

CONSULTATION:

As the proposed use is an Unlisted Use, the application had been referred to neighbouring properties (10 in total) whom may have an interest in the proposal by way of proximity. The submission period closed 19 July 2024.

One submission was received that provided support towards the development, no objections to the development were received.

Main Roads Western Australia (MRWA) have management of the Borden Bremer Road that provides access to the property, however, this agency has not yet been consulted on the development. It is proposed that a condition be applied to any approval granted by the Council that MRWA review the proposal to ensure they are satisfied as to the existing arrangements for access and egress into the property.

COMMENT:

The following issues have been identified for consideration in determining the application:

- Land use.
- Parking.
- Amenity.
- Environmental considerations.
- Orderly and proper planning.

Land Use

In determining an application for an Unlisted Use, Council is to exercise its discretion to determine if the use meets the objectives and purpose of the zoning as set out within LPS No.2 and with consideration to matters outlined within deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Zone Objective

The objectives for land use and development within the Rural zone includes the following relevant clauses:

To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities where the land is capable of such development;

- *To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment; and*
- *To allow for facilities for tourists and travellers, and for recreation uses.*

The proposed land use is considered to be inoffensive in nature and not likely to result in adverse impacts to the area of adjoining properties in terms of noise, traffic generation, emissions or other activities that would make it incompatible with surrounding existing and future land uses.

Incidental land uses such as Art Galleries and other tourist orientated developments have become common land uses within many rural locations and therefore the proposal is not inconsistent to that which can be found and reasonably expected in many rural areas.

The subject property is currently put to productive broad acre cropping uses and the proposed development is considered to be only a minor and incidental use that does not detract or materially diminish the capacity of the property to continue to be used primarily for broad acre farming as the principal land use.

The proposed use being a tourism orientated use aligns with LPS2 (cl.5.17) of LPS No.2 that enables the Shire, despite any other provision, to approve tourist-related uses that are operated in conjunction with the predominant use of the land for:

- (a) consumption of food and / or beverages,
- (b) the sale of produce,
- (c) the sale of arts and crafts, and / or
- (d) conducting excursions for tourists.

The proposed Gallery proposal specifically achieves parts (b), (c) and (d) of the Scheme provision and is also considered to align with the Zone objectives.

Parking:

There is no specified standard for parking requirements set out within LPS No.2 for exhibition centre developments.

It is proposed that 10 formalised parking spaces will be provided to service the new development which will necessary include provision for dedicated accessible parking spaces. There is ample informal space in and around the development to manage overflow parking if so required. There are no physical impediments that would preclude the use of land around the new development should that need arise and there are logical and clear lines of sight towards the exit point onto the Borden Bremer Road to ensure there was an orderly flow of traffic to and from the property.

In determining the adequacy of the parking, it is acknowledged that the property is somewhat isolated and that traffic volumes generated by the use would be relatively low and visitation would likely be over an extended period of the day as opposed to developments set within the more urban areas where parking provision can become a more significant matter.

It is considered that there is ample capacity to manage that demand on-site without causing nuisance or safety issues for visitors to the property.

Any directional signage to be erected at the entrance to the property would need to be considered against both Council and MRWA Signage Policies.

Amenity

The visual impact of the proposal is not expected to be significant given the site topography and the facilities being setback from the Borden Bremer Bay Road. The new building is of a form, design and bulk that is sympathetic to and complementary with the existing buildings on the property. The new building will formalise and enhance an area that was previously used as a lay down area and is anticipated to make a visual improvement to the landscape in comparison to the current state. No adverse impacts are expected in the way of other considerations such as noise, lighting, traffic impacts etc.

Environmental

The primary environmental issue arising with the new development is that the property is located within a designated bushfire prone area by the Department of fire and Emergency Services and accordingly the development is required to be considered against State Planning Policy 3.7 – Planning in Bushfire Prone Areas.

To this end the proponent has prepared a BAL report and certificate that has determined the highest BAL rating for the site/development to be BAL-19 with majority of the site being BAL-LOW – BAL-12.5. The BAL Report notes *‘This rating may be reduced to a lower rating with a Bushfire Management Plan or Bushfire Management Statement from an accredited Level 2 Bushfire planning practitioner.’*

The proposal is for a Tourism Day Use under the Guidelines and satisfies the criteria on the basis that:

- The proposal does not involve no overnight stay;
- Satisfactory egress/access is available from the property in the event of a bushfire, to a suitable destination(s);
- The maximum number of visitors on-site at any one time will not exceed 20 persons;
- Some visitors are likely to be tourists who are unfamiliar with the area;
- Most visitors are likely to be from the local region;
- The gallery will be closed in response to an extreme or catastrophic fire danger rating and/or on the issue of a total fire ban on any given day;
- The proponents are resident on-site at all times, who is able to activate any required emergency procedures; and
- Visitors would have travelled in their own or shared vehicle, or any tourist bus are able to evacuate the premises in the manner they arrived.

The proponent has prepared both a Bushfire Management Plan and a Bushfire Emergency Evacuation Plan to support the proposal. Both Plans are assessed as meeting the relevant standards for these plans as set out within SPP 3.7 and the associated Guidelines for Planning in Bushfire Prone Areas.

The setting, surrounding land use the property is put to and ready access to a road that provides a legible two way exit solution combine to reduce the bushfire risk to an acceptable level necessary to provide support towards the application.

Orderly and proper planning

The proposed use of the site as an Exhibition Centre (Art Gallery) is considered an appropriate use of the property that aligns with both the objectives for the zone and with objectives within the local planning scheme that applies to incidental land uses that service and meet the demands for tourism uses within the Shire.

In view of the above, the application is recommended for Approval by Absolute Majority subject to conditions.

STATUTORY ENVIRONMENT:

Shire of Jerramungup Local Planning Scheme No.2;

Planning and Development (Local Planning Schemes) Regulations 2015.

State Planning Policy 3.7 Planning for Bushfire Prone Areas

STRATEGIC IMPLICATIONS:

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

Economy

Work with the business community to attract investment, create jobs and support small business growth;

Environment Built

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

FINANCIAL 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:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, by ABSOLUTE MAJORITY and in accordance with the provisions of the Shire of Jerramungup Local Planning Scheme No. 2 APPROVES the application for the Unlisted Use - Exhibition Centre on portion of No.8118 (Lot 202) Borden Bremer Bay Road, Bremer Bay in accordance with plans and application provided in Attachment 1, subject to the following conditions:

1. Development Approval

This approval relates to an Exhibition Centre (Art Gallery) as shown on the plans submitted with the application. It does not relate to any other development on the site;

2. Use of Premises

2.1 The use of the property will operate at all time; in accordance with the approved use (Exhibition Centre) as set out within the applicants planning application report and is not be used for other purposes;

2.2 Approval for access and egress to the new development from the Borden Bremer Bay Road is to be obtained from Main Roads Western Australia prior to the submission of a Building Permit.

2.3 A separate application and approval is required prior to any signage being installed at the entrance to the property and is to be to the satisfaction of Main Roads Western Australia and the Council

3. Operation Management:

3.1 All measures as set out within the Bushfire Management Plan and Emergency Evacuation Plan submitted in support of the development application are to be implemented and thereafter maintained and updated in perpetuity by the applicant/owner;

4. Building Design

4.1 Prior to the issue of a Building Permit, a detailed schedule of external finishes including materials, colour schemes and details, that are generally consistent with those shown on the approved plans, shall be submitted to and approved by the Shire. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development, to the satisfaction of the Shire.

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN JULY/AUGUST 2024

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Rachel Smith, Acting Executive Assistant
Responsible Officer:	Noel Myers, Acting Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	23 August 2024
Attachments:	a) July/August 2024 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

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

9.4.2 STATUTORY REVIEW OF LOCAL LAWS

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Niel Mitchell, Consultant
Responsible Officer:	Noel Myers, Acting Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	2024
Attachments:	a) Report – Review of Local Laws
Authority/Discretion:	Information

SUMMARY:

The purpose of this report is to consider the outcomes of a review of the Shire’s local laws in accordance *section 3.16* of the *Local Government Act 1995* (the Act) and to determine future actions arising out of the Review Report.

The Review was undertaken to fulfil the statutory requirements pursuant to the Act which requires a review of each local law at least once every eight years.

BACKGROUND:

At its **Ordinary Council Meeting on 26 April 2023 (item 9.4.2)** Council resolved:

That Council RESOLVES to undertake a review of all of its Local Laws in accordance with section 3.16 of the Local Government Act 1995 and to give Statewide and local public notice of its intent to undertake the review.

- In order to effect the resolution of Council, the Shire engaged the services of a consultant to undertake the statutory review of the Shire’s Local Laws and those findings have been tabled in a Review Report (see Attachment 1).
- No indication of an earlier review was located, however, several large groups of local laws continuing from the Shire of Gnowangerup were revoked in 1997 and 2010, implying that a review to some extent at least had been undertaken. To ensure full compliance with the requirements of the Act, the process was recommenced with the Shire giving local public notice of the review in May 2024.
- In the process of the review, it was determined that all local laws existing at the time of separation of the Shire of Jerramungup from the Shire of Gnowangerup have been revoked.
- Accordingly, only the local laws adopted since 1982 are in force, these being –
 1. By-Laws Relating to Reserves and Foreshores (1986)
 2. By-laws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades (1990)
 3. Beach Access Local Law 1997
 4. Dogs Local Law (2002)
 5. Parking and Parking Facilities Local Law (2005)

CONSULTATION:

Public Notices concerning the review were placed in the Bremer Bulletin, Jerry Journal and notices were also displayed at Shire Offices, on the Shire web page and on local bulletin boards. Internal working groups were convened to undertake an internal review of the local laws to ensure that they remain efficient and effective.

The submission period commenced on 20 May 2024 and closed on 10 July 2024.

One public submission covering three local laws was received, as well as comment from a number of relevant staff.

COMMENT:

Many local laws may never be used fully or to any great extent. However, the existence of the powers provides the local government with the capacity to enforce the provisions. Accordingly, it is important that the local law remain up to date, relevant and useable. Whether or not to actually use the provisions is a discretionary decision of the Council and relevant authorised persons.

The actions to date represent the first phase of the review into the Shire’s existing suite of Local Laws and also foreshadows and makes recommendations as to whether existing laws should be retained, amended and whether new local laws may be warranted. It is important to note that completion of the review does not obligate Council to implement any recommendation made by the review.

Should Council determine to proceed with the various recommendations set out within the Review Report then the next phase of the project will be for the consultant to be engaged to complete the necessary drafting of the amended and new local laws that will then be subject to further public consultation and reporting to Council.

STATUTORY ENVIRONMENT:

3.16 Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that –*
 - (a) *the local government proposes to review the local law; and*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.*

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

- *Provide informed and transparent decision making that meets our legal obligations, and the needs of our diverse community;*
- *Implement systems and processes that meet our legal and audit obligations.*

FINANCIAL/BUDGET IMPLICATIONS:

There are nominal costs associated with placing advertisements calling for submissions as part of the review.

The second phase of the project will deal with any potential amendments to the local laws and will incur consultant’s fees. An amount of \$17,000 has been budgeted for the next phase of this project in the 2024-2025.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Policy implications do not apply to this report. However, it is the opinion of the author that policy amendment and development is likely to be required once amendment or new local laws are published in the *Government Gazette*.

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION:

That COUNCIL:

1. RECEIVE the Report on the Statutory Review of Local Laws,
2. APPROVE by ABSOLUTE MAJORITY the following recommendations of the Report –

Current local laws	Recommendation	Replacement local law
Reserves and Foreshores	Repeal x 3 Merge relevant provisions into Places & Property Local Law	New – Public Places & Local Government Property Local Law
Beach Access 1997		
Local Government Property		
Establishment, Maintenance & Equipment of Bush Fire Brigades	Replacement to meet DFES and JSCDL requirements	Bush Fire Brigades Local Law
Dogs	Replacement	Dogs Local Law
Parking and Parking Facilities	Amend	N/A
Dust and Sand	Amend	N/A
Cemeteries	New – controls for – - interments – graves and ashes - memorials - vandalism and liability	New Local Law Recommended <i>After Cemeteries Act review is complete</i>
Public Places & Local Government Property	New – incorporating – - Local Govt Property Local Law - Reserves & Foreshores Local Law - Beach Access Local Law - expand to include beaches, off- shore etc - activities on roads, including trading, verges, events etc	New Local Law Recommended
Animals, Environment & Nuisance	Incorporating – - basic controls for cats - farm animals in towns - environment matters - nuisance matters etc	New Local Law Recommended

Fencing	Incorporating – <ul style="list-style-type: none"> - describes sufficient fencing for relevant areas / zonings - prohibited materials - protection for adjoining owners in dispute - control of restricted fencing 	New Local Law Recommended
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3. DOES NOT PROCEED with the following local laws –

- (a) Health
- (b) Meeting Procedures
- (c) Waste
- (d) Control of Vehicles (Off-road Areas)
- (e) Extractive Industries
- (f) Bees
- (g) Cats
- (h) Pest Plants

9.4.3 GREAT SOUTHERN TREASURES MEMORANDUM OF UNDERSTANDING AND STRATEGIC PLAN

Location/Address:	N/A
Name of Applicant:	Great Southern Treasures
File Reference:	CR.CA.3
Author:	Noel Myers, Acting Chief Executive Officer
Responsible Officer:	Noel Myers, Acting Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	12 August 2024
Attachments:	a) Memorandum of Understanding b) Great Southern Treasures Strategic Plan
Authority/Discretion:	Executive

SUMMARY:

The purpose of this report is to consider renewing the Memorandum of Understanding (MoU) with neighbouring local governments for the continuation of the Great Southern Treasures tourism organisation.

BACKGROUND:

Great Southern Treasures, previously known as ‘Hidden Treasures’, was established to promote tourism in member local government areas across the Great Southern Region. It is not a legal entity, but a grouping of the following local governments known as Member Councils:

- Shire of Broomehill-Tambellup
- Shire of Cranbrook
- Shire of Gnowangerup
- Shire of Jerramungup
- Shire of Katanning
- Shire of Kent
- Shire of Kojonup
- Shire of Woodanilling.

The Shire of Jerramungup currently contributes \$13,000 per annum towards the operations of Great Southern Treasures.

Australia’s South West tourism organisation has been contracted to provide marketing and liaison services through a dedicated officer operating out of the Great Southern Development Commission (GSDC) offices in Albany, via a service level agreement. The GSDC also provides in-kind support for travel and other costs.

CONSULTATION:

- Member Councils
- Australia’s South West
- Great Southern Treasures

COMMENT:

To continue to build on past successes and further develop tourism in the region, Great Southern Treasures is seeking the commitment of all its Member Councils for funding for the next three years. The proposed MoU, in tracked changes from the existing version (attached), and final draft version (attached) provides for a three year commitment.

Great Southern Treasures has been successful in leveraging investment into the region through the promotion of festivals, events and tourism attractions. Great Southern Treasures also coordinates the Bloom Festival as its major event for the year which will launch in Broomehill in 2024. In 2023, the Bloom Festival attracted 16,375 people to events and generated an economic impact to the Great Southern region of approximately \$2.3 million.

All Member Councils have received the benefit of the increased effectiveness of the Great Southern Treasures following the employment of a dedicated marketing and liaison officer. The objectives for the next three years are clearly outlined in the Strategic Plan (attached) and will only be achieved if Member Councils commit the current level of funding and the ongoing employment of a dedicated officer.

The benefits to the Member Councils of working together could not be achieved at the same cost if each local government were to go it alone in tourism and destination marketing. As such, it is recommended that the Shire of Jerramungup continues to be an active partner in Great Southern Treasures and contribute financially to its operations.

The amendments to the new MoU have been workshopped by the CEO's from the Member Council's and were agreed to at the last Great Southern Treasures CEO Meeting held 4 July 2024.

A key amendment to the Membership Committee is flagged under Clause 4.1 of the new MoU. Previously representation on the Committee was by each Shire's Chief Executive Officer. The Clause has been amended so as to require that each local government have an Elected Member and Proxy representing the Shire's interests on the Committee. The Shire's CEO would continue to attend as a non-voting member. The intent of the change is to ensure there is better community representation on the Membership Committee. Clause 4.1.2 proposes that delegations be given to the Shire's nominated representatives to give purpose and effect to the MoU. This would enable the Committee to act in a manner similar to that practiced at WALGA Zone meetings.

STATUTORY ENVIRONMENT:

Nil

STRATEGIC IMPLICATIONS:

Membership of Great Southern Treasures aligns with the following components from the Shire of Jerramungup Community Plan 2021 – 2031;

Economy

- Work with the business community to attract investment, create jobs and support small business growth;
- Use the natural beauty and the heritage of the region to promote the Shire as a great place to visit.
- Implement systems and processes that meet our legal and audit obligations.

FINANCIAL/BUDGET IMPLICATIONS:

The funding request has been accommodated within the 2024/25 Budget.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Policy implications do not apply to this report.

VOTING REQUIREMENT:

Simple majority and Absolute majority where indicated.

OFFICER RECOMMENDATION:

That the Council:

- 1. Notes the Great Southern Treasures Strategic Plan 2024 – 2026.**
- 2. Endorses the terms as outlined in the final draft Memorandum of Understanding and authorise the Shire President and Chief Executive Officer to execute the new Memorandum of Understanding;**
- 4. That Council by ABSOLUTE MAJORITY nominate Cr..... and nominates Cr..... as the proxy as the Shire’s representatives on the Committee for Great Southern Treasures;**
- 5. Authorises the nominated representative and proxy and Chief Executive Officer to negotiate on behalf of the Shire, the ongoing arrangements for the provision of marketing and liaison services, as required and necessary to give effect to the Memorandum.**

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, 25 September 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

.....

Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: