



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, 15 April 2020
At the Council Chambers,
Jerramungup
And via eMeeting
Commencing at 2:00pm

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
9 April 2020

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."

2020 MEETING DATES

At its Ordinary Meeting of Council on 20 November 2019, Council adopted the following meeting dates for 2020:

| | | | |
|-----------|-------------------|--------|-------------------------------------|
| January | - | - | Council in Recess |
| Wednesday | 19 February 2020 | 2.00pm | Council Chambers, Jerramungup |
| Wednesday | 18 March 2020 | 2.00pm | Council Chambers, Jerramungup |
| Wednesday | 15 April 2020 | 2.00pm | Emergency Services Shed, Bremer Bay |
| Wednesday | 20 May 2020 | 2.00pm | Council Chambers, Jerramungup |
| Wednesday | 17 June 2020 | 2.00pm | Council Chambers, Jerramungup |
| Wednesday | 15 July 2020 | 2.00pm | Council Chambers, Jerramungup |
| Wednesday | 19 August 2020 | 2.00pm | Emergency Services Shed, Bremer Bay |
| Wednesday | 16 September 2020 | 2.00pm | Council Chambers, Jerramungup |
| Wednesday | 21 October 2020 | 2.00pm | Council Chambers, Jerramungup |
| Wednesday | 18 November 2020 | 8.30am | Council Chambers, Jerramungup |
| Wednesday | 16 December 2020 | 8.30am | Emergency Services Shed, 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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Wednesday 15 April 2020

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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.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

2.4 ABSENT

2.5 DISCLOSURE OF INTERESTS

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

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

2.5.1 DECLARATIONS OF FINANCIAL INTERESTS

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

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

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting held 18 March 2020.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup, on 18 March 2020 be CONFIRMED

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

9.0 REPORTS

9.1 TECHNICAL SERVICES

9.1.1 WORKS REPORT FOR MARCH 2020

| | |
|------------------------------------|--|
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | |
| Author: | Murray Flett, Manager of Works |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 1 April 2020 |
| Attachments: | Road Construction Schedule March 2020 |
| Authority/Discretion: | Information |

SUMMARY:

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

BACKGROUND:

Road Construction

Over the last month the works crew finished gravel sheeting Little Boat Harbour Road which included the top parking bay overlooking the beach. The crew then moved to Dillon Bay Road where they replaced several culverts, trimmed overhanging vegetation then formed up a 2.3km section and commenced gravel sheeting from the Bremer Bay Road heading south towards Dillon Bay.

The crew went back to Bremer Bay just prior to COLAS commencing this year's reseal works where they trimmed the basecourse layers on Bremer Bay Road, Little Boat Harbour Road and the water bomber turnaround area at the airstrip then spotted the new seal edge ready for sealing.

The water bomber turnaround area was primersealed with a two coat 10 and 7mm granite aggregate which will provide a smooth surface and eliminate any loose stones being flicked up whilst the aircraft are taxiing onto the airstrip after being filled.

The crew also gravel sheeted sections of Ocumup Road which had numerous failures due to large vehicles accessing properties along that road.

Whilst in the area, the crew also undertook gravel patching of pavement blowouts on O'Dea Road.

Attached is the year to date 2019/2020 construction program.

Town Services

The Town Services team undertook preliminary works at the Needilup Dam prior to Albany Irrigation installing the new fenced compound to secure the solar panels and solar pump. Water from the dam will be pumped to the new 250,000ltr tank at the old Needilup tennis courts site which will be used for stock watering and fire suppression. The new tank has been installed by Heritage Tanks and the pipe will be installed within the next week.

The crew also widened the bottleneck entrance into the Jerramungup Sporting Complex on Derrick Street to improve traffic safety at this location. These works involved extending the culvert, boxing out the pavement and backfilling with cement stabilized gravel. This widening will be sealed by our re-seal contractor COLAS in the coming weeks.

The crew have also been slashing and spraying the never ending weed infestations in both Bremer Bay and Jerramungup town sites. The crew has also been patching potholes in some older sealed roads were required prior to commencement of the reseal program and inclement weather.

Road Maintenance

With these extremely dry conditions, it has been very difficult for the crew to maintain some of the busier roads to an acceptable standard given the large number of road trains carting gypsum, lime and fertiliser in preparation for seeding. Routine maintenance grading and gravel patching will continue to rectify some of the failures in the road pavement until more favourable conditions occur and we can undertake full winter grades.

At this time of year, please be aware of the changing road conditions and drive accordingly as the pavement can deteriorate very quickly.

CONSULTATION:

Internal.

COMMENT:

This report is for information only to advise Council on the previous months 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 2016 – 2026; Aspiration 3.4 – Service and Infrastructure Provision: To lobby, advocate for and deliver a first class transport and telecommunications network.

Objectives:

3.4.1 – Continued improvements on the local road network.

FINANCIAL IMPLICATIONS:

The works completed are included in the 2019/2020 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 March 2020.

9.2 CORPORATE SERVICES**9.2.1 ACCOUNTS FOR PAYMENT – MARCH 2020**

| | |
|------------------------------------|--|
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| Author: | Sarah Van Elden, Finance Officer |
| Responsible Officer: | Charmaine Solomon, Deputy Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 7 April 2020 |
| Attachments: | <ul style="list-style-type: none"> a. List of Accounts Paid to 31 March 2020 b. Credit Card Statement 27 February 2020 – 27 March 2020 |
| 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 March 2020.

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 Office is to be provided to Council.

CONSULTATION:

Internal consultation within the Finance Department.

COMMENT:

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2019-20 Annual Budget as adopted by Council at its meeting held 17 July 2019 (Minute No. OCM190706 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 March 2020. Lists detailing the payments made are appended as an attachment.

| FUND | VOUCHERS | AMOUNTS |
|--------------------------------|-----------------|---------------------|
| Municipal Account | | |
| Last Cheque Used | 28172 | |
| EFT Payments | 17013 – 17114 | \$876,095.22 |
| Direct Deposits | | \$24,000.00 |
| Municipal Account Total | | \$900,095.22 |
| Trust Account | | |
| Trust Account Total | | \$0.00 |
| Grand Total | | \$900,095.22 |

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.

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.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026;

Aspiration 2.5 – Civic Leadership to provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

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 – Corporate Credit Card

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 March 2020 as detailed in Attachment 9.2.1(a).**
- b) The Credit Card Statement 27 February 2020 – 27 March 2020 as detailed in attachment 9.2.1(b).**

9.2.2 MONTHLY FINANCIAL REPORT – MARCH 2020

| | |
|------------------------------------|--|
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | |
| Author: | Tamara Pike, Senior Finance Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 8 April 2020 |
| Attachments: | Monthly Financial Report for the period ending 31 March 2020 |
| Authority/Discretion: | Information |

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 March 2020 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 March 2020.

BACKGROUND:

At its meeting held 17 July 2019 (Minute No. OCM190706 refers), Council adopted the annual budget for the 2019-20 financial year. The figures in this report are compared to the adopted budget.

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 30 June 2020 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 17 July 2019, the Council adopted (Minute No. OCM190706 part 1.6 refers) the following material variance reporting threshold for the 2019-20 financial year:

1.6 Adoption of Material Variance for Monthly Reports – Financial Management regulation 34

That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2019/2020 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 2016 - 2026;

Aspiration 2.5 – Civic Leadership: To provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 31 March 2020 has been incurred in accordance with the 2019-20 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:

AP4 – Regional Price Preference

FP1 – Capitalisation and Depreciation of Non-Current Assets

FP2 – Rates and Accounts Collection

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 RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 March 2020 in accordance with section 6.4 of the *Local Government Act 1995*.

9.2.3 BUDGET REVIEW 2019/2020

| | |
|------------------------------------|---|
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | |
| Author: | Charmaine Solomon, Deputy Chief Executive Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 6 April 2020 |
| Attachments: | 1. Budget Review Report 2019/2020 |
| Authority/Discretion: | Legislative |

SUMMARY:

This item addresses Council's annual statutory budget review and gives an indication and projection of the end of year financial position. Based on current expenditure patterns and review of road construction projects the forecast end of year position is expected to be a surplus of \$12,092. The recommendation seeks to adopt the budget review.

BACKGROUND:

Under regulation 33A (2) and (3) of the *Local Government (Financial Management) Regulations 1996*, a budget review is to be undertaken by Senior Staff, the results of which are to be presented to Council within 30 days of completion and then forwarded to the Department of Local Government, Sport and Cultural Industries, along with Council's determination.

A budget review was undertaken by the Senior Finance Officer and Deputy Chief Executive Officer using figures to 29 February 2020. The attached financials take on a similar format to Council's monthly statements. The results are hereby reviewed and submitted to be adopted by Council.

CONSULTATION:

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

COMMENT:

These projections are estimates done to the best of the abilities of the staff involved consulting with current accounts, forecasted expenditures and current budgets. These estimates do not guarantee that the 2019/2020 projected results will match the end of year result as there are many external influences through the remainder of the financial year that can have a bearing on Council's income and capacity for expenditure.

Contained in the attachments in Note 4 is a detailed discussion regarding areas of material variance within the budget forecasts for this financial year.

In anticipation of Council adopting the Budget Review at the April 2020 Ordinary Meeting the budget review allows for reallocation of funds from Stock Road and Gairdner South Road to fund additional operational expenses that will be incurred this financial year. The significant additional operational expenses relate to the services of a Medical Services GP, commissions for the sale of 3 Shire properties and most recently the additional expenses that will be incurred relating to computer and software purchases, IT support, PPE for all staff in the administration and works department to allow the Shire to continue to operate during the COVID 19 Pandemic.

Road Infrastructure Program:

- a) There has been a higher than usual level of staff turnover this financial year including 3 staff members departing the works department which has had a significant impact on the delivery of the road construction program. It is not anticipated that Stock Road will be delivered this financial year due to timing.
- b) The Contractor who was due to carry out pavement repairs on Gairdner South Road has unfortunately had 2 major rollovers involving his spreader trucks, due to the incident and timing of engaging another contractor additional pavement repairs will not be undertaken this financial year. Gairdner South Road is a Regional Road Group project which had a total project cost of \$225,000. Additional funds were allocated to the Regional Road Group project through the annual budget process however the Shire will now only carry out works to the amount of \$225,000 as per RRG submission.

Major Projects:

- a) At the time of preparing the 2019/2020 annual budget the tenders were not awarded and contracts not signed for the construction of the Independent Living Units and the Key Worker Accommodation. Through the budget review process the true project costs including a 10% contingency were adjusted on the project. At this stage the projects are forecast to be completed on budget and by the end of financial year, however some funds may need to be carried forward depending on the construction progress if there are any delays due to the COVID-19 pandemic.
- b) Through the Regional Aged Accommodation Program (RAAP) and Building Better Regions Funding (BBRF) \$2.175 million in grant funding is expected to be received this financial year.
- c) The Shire's contribution of \$1.293 million will be made up of reserve funds, in-kind works, discretionary funds, the proceeds from the sale of 3 x Shire houses and a \$500,000 loan to go towards the Seniors Independent Living Units. In the event that the houses were not sold in the 2019/2020 financial year the Shire had a provision in the 2019/2020 budget for a second \$500,000 loan through Treasury to fund the shortfall. The Shire was fortunate to sell all 3 Shire properties this financial year so the second loan will not be required to fund the project.
 - 2 Coral Sea Road, Jerramungup. Proceeds from sale was \$110,000 settlement has been finalised.
 - 8 Derrick Street, Jerramungup. Proceeds from sale was \$200,000 settlement has been finalised.
 - 9 Monash Avenue, Jerramungup. Settlement is expected to occur 30 June 2020, proceeds of the sale will be \$160,000 if Council agree to dispose of the property at the April Ordinary Meeting of Council.

Through the budget review process, the proceeds of the sale of 3 Shire properties were factored into the review. Now that the second \$500,000 loan is not required, it is recommended that Council transfer the total proceeds of the sales being \$470,000 to the Building Reserve then transfer \$470,000 from the building reserve to fund Council's contribution towards the project.

Through the annual budget process Council had already agreed to transfer \$175,000 from the Building Reserve and \$95,000 from the Bremer Bay Units Reserve.

It should be noted that the Commissions for the sale of the houses were not factored into the annual budget. The operating expense was increased by \$32,055.

- d) Architectural and Professional Consultants were engaged to update costings for the Jerramungup school pool. The final project cost was \$4.2 million ex GST. The Shire sought external funding through the Department of Local Government, Sport and Cultural Industries 2020-2021 Forward Planning Grant Funding Round however the Shire was unsuccessful in this Round. The Shire also applied under BBRF Round 4 however at the time of writing this report, no funding announcements have been made. This project will not be undertaken this financial year, we will not be required to transfer funds from the Community Recreation Reserve this financial year as predicated in the annual budget.
- e) The Boxwood Hill Combined Sports Club Upgrade project was successful through the Department of Local Government, Sport and Cultural Industries 2020-2021 Forward Planning Grant Funding Round. The Shire's contribution towards the project will not be required until the 2020/2021 financial year. No funds will be required to be transferred from the Community Recreation Reserve this financial year.

Other considerations:

- a) \$14,780 was paid to the Shire to satisfy the conditions of subdivision approval for Stage 1 of the Seadunes subdivision – WAPC 130377. The \$14,780 is a cash payment in lieu of providing 10% Public Open Space and satisfied condition 13 of this approval. As per the *Planning and Development Act 2005* requirements this money is to be used on obtaining or developing Public Open Space within reasonable proximity of the original subdivision site. The use of this money at Paperbarks Park Redevelopment is considered reasonable, this being the closest Public Open Space that this money could be realistically spent upon. All residential subdivision at this side of town would likely use Paperbarks Park. As part of the budget review process the \$14,780 currently held in Trust will be transferred to the Shires municipal account as the Paperbarks Park Redevelopment project is now complete.
- b) \$38,500 was paid to the Shire to satisfy the condition (4) of subdivision approval – WAPC 142871. The contribution was to go towards the improvement of approximately 900 metres of Little Boat Harbour road which front lot 9007. The Shire identified the upgrade to the road in its 2019/20 Road Construction Program. Little Boat Harbour road and the parking bay turnaround has been formed, gravel sheeted and sealed. As part of the budget review process the \$38,500 currently held in Developer Contribution Reserve will be transferred to the Shires municipal account as the upgrade to Little Boat Harbour Road project is now complete.
- c) Under the previous Medical Services GP contract a vehicle allowance of \$14,000 and annual IT allowance was payable from January 2019 to January 2020. This allowance was paid to the previous GP in March 2020. As the Shire currently does not have an agreement with a Medical Services GP, the Shire's Medical Service Provider is currently providing a Locum Service to the Shire. The following additional operating expenditure was factored in the 2019/2020 budget review;
- Practice accreditation would be done at the cost of the GP owner. This cost is not for the Medical Service Provider to ensure that the practice is accreditation ready, but rather the costs charged by the accreditation organisation. The benefit for the GP owner is that being accredited means that they will qualify for Practice Incentive Payments, a Medicare initiative that ensures that practices comply with the RACGP standards of good practice. The practice's accreditation expires in August this year and the compliance audit needs to be completed by May this year. The Shire therefore does not have time to wait for a new permanent GP.
 - The Shire's Medical Service Provider proposed that the Shire pay for the accreditation as a loan to the practice and the Medical Services Provider will ensure that the Shire is

refunded for that cost as and when the Practice Incentive Payments are made to the practice. Practice Incentive Payments are made in quarterly instalments and in 2019 the total Practice Incentive Payments paid to the previous GP was \$14,817.

- The Medical Services Provider will need to be paid the annual \$4,000 IT incentive. This will cover the technology infrastructure including computers and servers and server maintenance. Software licenses would be paid by the GP owner of the Jerramungup and Bremer Bay Medical Practice. Unfortunately the software licenses for the practice expired 2 March 2020. The cost for the software license is approximately \$2,200 for the year. The Shire will pay for the software license as a loan to the practice and the Medical Services Provider will ensure that the Shire is refunded for that cost as and when the Practice Incentive Payments are made to the practice.
- The Locum requested to be paid \$1,200 per day for the time that she practices as a Locum. This is standard practice for GP Locums and some Locums often charge up to \$1,800 per day. The Shire is responsible for any shortfall.
- The Shire agreed with the Medical Services Provider to provide a vehicle provision rather than a vehicle allowance. Due to timing the Shire was required to hire a vehicle from Albany at a total cost of \$3,804 until the lease agreement was completed and vehicle delivered for the Locum.
- The Shire entered into a 12 month lease agreement for a Toyota Prado which was delivered 31 March 2020. The lease repayments have been factored into the budget review, monthly costs is \$1,259.30 ex GST.
- As per the new agreement with the Medical Services Provider the Shire is required to pay a \$25,000 recruitment fee, this has been factored into the budget review.
- The additional costs estimated to be incurred by the Shire for the services of GP is expected to be approximately \$62,000.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

Part 3 Annual budget — s. 6.2

33A. Review of budget

- 1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- 2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.*
- 3) *A Council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

- 4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026;

Aspiration 2.5 – Civic Leadership: To provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

FINANCIAL IMPLICATIONS:

End of Year Financial Forecast as attached.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY;

1. **ADOPT** the Budget Review for the financial year 2019/2020 that was conducted in accordance with regulation 33A (2) and (3) of the *Local Government (Financial Management) Regulations 1996*.
2. **APPROVE** a transfer of \$14,780 from the trust account to the municipal account as the Paperbarks Park Redevelopment Project is now complete.
3. **APPROVE** a budget amendment authorising the proceeds of the sale of; 2 Coral Sea Road \$110,000, 8 Derrick Street \$200,000 and 9 Monash Avenue Jerramungup \$160,000 totalling \$470,000 to be transferred to the Building Reserve.
4. **APPROVE** a budget amendment authorising a further \$470,000 be transferred from the Building Reserve to fund the housing project.
5. **APPROVE** a budget amendment to defer the swipe tag access for the Bremer Bay standpipe delivering cash saving of \$25,000 in 2019/2020 budget.
6. **APPROVE** a budget amendment to reduce the materials and contractors budget for Gairdner South Road delivering a cash saving of \$73,852 in 2019/2020 budget.
7. **APPROVE** a transfer of \$38,500 from the Developer Contribution Reserve to the municipal account as the upgrade to Little Boat Harbour Road is complete.

9.3 DEVELOPMENT SERVICES

9.3.1 SOUTH WEST NATIVE TITLE SETTLEMENT – LAND BASED CONSULTATION

| | |
|------------------------------------|--|
| Location/Address: | Various land parcels/locations |
| Name of Applicant: | Department 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: | 30 March 2020 |
| Attachments: | Table Comments and Location Maps |
| Authority/Discretion: | Information |

SUMMARY:

For Council to consider the possible future disposition of a number of Crown Land parcels to create the Noongar Estate as part of the South-West Native Title Settlement.

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

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 ILUAs were registered at the Native Title Tribunal on 17 October 2018 and required legal processes are currently occurring. Further information regarding the Settlement and the Noongar Land Estate can be found on the Department of the Premier and Cabinet Website via the following link:

<https://www.dpc.wa.gov.au/swnts/Pages/default.aspx>

The Department of Planning, Lands and Heritage (DPLH) is responsible for undertaking an identification and assessment process for land parcels within the boundaries of the Settlement. This process includes referring land to relevant agencies for comment. While awaiting conclusive registration and the subsequent date upon which the Settlement becomes effective, DPLH is undertaking necessary referrals to ensure that land parcels as identified by the Noongar People are made ready for transfer.

The DPLH have prepared a spreadsheet comprising of land parcels identified for possible transfer. The Shire is being requested to provide comments on each of the land parcels in relation to the following:

1. Is the Shire of Jerramungup (Shire) supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire have any interest in the land?
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? If so – provide detail of what is proposed and in what timeframe?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?

7. Advise of any proposed planning scheme amendments that may affect the zoning of this land at a State 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.

The Shire has been requested to provide comments by 4 May 2020 (40 days from receipt of the email). Where no response is received from the Shire within the 40-day timeframe, this will be taken as having no comment on the land parcels referred.

CONSULTATION:

Internal consultation with all other applicable service units has been undertaken, no external consultation undertaken by the Shire.

COMMENT:

There are three (3) land parcels identified within the Shire that may be transferred as part of the South-West Settlement.

- Two of the lots identified for possible transfer are located to the west of the Bremer Bay townsite and in the Dillon Bay area generally (to be collectively referred to as the Dillon Bay lots).
- The third parcel is located near the Gordon Inlet and the parcel is bound on all boundaries by the Fitzgerald National Park.

Location Plans are provided as an attachment to this report.

At this juncture there has been no discussion as to whether the various land parcels will be transferred in their current form of tenure. Notwithstanding the possible transfer of ownership, all current scheme and local and state policy provisions will continue to apply to the lots 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 a native title determination.

Dillon Bay location

In the case of the two Dillon Bay lots, the following issues arise when considering a possible transfer.

- The two lots adjoin each other and collectively have coastal frontages that extend from the mid-point of Dillon Beach, heading in a westerly direction around the Cape Knob peninsula terminating toward the western end of Foster Beach;
- The VCL immediately abutting Lot 2118 to the east (Land ID Number 3091953) has also been identified for possible future transfer to the Noongar Estate. Council has previously provided comment on the possible transfer of that land parcel at the 18 March 2020 Ordinary Council Meeting;
- The cadastral boundary of both Lots 2118 and 2117 appear to extend towards the low water marks on beaches as does the boundary of the adjoining lot to the east referred to above;
- Should the land transfers proceed 'as is', this could result in many of the beaches and coastal areas being held in private ownership and these are areas that are highly valued by the public and are regularly visited by the general public providing a range of active and passive recreational opportunities for local, regional, interstate and international tourists;

- Lot 2117 which is the most westerly of the lots takes access by way of Minerup Road and Lot 2118 is accessed via Dillon Bay Road.
- Minerup Road is at present an informal unconstructed 4WD dirt track only which is not maintained by the Shire. Whilst named, the track is not located within a dedicated road reserve and its alignment means it traverses a variety of terrains that would make any formal road construction expensive to construct and maintain;

The matter of ensuring that the public continues to have access to the coastal areas and beaches contained within the land parcels is seen as being a significant issue and a matter of high priority arising from the future possible transfer of the land. The various social, economic and environmental values of these two locations are well expressed within the Shire's adopted Coastal Management Plan (2017-2027).

Apart from the matter at hand, the question of exclusive native title possession and the public's continued right of access to beaches impacted by Native Title Determinations is currently before the High Court with a decision expected later towards the middle of 2020. Notwithstanding those arguments pertaining to native title rights and public access generally to beaches being considered by the High Court, the cadastral boundary of the two lots fronting onto the beaches around Dillon Bay area appear to extend toward what would be regarded as the low water mark insofar the lots appear to capture the entirety of the accessible areas of the beaches and the adjoining coastal areas. This has the potential to transfer ownership of these areas into private ownership which brings further questions about the public's continued access to these areas into question.

As described in preceding sections above, access to Lot 2117 is currently by way of an unformalised 4WD track that crosses over Lot 2118 and then intersects with Dillon Bay Road. Any proposed transfer would need to account for this situation and further discussion would need to be undertaken with the Shire about the construction of and the future management of a road to provide legal access to the lot. This would need to be satisfactorily resolved so as to not place further undue financial burden on the Shire and be considered as part of and be resolved before any transfer of ownership was finalised.

Given that the Dillon Bay area is regularly visited by and is valued by the broader public, Council may wish to caveat any support of the transfer of the land to the parcels being modified to ensure the public continues to enjoy access to the beaches around the area. Principally this would be best achieved by the subject lots being redefined and coastal reserve being created forward of the 'new' lot boundary and the high water mark. It is considered that the creation of coastal reserves would be consistent with the Shire's endorsed Coastal Management policy and also State Planning Policy 2.6. – Coastal Planning.

Gordon Inlet location

The Gordon Bay land parcel can be described as a 'stranded lot' insofar that the lot extends around the Gordon Inlet water body and is bound by the Fitzgerald National Park. The land is held as Reserve for Government Purposes without a management order and is primarily accessed by the Gordon Inlet Road which traverses through the balance of the Fitzgerald National Park. Roads within the park are a persistent management and maintenance issue however the responsibility to maintain those roads is not a Shire responsibility. Aerial images of the lot do not identify any unauthorised developments or land uses within the boundary of the lot.

The Shire's Coastal Management Plan identifies that the Gordon Inlet and surrounds hold significant environmental values and contains a recommendation that the land would be best managed by way of it being transferred into the management of the Department of Biodiversity and Cultural Attractions (DBCA) and ultimately that it be incorporated into the Fitzgerald National Park.

Given its location and environmental values, it is recommended that any support given to the transfer of this land is conditioned to the land remaining as a Reserve and ultimately the land could be amalgamated into the National Park with the option of the traditional owners entering into joint management arrangements.

A table has been prepared for each of the nominated lots and comments have been provided by the administration as they apply to each of the lots responding to each of the nine questions set out above (See Tables 1 – 3 Attached).

It is the expectation that Council would have the opportunity to make further comment on possible land transfers once the DPLH had reviewed comments provided by stakeholders and prior to any final decision being made on the transfer of land.

STATUTORY ENVIRONMENT:

Native Title Act 1993

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026; Aspiration 2.3 – Healthy and Happy Community: To promote and deliver programs, initiatives and infrastructure that contribute to a healthier, happier community.

Objective:

2.3.8 – Implement initiatives to harness and recognise the Shire’s cultural values and history.

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:

1. That COUNCIL endorses and the comments provided in Table 1 in respect to the possible transfer of the Three (3) nominated land parcels and advises the Department of Planning Lands and Heritage that the Council’s submission should be regarded as being a preliminary review only.
2. That Council advises the Department of Planning Lands and Heritage that it is their expectation that further consultation and the opportunity to make further comment would be provided once the matters raised in these preliminary submissions were reviewed and prior to any final decision being made as to which parcels are to be transferred.

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN MARCH 2020

| | |
|------------------------------------|--|
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | |
| Author: | Martin Cuthbert, Chief Executive Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 7 April 2020 |
| Attachments: | March 2020 Information Bulletin |
| Authority/Discretion: | Information |

SUMMARY:

To advise Council on the information items for March 2020 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 March 2020.

CONSULTATION:

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

COMMENT:

The Status of Council Decisions report is an important administrative tool used by the Shire to monitor the implementation of Council decisions. Any Council decision 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 2016 – 2026;
Aspiration 2.5 – Civic Leadership: To provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process

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 March 2020.

9.4.2 NEW POLICY – FP11 FINANCIAL HARDSHIP DURING A DECLARED STATE OF EMERGENCY POLICY

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: 8 April 2020
Attachments: Draft – FP11 – Financial Hardship During a Declared State of Emergency Policy
Authority/Discretion: Legislative

SUMMARY:

The COVID-19 pandemic has had a significant impact on the world, national and local economy. Already within the Shire of Jerramungup, residents, businesses and employers are significantly impacted by the closures and social distancing measures in place.

The purpose of this report is for Council to review and adopt a new policy FP11 – Financial Hardship During a Declared State of Emergency Policy.

BACKGROUND:

The response to the COVID–19 Pandemic is placing unprecedented financial uncertainty on Governments, businesses, Not for Profits and individuals. It is clear that the restrictions are going to increase and will impact for at least six months. Emergency situations provide unique opportunities for the Councillors to demonstrate community leadership.

The general function of a local government is to provide for the good government of persons in its district. As always, but critically in the current Pandemic, the Council needs to balance its financial sustainability against the needs and wants of individuals, not for profits and businesses within its community.

The situation is moving so rapidly that detailed information may not be available at the critical time decisions need to be made and leadership demonstrated. Details of the Shire's responses to date with respect to outward services has been posted on the Shire's website and social media and with respect to inward services, provided via confidential emails to staff and/or Elected Members.

CONSULTATION:

Western Australian Local Government Association.

Department of Local Government, Sport and Cultural Industries.

Internal – Relevant Shire staff have been consulted.

COMMENT:

The COVID-19 Pandemic has had a significant impact on the world economy as the measures implemented to stop the spread of the virus have resulted in closures of businesses, community facilities and recreational areas. As such, a large number of job losses, significant financial hardship on business and uncertainty around the future have hit the local economy hard. In recognition of the impact that the COVID-19 pandemic is having, there has been a number of economic stimulus packages announced by both Federal and State Governments to assist individuals and business.

These packages were developed for the purpose of protecting individual income, job retention and business support.

In addition to the Federal and State packages, the local government industry has also been investigating ways of assisting their residents and ratepayers to deal with the economic and community fallout from the COVID-19 pandemic.

As such, WALGA held a special meeting on 27 March and moved the following resolution:

That WALGA:

1. Notes the significant contribution of local governments in supporting their communities through the COVID-19 pandemic from a financial, economic, community and social perspective.
2. Requests each local government give consideration to the following suite of actions, for local governments with the capacity to do so, to provide a coordinated and consistent response to the COVID-19 pandemic:
 - a. Consider not increasing rates for the 2020-21 financial year;
 - b. Adoption of the WALGA template rates hardship policy by local governments that do not currently have a policy;
 - c. Consider rate relief options to support small businesses affected by the COVID-19 pandemic;
 - d. Review fees and charges considering whether fees can be reduced, waived or deferred during the COVID-19 pandemic;
 - e. Bring forward capital works and infrastructure spending with aggressive application of reserves and borrowing;
 - f. Prioritise local government spending with businesses and contractors located within the Local Government;
 - g. Implement business friendly payment terms to support business cash flow;
 - h. Consider supporting community sporting and cultural groups by either establishing grant programs or waiving fees and charges; and
 - i. Redeploy staff affected by facility closures to tasks that support the community.
3. Notes the State Government is urgently drafting legislative and regulatory amendments to support the actions outlined in point 2 above.
4. Notes the advocacy for the following:
 - a. An increase in local government borrowing capacity beyond current Western Australian Treasury Corporation borrowing limits;
 - b. Suspension of the Western Australian Treasury Corporation's borrowing guarantee charge of 0.7 percent on top of the loan interest rate for the 2020-2021 financial year;
 - c. No increase to street lighting and utility tariffs in 2020-2021;
 - d. Deferral of revaluations for the 2020-2021 financial year;
 - e. Request the Office of the Auditor General to cease performance audits for the 2020-2021 financial year; and
 - f. Freezing of the waste levy for the 2020-2021 financial year.

To address the hardship and community concern around the pandemic it is clear that all levels of government need to work together for the best outcome for the community. This has been highlighted particularly by the State Government by encouraging the local government industry to "help where they can" and to ease the burden on households. It is also extremely important that the Shire assist in the community and social wellbeing of our residents and ratepayers.

The Western Australian Local Government Association (WALGA) have developed a draft policy to guide local governments to assist them in dealing with hardship cases as a result of COVID-19.

The Financial Hardship Policy is provided in the attachments to this report (Attachment A) and outlines specific criteria around the evidence that may be required to prove financial hardship such as (but not limited to):

- Recent unemployment or under-employment;
- Sickness or recovery from sickness;
- Low income or loss of income; and
- Unanticipated circumstances such as caring for and supporting extended family.

The policy also encourages local governments to reserve the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

STATUTORY ENVIRONMENT:

Local Government Act 1995 s.2.7(2)(b)

2.7. Role of council

1. *The council —*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
2. *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

Local Government (Financial Management) Regulations 1996

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026;

Aspiration 2.5 – Civic Leadership: To provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

Aspiration 3.2 – Economic Diversity: To support initiatives which develop strong, diverse and resilient local businesses.

Objectives:

3.2.2 – Implement policies and initiatives to support local small business and agricultural prosperity.

FINANCIAL/BUDGET IMPLICATIONS:

The Shire is already witnessing impacts to recurrent revenues which will only get more severe in the short term. Initial high level modelling indicates that unless budgetary consideration and adjustments to expenditure levels are not acted upon now and incorporated into the upcoming 2020/21 annual budget, the Shire's liquidity position would deteriorate to an unacceptable level.

WORKFORCE IMPLICATIONS:

Policies provide direction for all Shire of Jerramungup employees.

POLICY IMPLICATIONS:

As detailed in the report.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. Pursuant to section 2.7(2)(b) of the *Local Government Act 1995* ADOPTS policy FP11 – Financial Hardship During a Declared State of Emergency Policy.

9.4.3 DISPOSITION OF PROPERTY – 9 MONASH AVENUE, JERRAMUNGUP

| | |
|------------------------------------|--|
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | |
| Author: | Charmaine Solomon, Deputy Chief Executive Officer |
| Responsible Officer: | Martin Cuthbert, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 7 April 2020 |
| Attachments: | a) CONFIDENTIAL – Property Valuation b) Public Notice – Disposition of Property |
| Authority/Discretion: | Executive |

SUMMARY:

The Shire has received an offer from Devyn Matthew Dillon and Taylah Joy Dillon to purchase 9 Monash Avenue, Jerramungup. Details of the proposed intention to sell 9 Monash Avenue, has been advertised in accordance with the *Local Government Act 1995*.

BACKGROUND:

As per the 2018/19 and 2019/20 adopted budgets Council commenced the process to sell 3 Shire houses to offset the contribution towards the construction of Key Worker Accommodation in Jerramungup and Bremer Bay.

In December 2018 the Shire engaged a certified Valuer to undertake a valuation of the properties, following the valuations the Shire then engaged a real estate agency to advertise the properties on the market.

On 16 March 2020 the Shire received an offer for the sale of 9 Monash Avenue Jerramungup, to satisfy the requirements of the *Local Government Act 1995* the Shire sought an updated market valuation. The valuation was received on the 25 March 2020. The market valuation for 9 Monash Avenue is \$175,000.

CONSULTATION:

Opteon Valuers
Department of Local Government, Sport and Cultural Industries
Elected Members
Mr Devyn Dillon

COMMENT:

As per the advice received from the Department of Local Government, Sport and Cultural Industries on 16 August 2019, the offer and acceptance was signed on the 27 March 2020 and included a special condition that the sale of the land is subject to the process being followed under section 3.58(3) and (4) of the *Local Government Act 1995*.

Council is unable to make a decision to transfer the property until it has made a final decision to dispose of the property after the process under 3.58(3) and (4) has taken place. Until then, there was no guarantee that the property would be sold to Devyn Matthew Dillon and Taylah Joy Dillon.

Written submissions were invited on the proposed sale closing 4.00pm on Friday 10 April 2020. At the time of writing this report no submissions have been received, any submissions received by 4.00pm Friday 10 April 2020 will be provided to Council under separate cover. If no submissions are received it is recommended Council proceed with the sale of 9 Monash Avenue, Jerramungup to Devyn Matthew Dillon and Taylah Joy Dillon.

STATUTORY ENVIRONMENT:

The requirements under section 3.58(3) of the Local Government Act 1995 have been satisfied.

3.58. Disposing of property

(1) In this section —

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

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

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

(5) This section does not apply to —

(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026;
Aspiration 2.5 – Civic Leadership: To provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

FINANCIAL/BUDGET IMPLICATIONS:

The projected sale price of the property was listed in the 19/20 annual budget for \$170,000. The offer received was for \$160,000. The \$10,000 shortfall will be factored in the budget review process.

WORKFORCE IMPLICATIONS:

There are no additional workforce implication as a result of these projects.

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. **DECLARE** that the market valuation is a true indication of the property's value at the time of the proposed disposition.
2. **RESOLVE** to proceed, if no adverse public submissions have been received by 4.00pm Friday 10 April 2020 with the sale of 9 Monash Avenue, Jerramungup to Devyn Matthew Dillon and Taylah Joy Dillon for \$160,000 as the proposed disposition has been advertised in accordance with Section 3.58(3) of the *Local Government Act 1995*.
3. **DELEGATE** authority to the Chief Executive Officer to execute transfer documents, settlement arrangements and finalise the sale.

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

11.0 COUNCILLOR REPORTS

12.0 NEW BUSINESS OF AN URGENT NATURE

13.0 CLOSURE

13.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 20 May 2020, commencing at 2.00pm, via eMeeting.

13.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atpm

These minutes were confirmed at a meeting held

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Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: