

# SHIRE OF JERRAMUNGUP



## AGENDA

### COUNCIL ORDINARY MEETING

15<sup>th</sup> MARCH 2017

Dear President and Councillors,

## **NOTICE OF ORDINARY COUNCIL MEETING**

Please note that the next Ordinary Meeting of Council of the Shire of Jerramungup will be held in the Council Chambers, Jerramungup on Wednesday 15<sup>th</sup> February 2017, commencing at 2:00pm.

**BRENT BAILEY**  
**CHIEF EXECUTIVE OFFICER**

9<sup>th</sup> March 2017

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**Progressive, Prosperous and a Premium Place to Live and Visit.**

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**SHIRE OF JERRAMUNGUP**

**ORDINARY MEETING OF COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, JERRAMUNGUP ON WEDNESDAY 15<sup>th</sup> MARCH 2017, COMMENCING AT 2:00PM.**

**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

**2. RECORD OF ATTENDANCE**

**3. APOLOGIES**

**4. LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr C Daniel

Member

**5. PUBLIC QUESTION TIME**

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**7. PETITIONS / DEPUTATIONS / PRESENTATIONS**

**8. DECLARATIONS OF FINANCIAL INTEREST**

**9. CONFIRMATION OF MINUTES**

**9.1 Ordinary Council Meeting held 15<sup>th</sup> February 2017**

**9.2 Annual Meeting of Electors held 15<sup>th</sup> February 2017**

**WORKS**

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<b>SUBMISSION TO:</b>	<b>Works</b>
<b>AGENDA REFERENCE:</b>	10.1.1
<b>SUBJECT:</b>	Works Report
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Murray Flett
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	7 <sup>th</sup> March 2017

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## **ATTACHMENT**

Attachment 10.1.1(a) - Jerramungup, Bremer Bay & rural road maintenance report  
Attachment 10.1.1(b) - Current road construction program schedule  
Attachment 10.1.1(c) - Proposed road construction program schedule

## **ROAD CONSTRUCTION**

The Construction program has been reviewed by staff due to inclement weather, flood damage and the need for environmental approvals to be obtained for Jacup North Road. Accordingly the revised road construction program has been presented to Council for endorsement.

It is proposed that Carney Road be prioritised over the final 3km section of Marnigarup West Road for the following reasons;

- Carney Road is a school bus route
- Only minor vegetation pruning is required prior to gravel sheeting
- Gravel has been located on the adjacent property to the site
- Marnigarup West Road fronts Peniup Nature Reserve and environmental clearances would be required for formation widening.
- The identified section 3kms north from Cowalellup Road has required substantial maintenance over the last few years due to persistent failures in the pavement.

It is also proposed that Jacup North Road be deferred until next financial year to enable appropriate environmental clearances to be established.

The revised program proposes to utilise Roads to Recovery funds allocated to Jacup North Road on the following roads:

<b>Road</b>	<b>Current Budget</b>	<b>Proposed Revised Budget</b>	<b>Works</b>
Swamp Road	\$0	\$50,000	Floodway improvements and upgrades.
Boxwood Ongerup Road	\$115,000	\$205,000	Floodway improvements and additional 2km of gravel sheeting and rehabilitation works.
Bremer Bay Street	\$0	\$60,000	Intersection overlays and reseals.

The section of Swamp Road between South Coast Highway and Gairdner South Road sustained severe damage to the road pavement, drain lines, and drainage structures in the January 2016 and February 2017 storm events. The reallocation of funds will leverage the identified flood damage reinstatement works to improve flood crossings and undertake re-sheeting not covered by flood damage funds.

The floodways will be cement stabilised gravel with depth indicator markers. In addition the existing bunds will be upgraded to slow the water velocity and ensure the water is channelled into the existing water courses eliminating longitudinal water flows.

The additional \$90,000 of works on Boxwood Ongerup Road will provide an upgrade to the flood crossing to install new box culverts and complete an additional 2km of gravel sheeting on sections of the road where existing clearing and widening has been undertaken. It will also provide for rehabilitation works to sections of the road which have been realigned for safety purposes.

\$60,000 of funding is proposed to undertake reseals and intersection upgrades in Bremer Bay. A scope of works has not been finalised however works will be prioritised on roads with single coat seals that are susceptible to potholes.

The balance of funds identified for Jacup North Road will be carried over to next financial year. In addition, the proposed road construction program also identifies that construction works on Meechi Road are unlikely to proceed due to weather delays experienced to date. The funds allocated to this project will also be deferred to next financial year.

## **ROAD MAINTENANCE**

Given the recent rains, the roadside spraying program will commence shortly to restrict weed infestations.

Routine maintenance grading and gravel patching is continuing on roads in both the Bremer Bay and Jerramungup areas with emphasis on patching pavement failures prior to the wet weather onset. The crew are still focused on maintaining back-slopes especially on bends and intersections to improve sight distances for the road user.

## **TOWN SERVICES**

The town services team has completed forming and gravel sheeting Stage 2 of the Walk Trail in Bremer Bay. The asphalt surfacing of the path will be undertaken in conjunction with the Town Centre works. The trail has been well utilised by pedestrians since it was opened. The new bridge near Bennett Street has also been completed.

The team have been kept busy on weed eradication in both towns which has been a great effort by those involved. They are also undertaking maintenance of the parks and gardens in Jerramungup and Bremer Bay.

## **STATUTORY REQUIREMENTS**

This item seeks an endorsement of a budget amendment to facilitate the redistribution of Roads to Recovery funding.

Section 6.8 of the Local Government Act 1995 - Expenditure from municipal fund not included in annual budget.

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

*\* Absolute majority required.*

## **STRATEGIC IMPLICATIONS**

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

**Aspiration 3.4:** To lobby, advocate for and deliver a first class transport and telecommunications network.

## **FINANCIAL IMPLICATIONS**

The revised road construction program provides for a redistribution of Roads to Recovery funding. Approximately \$50,000 of funding will be carried forward to be utilised on Jacup North Road next financial year.

## **POLICY IMPLICATIONS**

Nil

## **WORKFORCE IMPLICATIONS**

This report provides an overview of the outside workforce operations for the month.

## **VOTING REQUIREMENTS**

Absolute Majority

## **COMMENTS**

Nil



## **RECOMMENDATION**

**That Council;**

- 1. Adopt the February works report.**
- 2. Endorse the revised road construction program and approve the following amendments to the project budgets;**
  - a) Increase the Boxwood Ongerup Road budget to \$205,000 (increase of \$90,000);**
  - b) Allocate \$50,000 to Swamp Road floodway improvements and resheeting;**
  - c) Allocate \$60,000 to Bremer Bay Streets – asphalt overlays and reseals; and**
  - d) Reduce the budget allocated to Jacup North Road in 2016/2017 by \$200,000.**

# **FINANCE**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.1
<b>SUBJECT:</b>	Accounts Payable
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	
<b>AUTHOR:</b>	Kiara Leeson
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	1 <sup>st</sup> March 2017

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**ATTACHMENT**

Attachment 10.2.1(a) - List of Accounts Paid to 28<sup>th</sup> February 2017  
Attachment 10.2.1(b) - Credit Card Statement 18/01/2017 – 20/02/2017

**BACKGROUND**

<b>FUND</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
<b>Municipal Account</b>		
Last Cheque Used	28086	
	EFT 12997 – 13067	\$ 161,071.80
	EFT 13069 – 13102	\$ 62,473.14
	Cheque 28087 – 28093	\$ 14,538.49
	Direct Deposit	\$ 25,071.70
<b>Municipal Account Total</b>		<b>\$ 263,155.13</b>
<b>Trust Account</b>		
	EFT 13068 – 13068	\$ 2000.00
	EFT 13103 – 13103	\$ 20.00
<b>Trust Account Total</b>		<b>\$ 2020.00</b>
<b><u>Grand Total</u></b>		<b><u>\$265,175.13</u></b>

## **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.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, confirm;**

- **The List of Accounts Paid to 28<sup>th</sup> February 2017 as detailed in Attachment 10.2.1(a); and**
- **The Credit Card Statement for 18/01/2017 – 20/02/2017 as detailed in Attachment 10.2.1(b)**

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<b>TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.2
<b>SUBJECT:</b>	Monthly Financial Report
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>AUTHOR:</b>	Charmaine Solomon
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 <sup>th</sup> March 2017

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## **SUMMARY**

This report presents the monthly financial report to Council which is provided as an attachment to the agenda. The recommendation is to receive the monthly financial report.

## **ATTACHMENT**

Attachment 10.2.2 – Monthly Financial Report Period Ending 28<sup>th</sup> February 2017

## **BACKGROUND**

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month with the following detail

- 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, and
- Any other required supporting notes.

## **CONSULTATION**

Council financial records.

## **COMMENT**

This 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.

## **STATUTORY REQUIREMENTS**

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that financial activity statement reports are provided each month reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month.

The report is to be presented at either the next Ordinary meeting after the end of the month, or if not prepared in time to the next Ordinary meeting after that meeting.

## **STRATEGIC IMPLICATIONS**

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

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

## **FINANCIAL IMPLICATIONS**

As detailed within the Monthly Financial Report

## **POLICY IMPLICATIONS**

Accounting policies as detailed within the Monthly Financial Report

## **WORKFORCE IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council receive the Monthly Financial Report for the period ending 28<sup>th</sup> February 2017 in accordance with Section 6.4 of the Local Government Act 1995.**

**HEALTH,  
BUILDING  
& TOWN  
PLANNING**

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.1
<b>SUBJECT:</b>	Point Henry Vegetation Mapping and Management Project
<b>LOCATION/ADDRESS:</b>	Point Henry, Reserve 511 and 51494
<b>NAME OF APPLICANT:</b>	Nathan McQuoid & Gary McMahan
<b>FILE REFERENCE:</b>	ES.SP.1
<b>AUTHOR:</b>	Planning Officer, Craig Pursey
<b>DISCLOSURE OF ANY INTEREST:</b>	None
<b>DATE OF REPORT:</b>	7 March 2017

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## **SUMMARY**

Nathan McQuoid and Gary McMahan were engaged in March 2016 to prepare a study which maps the vegetation communities in Point Henry and key reserves in Bremer Bay and provide recommendations as to the best practice fire management responses to the identified communities.

The report is now complete and Council is requested to formally 'receive' the report.

## **ATTACHMENT**

Attachment 10.3.1(a) - Scope of Works - Point Henry Vegetation Hazard Mapping and Protection Strategy  
Attachment 10.3.1(b) - Contents and introduction of Bremer Bay Point Henry Vegetation Mapping and Management Project (full report uploaded to DropBox)

## **BACKGROUND**

Council adopted the Point Henry Fire Management Strategy following advertising at their meeting in October 2014 as a Local Planning Policy. Point 33 of the implementation section recommended:

33. *That the Shire consider preparing Vegetation Management Plan for Point Henry that maps the vegetation communities and provides recommendations on weed control and fire management measures for specific vegetation communities with a view to retaining their ecological values over time.*

A grant application to prepare this study through the 'National Bushfire Mitigation Program' was successful in February 2016.

A scope of works for the project was prepared in house with input from the staff working on the Bushfire Risk Mitigation Plan (BRMP), this is attached to this report at 10.3.1(a); this scope fully explains the expectations for the project. Tenders were called in March 2016 with the successful company being Nathan McQuoid and Gary McMahan.

The project is now complete with the production of a report entitled "Bremer Bay Point Henry Vegetation Mapping and Management Project" (the Report).



A copy of the introduction and contents page is at Attachment 10.3.1(b) of this report. A full copy of the report will be made available to Councillors.

## **CONSULTATION**

The report has not been through a formal public consultation period initiated by staff. However, considerable consultation was undertaken by the consultants in the preparation of the study with local landowners, brigade representatives and involved agencies.

## **COMMENT**

The Report consists of:

- Identification of 29 vegetation communities in the study area;
- Mapping of the identified communities with hard copy and GIS layers produced;
- Vegetation Management Guide as a core product. The Guide provides landowners and managers information about the vegetation, its values and its sustainable management, in particular its reduced bushfire hazard. The layout of the guide first provides context and then a comprehensive set of management recommendations and methods as a central table. It also provides specifics and detail on management methods and techniques.
- A section that explores the listed or 'significant species and communities' in the study area and provides recommendations.
- Proposes a hazard reduction trial program and sets the parameters to achieve this. That is, the report sets up a system for testing the results of the current study.
- Finally a training program is recommended for landowners, land managers and people working in this landscape as to how to sustainably manage their vegetation communities.

Staff consider that the Strategy meets the requirements set out in the scope of works prepared and the original Point Henry Fire Management Strategy. It will be used to inform the BRMP, reserve management (including road reserves), future fire management policy work and in information/guidance provided to landowners in Point Henry.

This is another key measure in improving the fire management outcomes for Point Henry and it is recommended that Council formally 'receive' the strategy.

## **STRATEGIC IMPLICATIONS**

The proposal aligns with a variety of the aspirations of the Strategic Community Plan:

**Aspiration 1.2 - Environmental Planning and Restoration** To facilitate community programs and initiatives that deliver best practice environmental planning, management and mitigate the impacts of climate change.

**Objective 1.2.4** Ensure that new development is well designed and sustainable, where community needs are met while conserving our natural and built environment.

**Aspiration 2.4 - Emergency Management** To ensure that the Shire of Jerramungup is seen as an industry leader in emergency management and preparedness.

## **STATUTORY REQUIREMENTS**

The Shire of Jerramungup entered into an agreement with the State Emergency Management Committee Secretariat when funding was provided for this project.

## **FINANCIAL IMPLICATIONS**

One final payment is expected from the funding body after completion of the report.

## **POLICY IMPLICATIONS**

The report and associated documentation will be used to inform future land use policies, particularly as they relate to fire and landscape management.

## **VOTING REQUIREMENTS**

Simple majority

## **RECOMMENDATION**

That Council receive the “Bremer Bay Point Henry Vegetation Mapping and Management project report 2017” prepared by Nathan McQuoid and Gary McMahon.

**A D M I N**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.1
<b>SUBJECT:</b>	Compliance Audit Return 2016
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Charmaine Solomon
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	3 <sup>rd</sup> March 2017

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## **SUMMARY**

This agenda item discusses the compliance audit return for 2016. The recommendation is to adopt the compliance return.

## **ATTACHMENT**

Attachment 10.4.1 - Compliance Audit Return 2016

## **BACKGROUND**

The compliance return is a statutory requirement which Council is to complete each year evaluating areas of compliance with the Local Government Act 1995 and relevant regulations. The compliance period ranges from 1<sup>st</sup> January 2016 to 31<sup>st</sup> December 2016.

Council is to receive and adopt the Compliance Audit Return after it has been reviewed by the Audit Committee.

## **CONSULTATION**

Executive Officers  
Audit Reports

## **COMMENT**

In carrying out the compliance return for 2016 there were no areas of non-compliance identified.

## **STATUTORY REQUIREMENTS**

### **Local Government Audit Regulations 1996**

14. Compliance audits by local governments
  - (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
  - (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

15. Compliance audit return, certified copy of etc. to be given to Executive Director

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
  - (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation —  
*certified* in relation to a compliance audit return means signed by —
  - (a) the mayor or president; and
  - (b) the CEO.

### **STRATEGIC IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Absolute Majority

### **RECOMMENDATION**

**That Council receive and adopt the Compliance Audit Return for 2016.**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.2
<b>SUBJECT:</b>	CEO Review Committee Meeting Minutes
<b>AUTHOR:</b>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Mr Bailey declared a financial interest Cr Bailey declared an indirect financial interest
<b>DATE OF REPORT:</b>	3 <sup>rd</sup> March 2017

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### **ATTACHMENT**

CONFIDENTIAL Attachment 10.4.2(a) - Minutes for the CEO Review Committee  
CONFIDENTIAL Attachment 10.4.2(b) - Review Committee Report

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

- 1) That the minutes of the CEO Review Committee meeting held on Thursday 2<sup>nd</sup> March 2017 be received and the recommendations within the Review Committee Report be endorsed.
- 2) That Council approve a variation of the contract of employment for the CEO to reflect endorsement of support for the CEO's post graduate MBA study in accordance with the Human Resources Policy, as well as variation of clause 9.4(3) so that there is no further accrual of the 'cashing out' option of sick leave credits, and is capped at 211.92 hours.

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.3
<b>SUBJECT:</b>	Lease - Portion of Jerramungup Depot
<b>LOCATION/ADDRESS:</b>	Reserve 37080, Lot 289 Newton Street, Jerramungup
<b>NAME OF APPLICANT:</b>	Western Power
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	2 <sup>nd</sup> March 2017

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## **SUMMARY**

Western Power has requested a lease be established for the pole storage yard located on Reserve 37080, Lot 289 Newton Street, Jerramungup.

A draft lease has been prepared for Council consideration for an initial five year term with the option of an additional five years.

The recommendation supports establishing a lease for the pole storage yard unless a better value offer is received during the advertising period.

## **ATTACHMENT**

Attachment 10.4.3(a) - Draft Lease - Pole Storage Yard

Attachment 10.4.3(b) - Valuation Report, Lot 289 Newton Street, Jerramungup

## **BACKGROUND**

Western Power (Electricity Networks Corporation) has been occupying an approximately 5000m<sup>2</sup> area in the Shire Depot for use as a pole storage facility for the past 18 months while they attempted to secure a better site for themselves. In recognition of the site's usage Western Power agreed to construct and repair a perimeter fence around the site costing \$18,670. As the period of occupancy has extended beyond original forecasts a formal lease arrangement is recommended to formalise the land use.

## **CONSULTATION**

Western Power – Property Unit

## **COMMENT**

Western Power has requested a lease be entered into for an initial five year period with the option of an additional five years. Western Power have met the costs of lease preparation which is attached to this item.

The essential terms of the lease agreement include:

Term: 5 years

Extension: 5 years

Rent Amount: \$8,100 per annum excluding GST

Rent Review: CPI and Market Review after 5 years.

There is currently no water or electricity supplied to the hardstand area so the site has limited capacity for other private business uses.

## **STATUTORY REQUIREMENTS**

As Western Power is a Western Australian State Government owned corporation with the purpose of connecting people with electricity in a way that is safe, reliable and affordable, the provisions relating to the disposal of property are not applicable.

### **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.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

### **30. Dispositions of property excluded from Act s. 3.58**

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

(2) A disposition of land is an exempt disposition if —

- (c) the land is disposed of to —
  - (i) the Crown in right of the State or the Commonwealth; or
  - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
  - (iii) another local government or a regional local government;

### **Land Administration Act 1997**

#### **18. Various transactions relating to Crown land to be approved by Minister**

- (1) A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.
- (2) A person must not without authorisation under subsection (7) —
  - (a) grant a lease or licence under this Act, or a licence under the *Local Government Act 1995*, in respect of Crown land in a managed reserve; or
  - (b) being the holder of such a lease or licence, grant a sublease or sublicence in respect of the whole or any part of that Crown land.

- (3) A person must not without authorisation under subsection (7) mortgage a lease of Crown land.
- (4) A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.
- (5) The Minister may, before giving approval under this section, in writing require —
  - (a) an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and
  - (b) information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.
- (6) An act done in contravention of subsection (1), (2), (3) or (4) is void.
- (7) A person or lessee may make a transaction under subsection (1), (2), (3) or (4) —
  - (a) with the prior approval in writing of the Minister; or
  - (b) if the transaction is made in circumstances, and in accordance with any condition, prescribed for the purposes of this paragraph.
- (8) This section does not apply to a transaction relating to an interest in Crown land if —
  - (a) that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act;
  - (b) that interest may be created, granted, transferred or otherwise dealt with under an Act other than —
    - (i) this Act; or
    - (ii) a prescribed Act;
  - (c) an agreement, ratified or approved by another Act, has the effect that consent to the transaction was not required under section 143 of the repealed Act; or
  - (d) the transaction is a lease, sublease or licence and the approval of the Minister is not required under section 46(3b).

*[Section 18 amended by No. 59 of 2000 s. 8(1)-(5) <sup>5</sup>.]*

### **STRATEGIC IMPLICATIONS**

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

**Aspiration 3.1 - Industry Development** To provide an attractive environment for industry development and expansion.

## **FINANCIAL IMPLICATIONS**

The monthly rent for the lease on the pole storage yard is \$8,100 exclusive of GST payable monthly in advance. This is reviewed annually at each anniversary of the commencement date and increased by CPI, except for every 5<sup>th</sup> anniversary which shall be based on market rent.

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council;**

- 1. Grant a lease to Electricity Networks Corporation for a term of five (5) years commencing 1<sup>st</sup> March 2017 and expiring 28<sup>th</sup> February 2022 with a further five (5) year option for the pole storage yard located on a portion of Reserve 37080, Lot 289 Newton Street, Jerramungup subject to the Shire gaining consent from the Minister for Lands.**
- 2. Authorise the Shire President and Chief Executive Officer to execute the lease for the pole storage yard.**

**C O U N C I L L O R  
R E P O R T S**

**11. COUNCILLOR REPORTS**

**12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY LEAVE OF THE PRESIDING MEMBER**

**12.1 From Officers**

**12.2 From Elected Members**

**13. NEXT MEETING/S**

Ordinary Meeting – to be held Wednesday 19<sup>th</sup> April 2017 commencing 2:00pm at the Town Hall, Bremer Bay.

**14. CLOSURE**