



# 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 May 2019  
At the Council Chambers,  
Jerramungup  
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**  
7 May 2019

## 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."*

## 2019 MEETING DATES

At its Ordinary Meeting of Council on 19 December, 2018, Council adopted the following meeting dates for 2019:

January	-	-	Council in Recess
Wednesday	20 February 2019	2.00pm	Council Chambers, Jerramungup
Wednesday	20 March 2019	2.00pm	Council Chambers, Jerramungup
Wednesday	17 April 2019	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	15 May 2019	2.00pm	Council Chambers, Jerramungup
Wednesday	19 June 2019	2.00pm	Council Chambers, Jerramungup
Wednesday	17 July 2019	2.00pm	Council Chambers, Jerramungup
Wednesday	21 August 2019	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	18 September 2019	2.00pm	Council Chambers, Jerramungup
Wednesday	16 October 2019	2.00pm	Council Chambers, Jerramungup
Wednesday	20 November 2019	8.30am	Council Chambers, Jerramungup
Wednesday	18 December 2019	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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## **ORDINARY COUNCIL MEETING AGENDA**

### **1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS**

The meeting was opened at .....pm 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 17 April 2019.

**That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held at the Emergency Services Shed, Bremer Bay, on 17 April 2019 be CONFIRMED**

### **8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES**

Nil

## 9.0 REPORTS

### 9.1 TECHNICAL SERVICES

#### 9.1.1 WORKS REPORT FOR APRIL 2019

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Murray Flett, Manager of Works
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	6 May 2019
<b>Attachments:</b>	1. Road Construction Program Schedule
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

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

#### BACKGROUND:

##### Road Construction

This month the Construction crew completed realignment of the sub-standard curve on Meechi Road. The old road alignment had a deflection angle of 90 degrees with an advisory speed limit of 60km/hr. This has now been replaced by the 850 metre radius curve which eliminates the need for advisory speed reduction signage. The remaining works to cut down the hill and fill over the culvert will recommence when more favourable weather conditions prevail.

The crew have also completed upgrade works at the Jerramungup Tip which consisted of;

- Gravel sheeting the turnaround area and the through track.
- Constructing the tank pad and installing the tank next to the transfer shed.
- Gravel sheeting sections for the recycling bin, timber and steel storage areas and the oil tank.
- Constructing a retention basin.

The crew have also been gravel sheeting clay sections on school bus routes to improve the skid resistance whilst improving the drainage as part of these works.

Attached is the year to date 2018/2019 construction program.

##### Town Services

The recent rains have helped rejuvenate the lawns and established native gardens within both town sites that were struggling as a result of the dry spell. Unfortunately, with the rain comes the onset of weeds so the annual spray program has commenced on the most affected roads.

The Great Southern Technical and Further Education (TAFE) campus have now propagated in excess of 12,000 native plants from seeds collected within work areas and these will be planted at rehabilitation sites by Cert III & IV students as part of their Cert III CLM training. TAFE may even exceed having 20,000 native seedlings propagated by the time the rehabilitation works commence later this year. This type of exposure to real time works has been invaluable training to these students undertaking their Cert III and Cert IV CLM units.

##### Road Maintenance

Even with the recent rains, conditions are still very dry for maintenance grading so the crew are still focussing on maintaining not only the running surface, but also offshoot drains, back-slopes, the inside of curves and sight lines at intersections to improve driving conditions for the road user.

Some gravel patching has been undertaken to rectify failures in the road pavement but all road users are urged to drive according to the road conditions given the ever changing conditions.

**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 2018/2019 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 April 2019.**

**9.2 CORPORATE SERVICES****9.2.1 ACCOUNTS FOR PAYMENT – APRIL 2019**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>Author:</b>	Sarah Van Elden, Finance Officer
<b>Responsible Officer:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	6 May 2019
<b>Attachments:</b>	1. List of Accounts Paid to 30 April 2019 2. Credit Card Statement 27 March 2019 – 27 April 2019
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of April 2019.

**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 2018-19 Annual Budget as adopted by Council at its meeting held 23 July 2018 (Minute No. SC180701 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 April 2019. Lists detailing the payments made are appended as an attachment.

<b>FUND</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
<b>Municipal Account</b>		
Last Cheque Used	28170	
EFT Payments	15914 – 15967	\$685,086.21
EFT Payments	15969 – 15985	\$39,509.78
Direct Deposits		\$26,912.40
<b>Municipal Account Total</b>		<b>\$751,508.39</b>
<b>Trust Account</b>		
EFT Payments	15968	\$125,335.89
<b>Trust Account Total</b>		<b>\$125,335.89</b>
<b>Grand Total</b>		<b>\$876,844.28</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.

**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 – Purchasing

**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 30 April 2019 as detailed in Attachment 9.2.1(a).**
- b) **The Credit Card Statement 27 March 2019 – 27 April 2019 as detailed in attachment 9.2.1(b).**

**9.2.2 MONTHLY FINANCIAL REPORT – APRIL 2019**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	7 May 2019
<b>Attachments:</b>	1. Monthly Financial Report for the period ending 30 April 2019
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the statement of financial activity for the period ended 30 April 2019 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 30 April 2019.

**BACKGROUND:**

At its meeting held 23 July 2018 (Minute No. SC180701 refers), Council adopted the annual budget for the 2018-19 financial year. The figures in this report are compared to the adopted budget.

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 31 March 2019 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 of 23 July 2018, the Council adopted (Minute No. SC180701 part 1.6 refers) the following material variance reporting threshold for the 2018-19 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 2018/2019 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 2019 has been incurred in accordance with the 2018-19 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 – Purchasing

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 30 April 2019 in accordance with section 6.4 of the *Local Government Act 1995*.**

### 9.3 DEVELOPMENT SERVICES

#### 9.3.1 PAPERBARKS PARK ABLUTION BLOCK UPGRADES

<b>Location/Address:</b>	Reserve 21496, Lot 130 Bremer Bay Road, Bremer Bay
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	CS.SP.7
<b>Author:</b>	Craig Pursey, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	7 May 2019
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Ablution block upgrade plans</li> <li>2. Poster and survey results</li> </ol>
<b>Authority/Discretion:</b>	Executive

#### SUMMARY:

The Paperbarks Park has been progressively upgraded over the past 3 years with assistance from a grant from LotteryWest.

The last stage in this process, which is an obligation under the terms of the grant agreement, is to upgrade the ablution block. Plans have been drafted and tenders accepted for the upgrade works, one of the last remaining outstanding decisions is what to do with the existing public art work on the face of the ablution block.

A public survey was held seeking opinion on the best way forward with 62% of respondents wishing to retain the artwork for a variety of reasons.

This report recommends retaining the artwork and starting a process for place additional artwork on the new Unisex Accessible Toilet (UAT).

#### BACKGROUND:

In 2015 Council commenced a process to upgrade the Paperbarks Park area with preliminary plans prepared and a grant application lodged with LotteryWest. Council were successful in obtaining a Grant from LotteryWest in December 2016 for 50% of the costs of the upgrades.

The project included the following elements:

1. Sealing of the carpark and upgrades to the roads (completed early 2017)
2. Upgrade of the park itself with new tables, seating, barbeques, fencing, shelters and playground (completed October 2018)
3. Upgrade of the ablution block (incomplete)

Council's obligations under the terms of the grant were to seal the carpark and upgrade the ablution block.

#### ***Ablution Block Upgrades***

A number of concepts have been prepared for the upgrade of the ablution block at Paperbarks in the last 3 years. The design has changed a number of times due to uncertainty around how to achieve the best use of Shire resources and the status of the artwork on the front of the building.

The upgrade of the ablutions must include the refreshing of all internal fixtures and fittings and most importantly the addition of a Unisex Accessible Toilet (UAT). The intention has been to provide a durable ablution block that meets today's standards and legislative requirements and fits in with the upgrades in the park opposite.

Options explored in the past include:

1. Demolition and a new build;
2. Retention of the existing building and retrofitting the internal space with new fixtures and fittings plus a UAT inside the existing building footprint; or
3. Retention of the existing building, retrofitting the internal space with new fixtures and fittings plus a new freestanding UAT outside of the existing ablution block.

Demolition and replacing with a new building was assessed and deemed to be the most expensive option with much of the budget taken up by uncertain demolition costs, power upgrades and earthworks that would not offer any physical product for money spent. Additionally, the existing building was assessed and found to be in a sound condition with the only substantial issue to address being achieving access at the correct gradient.

Unfortunately, the project has been tendered a number of times over the last 3 years as staff sought the most cost effective solution that meets the legislative requirements for new ablutions. The last tender effectively requested a 'design and construct' proposal from a builder with the successful tenderer being J & TW Dekker from Albany.

Works are to start shortly and include:

- Retention of the existing building with internal fit out of new fixtures and fittings;
- A new freestanding UAT that achieves the required gradients for access; and
- Rendering of the outside of the existing building to match the new UAT.

A copy of the plans for upgrading are attached to this report.

### **Public Art**

The front of the ablution block has been painted with a sea life scene depicting local wildlife. The Bremer Bay Townscape Committee (now defunct) initiated the idea to paint the ablution block around 2001 with Sue Stokes and Corrine Hobbs being influential. This Committee agreed at the time to engage Julie Outram to design and oversee the painting of the artwork. In February 2002 Julie painted large parts of the art with assistance from the local community members and school children at the time. The townscape committee then had the art sealed with anti-graffiti paint which appears to have stood the test of time.



**CONSULTATION:**

As the first option chosen in 2016 was to upgrade the existing building no consultation was undertaken in regard to the ablution upgrade. However, the cost of upgrading within the existing building footprint and access issues to a UAT made pursuing this option difficult.

Staff then chose to consider alternative options including a new freestanding UAT or a new build. It was decided to make this decision ‘in house’ at the time in an effort to speed the process up. At no time was a decision made to demolish the existing ablutions but some informal, strong feedback was received from some members of the community to retain the existing building.

As stated above, following a design and construct tender process, an internal decision was made to retain the existing ablution block and add an external UAT.

**Artwork**

The issue then arose with what to do with the existing artwork on the outside of the ablutions. A new freestanding UAT is proposed and it was thought to render both this and the existing building to match. This would have resulted in the existing artwork being rendered over to achieve some architectural symmetry between the two buildings.

However, staff were not sure of the level of public feeling around the artwork and took the following steps to assess what to do with the artwork:

1. Discussions were held with Julie Outram, the original artist, who stated that she had little attachment to the artwork but would prefer that the existing building was retained;
2. Council were informally approached as to whether to seek public comment, it was decided to seek public comment; and
3. A public survey was then prepared that ran between the 28 March 2019 and 23 April 2019 asking the question:

“How do we best upgrade the front of the existing building to compliment the refurbishment and new unisex accessible toilet addition?”

Four options were provided and an opportunity to provide additional comment. The questions were:

Question	Response
Retain the original artwork on the front of the building and abstain from works being carried out at the front of the building	15.60%
Keep the original artwork as it is and render the brickwork around the mural in a colour matching the render of the remaining building	47.52%
Render the entire building and run a public art competition inviting local artists to submit draft designs for new public art to decorate the front of the building	35.46%
Render the entire building and don't reinstate any public art	1.42%

A copy of the advert, survey results and comment are attached to this report for Council’s consideration.

The survey was run through the Shire’s Facebook site, website, Council Buzz, Jerry Journal, Bremer Bulletin, adverts at public places, at a stall at the Easter Markets and hard copies available at the Bremer Bay Community Resource Centre.

**COMMENT:**

The decision regarding what to do with the existing artwork is the last decision to make on this upgrade program.

On balance, the survey results were in favour of retaining the existing artwork with the comments lodged showing some reasonably strong opinions both ways. Comments in favour of retaining the artwork revolved around the art forming part of the history of the town and it being a good representation of local sea life. Comments against retaining the artwork included questions about the life left in the paint, a new, fresh start being desired and the matching in of render with the artwork would look average.

Other ideas coming out of the survey include:

- Render the whole building and replace with same or similar image;
- Place the image onto t-shirts and towels and use them to market Bremer Bay;
- Replace with a new community art project, school art project or engage a local artist;
- Include aboriginal artists and acknowledge traditional owners of the land;

***Where to from here?***

Whilst a survey has been conducted, the results of the survey are not a decision on what to do, but should help inform Council's final decision.

As stated above, originally staff intended to render the whole building and reinstate the original artwork over the top. This would have sealed the building and resulted in the new UAT blending with existing building.

However, given the public feeling about retaining the artwork as is, there appears to be a number of options for Council to consider including (but not limited to):

1. Leave the outside of the existing ablution block as is and have the new UAT present differently. This would be more economical, retain the artwork and tell the story of the site as it has developed over time.
2. As per option 1 but add new public art to the UAT to achieve some architectural sympathy between buildings;
3. Render both buildings with the exception of the existing art work; or
4. Render both buildings and reinstate the original artwork.

If the end result sought is to have the old blend with the new, then one way to achieve this is to leave the existing ablution block as is and place new artwork on the outer surfaces of the new UAT. This would result in the outside surfaces of the toilet block seen as you approach being covered in public art, thus achieving a sense of architectural sympathy between the two structures.

Alternatively, rendering and reinstating the same or new art work would give the outward appearance of a new build and match in with the redevelopment of the Paperbarks park area generally.

**STATUTORY ENVIRONMENT:**

There are no statutory requirements to provide public art in the Shire of Jerramungup.

**STRATEGIC IMPLICATIONS:**

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

Aspiration 2.2 - Improved Liveability: To develop initiatives and programs, supported by high quality infrastructure that improves lifestyle outcomes and makes the Shire of Jerramungup an attractive place to live.

Objectives:

2.2.3 - Beach infrastructure and amenities replacement and renewal

**FINANCIAL IMPLICATIONS:**

Completing the upgrades and acquitting the grant with LotteryWest this financial year would be ideal for budgeting purposes.

Retention of the artwork may provide minor savings in not rendering a portion of the ablution block.

Additional funds will be sought in the coming financial year for additional earthworks and retaining to upgrade the parking in the immediate area and formalise a disabled parking bay immediately adjacent to the UAT.

**WORKFORCE IMPLICATIONS:**

Shire staff will undertake the bulk earthworks and rendering of the buildings as required.

**POLICY IMPLICATIONS:**

There are no policy implications for Council.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**THAT Council,**

- 1. Retain the existing artwork on the front of the Paperbarks Park ablution block; and**
- 2. Engage a local community group to prepare public art for the front of the new UAT.**

## 9.4 EXECUTIVE SERVICES

### 9.4.1 INFORMATION BULLETIN APRIL 2019

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	7 May 2019
<b>Attachments:</b>	1. April 2019 Information Bulletin
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

To advise Council on the information items for April 2019 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 April 2019.

#### 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 April 2019.**



**9.4.2 THE SOUTH COAST ALLIANCE INC**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	ED.PR.6
<b>Author:</b>	Craig Pursey, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	7 May 2019
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Confidential attachment - South Coast Alliance Inc Strategic Plan</li> <li>2. Confidential attachment - Priority action list for 2018/19</li> </ol>
<b>Authority/Discretion:</b>	Executive

**SUMMARY:**

In July 2015 the City of Albany and Shire's of Denmark and Plantagenet formed an economic alliance focussed on the economic development of the Lower Great Southern region.

The Shire Presidential, Deputy President and CEO have attended a number of these meetings and the alliance have indicated that they would be happy to have the Shire of Jerramungup included in the alliance.

This report recommends that Council resolve to formally request membership of the South Coast Alliance Inc.

**BACKGROUND:**

In July 2015 the City of Albany and Shire's of Denmark and Plantagenet formed an economic alliance focussed on the economic development of the Lower Great Southern region. This alliance started with a Memorandum of Understanding (MoU) and the engagement of a jointly funded Executive Support Officer to guide and facilitate its implementation.

Last year the Lower Great Southern Economic Alliance formed an incorporated association and is now called the South Coast Alliance Inc (the Alliance).

The Alliance is focused on three pillars to deliver economic advantage to the sub-region:

- Advocacy
- Economic Development and Tourism
- Efficiency and Consistency

The 'guiding principles' for the Alliance include:

- *Always ask, 'can we do this better together?'*
- *Exercise 'co-opetition' - co-operate to compete with the rest of the world, not each other or our neighbours in the wider region or State*
- *Respect our differences and refrain from involvement in each other's governance*
- *Only act where there is a clear, net benefit, and no harm or undue risk*
- *Be open and Transparent to our communities.*

The Alliance has adopted a Strategic Plan and has a rolling 'priority action list', a copy of these documents are attached to this report as *confidential attachments*.

**CONSULTATION:**

Nil – none required.

**COMMENT:**

The Shire Presidential, Deputy President and CEO have attended a number of these meetings and the Alliance have indicated that they would be happy to have the Shire of Jerramungup included.

Membership of the Alliance may provide greater political weight to the Shire's effort's at advocacy for various regional matters such as improvements to South Coast Highway, sealing of the road to Point Ann and better health services.

There may be greater economic gains as well through joining future waste management solutions, joint tourism promotion and coordinated responses to future economic opportunities.

Lastly, working with larger local governments may provide support for staff, additional resources and opportunities for collaboration between administrations leading to efficiencies.

Joining the Alliance would imply active engagement with the Alliance and this would have workload implications for senior staff and the Shire President and Deputy.

**STATUTORY ENVIRONMENT:**

The Local Government Act allows for a local government to take part in an incorporated body.

**STRATEGIC IMPLICATIONS:**

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

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

Objectives:

3.2.5 - Establish and maintain strategic partnerships with neighbouring Council's to improve services and opportunities for the community

**FINANCIAL IMPLICATIONS:**

Membership of the Alliance has an annual contribution, whilst the amount is not certain, it is estimated to be approximately \$6,000. Member Councils have also made individual contributions to individual projects on a case by case basis.

**WORKFORCE IMPLICATIONS:**

Attendance at the monthly Alliance meetings and hosting meetings as required.

There will be additional work attending the business of the Alliance as well as the Shire of Jerramungup.

**POLICY IMPLICATIONS:**

There are no policy implications for Council.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**THAT Council write to the South Coast Alliance Inc and request to formally join this alliance as an active member.**

### 9.4.3 COUNCILLOR RESIGNATION

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	7 May 2019
<b>Attachments:</b>	
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

Councillor Bruce Trevaskis has formally tendered his resignation from his office of councillor. Council is now requested to consider allowing this vacancy to remain unfilled until the October 2019 Local Government ordinary elections.

#### BACKGROUND:

In accordance with section 2.31 of the *Local Government Act 1995* (the Act), Councillor Bruce Trevaskis has resigned from his office of Councillor by providing written notice of his resignation to the Chief Executive Officer (CEO). The resignation takes effect from 17 April 2019.

Section 4.16(3) of the Act stipulates that should a resignation be received after the third Saturday in January in an election year, but before the third Saturday in July that election year, Council may, with the approval of the Electoral Commissioner, defer an extraordinary election to the ordinary election day of that year.

#### CONSULTATION:

Western Australian Electoral Commission

#### COMMENT:

Council may choose to commence an Extraordinary Election process however, given the short length of this remaining term and the costs of holding an extraordinary election (approximately \$10,000) of which Council has made no allowance for in the current year's Budget under section 4.17 of the Local Government Act 1995, the position may remain vacant provided Council maintains at least 80% representation.

With a total of seven (7) Elected members, having six (6) remaining provides Council with 85% representation, preventing the need for Council to call an Extraordinary Election accordingly.

#### STATUTORY ENVIRONMENT:

##### *Local Government Act 1995*

##### **2.31. Resignation**

- (1) *An elector mayor or president may resign from the office of mayor or president.*
- (2) *A councillor may —*
  - (a) *resign from the office of councillor;*
  - (b) *resign from the office of councillor mayor or president, deputy mayor or deputy president.*
- (3) *Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO.*
- (4) *The resignation takes effect from the date of delivery of the notice or from a later day specified in the notice.*

**4.16. Postponement of elections to allow consolidation**

- (1) *This section modifies the operation of sections 4.8, 4.9 and 4.10 in relation to the holding of extraordinary elections.*
- (2) *If a member's office becomes vacant under section 2.32 (otherwise than by resignation) on or after the third Saturday in July in an election year and long enough before the ordinary elections day in that year to allow the electoral requirements to be complied with, any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.*
- (3) *In the case of a member's office becoming vacant under section 2.32 by resignation, if —*
- (a) *the resignation takes effect, or is to take effect, on or after the third Saturday in July in an election year but not later than one month after the ordinary elections day in that year; and*
  - (b) *the CEO receives notice of the resignation long enough before that ordinary elections day to allow the electoral requirements to be complied with,*
- any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.*
- (4) *If a member's office becomes vacant under section 2.32 —*
- (a) *after the third Saturday in January in an election year; but*
  - (b) *before the third Saturday in July in that election year,*
- the council may, with the approval of the Electoral Commissioner, fix the ordinary elections day in that election year as the day for holding any poll needed for the extraordinary election to fill that vacancy.*
- [Section 4.16 amended: No. 66 of 2006 s. 7; No. 2 of 2012 s. 11.]*

**4.17. Cases in which vacant offices can remain unfilled**

- (1) *If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*
- (2) *If a member's office becomes vacant under section 2.32 —*
- (a) *after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but*
  - (b) *before the third Saturday in July in that election year,*
- the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*
- (3) *If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow\* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

*\* Absolute majority required.*

- (4A) *Subsection (3) applies —*
- (a) *if —*
    - (i) *the office is for a district that has no wards; and*

(ii) *at least 80% of the number of offices of member of the council in the district are still filled;*

*or*

(b) *if —*

(i) *the office is for a ward for which there are 5 or more offices of councillor; and*

(ii) *at least 80% of the number of offices of councillor for the ward are still filled.*

(4) *If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.*

*[Section 4.17 amended: No. 49 of 2004 s. 31; No. 66 of 2006 s. 8; No. 17 of 2009 s. 12.]*

#### **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:**

Subject to Council's direction, a budget amendment of approximately \$10,000 would be required if an extraordinary election is resolved to be undertaken or if approval is not granted from the Electoral Commissioner.

#### **WORKFORCE IMPLICATIONS:**

There are no workforce implications for this report.

#### **POLICY IMPLICATIONS:**

Nil

#### **VOTING REQUIREMENT:**

Absolute Majority

#### **OFFICER RECOMMENDATION:**

**That Council:**

- 1. Acknowledges Councillor Trevaskis resignation as of 17 April 2019;**
- 2. Thanks Councillor Trevaskis for his contribution to the Shire of Jerramungup as an elected member since October 2003;**
- 3. In accordance with section 4.17(4A) of the Local Government Act 1995, the Council request approval from the Electoral Commissioner for the vacant Council position caused by the recent resignation of Bruce Trevaskis to remain vacant until the Ordinary October 2019 Local Government Elections.**

**10.0 COUNCILLOR REPORTS**

**11.0 NEW BUSINESS OF AN URGENT NATURE**

**12.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED  
(CONFIDENTIAL MATTERS)**

**13.0 CLOSURE**

**13.1 DATE OF NEXT MEETING**

The next ordinary meeting of Council will be held Wednesday, 19 June 2019, commencing at 2.00pm, in the Council Chambers, Jerramungup.

**13.2 CLOSURE OF MEETING**

The Presiding Member closed the meeting at .....pm

These minutes were confirmed at a meeting held

.....

Signed: .....

Presiding Person at the meeting at which these minutes were confirmed

Date: .....