



SHIRE OF JERRAMUNGUP

ORDINARY COUNCIL MEETING

**Held at the Emergency Services Shed
Bremer Bay
Wednesday, 16 December 2020**

MINUTES

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Shire of Jerramungup
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Wednesday 16 December 2020

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ORDINARY COUNCIL MEETING MINUTES

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 8:32am by the Shire President.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

Cr Robert Lester	Shire President (Chair)
Cr Joanne Iffla	Deputy Shire President
Cr Rex Parsons	Councillor
Cr Bill Bailey	Councillor
Cr Julie Leenhouders	Councillor
Cr Andrew Price	Councillor
Cr Drew Dawson	Councillor

STAFF:

Martin Cuthbert	Chief Executive Officer
Charmaine Solomon	Deputy Chief Executive Officer
Noel Myers	Manager of Development
Murray Flett	Manager of Works
Tamara Pike	Senior Finance Officer
Rachel Smith	Executive Officer

VISITORS:

Nil

GALLERY:

Bob Van Den Berg

Katie White

William Ball

Mark White

Anne Van Den Berg

2.2 APOLOGIES

Nil

2.3 APPROVED LEAVE OF ABSENCE

Nil

2.4 ABSENT

Nil

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

Cr Rex Parsons declared a Financial Interest in item 10.2 Proposed Disposition of Reserve No.24619, Lot 155 Bremer Bay Road, Bremer Bay. The nature of the interest is that he is a Director and Stakeholder of Megatime P/L the proposed lessor.

Cr Bill Bailey declared an Indirect Financial Interest in item 10.2 Proposed Disposition of Reserve No.24619, Lot 155 Bremer Bay Road, Bremer Bay. The nature of the interest is that he owns an onsite caravan at the proposed site.

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

Nil

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

Cr Joanne Iffla declared an Impartiality Interest in item 9.4.6 Out of Budget Expense – Boxwood Hill Combined Sports Club. The nature of the interest is that she is a life member of BHHC and member of BHCSC.

Cr Drew Dawson declared an Impartiality Interest in item 10.1 Australia Day Awards 2020. The nature of the interest is that one nominee is a family relative.

DCEO Charmaine Solomon declared an Impartiality Interest in item 10.1 Australia Day Awards 2020. The nature of the interest is that one nominee is a family relative.

Cr Bill Bailey declared an Impartiality Interest in item 10.1 Australia Day Awards 2020. The nature of the interest is that he is a member of a nominated Community Group.

Cr Rex Parsons declared an Impartiality Interest in item 10.1 Australia Day Awards 2020. The nature of the interest is that he is a member of a nominated Community Group.

Cr Andrew Price declared an Impartiality Interest in item 10.1 Australia Day Awards 2020. The nature of the interest is that he is a member of a nominated Community Group.

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

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**

Nil

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Mark White, Bob Van Den Berg and Katie White addressed Council in regards to Item 9.3.2 Request for Comment – Proposed New Lease over Lot 2060 on DP 93262 Doubtful Island Bay.

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting held 18 November 2020.

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

Bremer Bay Community Development Committee Meeting held 7 October 2020.

That the Minutes of the Bremer Bay Community Development Committee Meeting held in the Bremer Bay Town Hall on 7 October 2020 be CONFIRMED

CEO Review Committee Meeting held 18 November 2020

That the Minutes of the CEO Review Committee Meeting held in the Council Chambers, Jerramungup on 18 November 2020 be CONFIRMED

MOTION: OCM201201

MOVED: Cr Dawson

SECONDED: Cr Parsons

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

That the Minutes of the Bremer Bay Community Development Committee Meeting held in the Bremer Bay Town Hall on 7 October 2020 be CONFIRMED

That the Minutes of the CEO Review Committee Meeting held in the Council Chambers, Jerramungup on 18 November 2020 be CONFIRMED

CARRIED: 7/0

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

8.1 ACCEPTANCE OF 2019/2020 ANNUAL FINANCIAL REPORT

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Charmaine Solomon, Deputy Chief Executive Officer and Tamara Pike, Senior Finance Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	8 December 2020
Attachments:	a) 2019/2020 Annual Financial Report b) 2019/2020 Auditors Management Report – Lincolns c) 2019/2020 Audit Report – Office of the Auditor General
Authority/Discretion:	Legislative

SUMMARY:

For Council to accept the 2019/2020 Annual Financial Report and Auditors Report as recommended by the Audit Committee.

BACKGROUND:

The Audit Committee of the Shire of Jerramungup met on 16 December 2020 to consider the 2019/2020 Annual Financial Report and Auditor's Report. The recommendation from the Audit Committee was for Council to adopt the 2019/2020 Annual Financial Report and Auditors Report.

One of the principle objectives of the Audit Committee is to accept responsibility for the annual external audit and to liaise with the Auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs. The Committee's duties and responsibilities in relation to the Annual Financial Report and the external audit are to consider and recommend adoption of the Annual Financial Report to Council.

The Annual Financial Report for the period ending 30 June 2020 has been prepared in accordance with the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* and is now presented to Council for consideration and adoption. The audit this year was undertaken by Lincolns Accountants and Business Advisors under direction of the Office of the Auditor General.

CONSULTATION:

Senior Staff

Lincolns Accountants and Business Advisors

Office of the Auditor General

COMMENT:

Lincolns Accountants conducted an independent audit on behalf of the Office of the Auditor General (OAG) in order to enable the Auditor General to express an opinion to the Council on the financial report of Shire of Jerramungup for the year ended 30 June 2020.

The audit procedures included;

- examining, on a test basis, information to provide evidence supporting the amounts and disclosures in the financial report, and
- evaluating the appropriateness of accounting policies and disclosures used, the reasonableness of accounting estimates

The following presents the audit findings in these areas.

Area of Risk	Audit Outcomes
Grant Funding and Other Revenue	<ul style="list-style-type: none"> • Significant grant revenue was agreed to third party documentation. • Audit included additional analysis of new revenue allocation following implementation of AASB 15 Revenue from Contracts with Customers and AASB 1058 Income for Not For Profit Entities. This also impacted on the recognition and disclosure of Contracts with Customers liabilities on first time recognition. Risk of fraud in the revenue cycle was also considered including testing of key controls and analytical review Audit procedures undertaken rebutted the risk of fraud to an acceptable level. • We also reviewed related party transactions. The financial statements adequately disclose related party transactions for Councillors and Key Management Personnel.
Rates	<p>Audit work included the following:</p> <ul style="list-style-type: none"> • Rateable values agreed to the Valuer General rates. • We checked control procedures for the transfer of rates from Valuer General to Internal Software system. • Testing of rates notices was undertaken both on a sample basis and analytically. <p>Results supported the rate revenue and financial statement disclosures.</p>
Expenses	<p>Our audit of expenses included testing of key financial controls over the recognition of expenses, vouching significant expenses and analytical reviews.</p> <p>Expenditure as disclosed in the financial statements is materially correct.</p>
Payroll/Provisions	<p>Audit sampling tested payroll records to the following:</p> <ul style="list-style-type: none"> • Employee awards • Employee contracts • Check calculation of superannuation and tax • Check authority to deduct salary sacrifice • Check the control procedures in payroll department in line with internal policies • Our audit of provisions included reviewing the reasonableness of assumptions used to calculate annual leave and long service leave • Analytical review <p>Results of audit procedures indicate employee costs are materially correct and disclosed correctly in the financial statements.</p>
Management’s monitoring of the control environment	<p>We reviewed council minutes and made enquiries for the following:</p> <ul style="list-style-type: none"> • Process for reviewing internal control procedures including evidence of periodic review of policy manual. • Management’s implementation and monitoring of new control procedures. • Management’s implementation and monitoring for amending current control procedures.

	<ul style="list-style-type: none"> • Impact of COVID 19 on the control environment <p>We are satisfied that management is applying effective controls and that Council are aware of the control environment.</p>
Management Override of Controls	<p>Audit processes were undertaken to:</p> <ul style="list-style-type: none"> • Sample test and judgementally review general journals • Understand and test the adequacy and effectiveness of division of duties • Controls testing • Substantive procedures <p>Sufficient audit evidence was obtained to support the view that controls are operating effectively.</p>
Fixed Assets	<ul style="list-style-type: none"> • Council did not undertake any revaluation process in the 2020 financial year • Financial statements and disclosures were amended in accordance with revised financial Management Regulation 17A and AASB 16 Leases. This primarily involved; <ul style="list-style-type: none"> ○ the reversal of any previously vested land against Asset Revaluation Reserve ○ amending Property Plant and Equipment carrying value to a cost basis ○ adding disclosure notes regarding right of Use assets
Covid 19 Impact	<p>We have reviewed Councils assessment of the possible financial impact of Covid. The overall impact was assessed as not having a material effect on the financial statements.</p> <p>Specifically, we considered;</p> <ul style="list-style-type: none"> • Revenue and expenditure impact • Asset carrying values • Receivables <p>Interim audit was undertaken remotely, and key source documents verified at year end.</p>

Since 2014 the Shires “Operating Surplus Ratio” has been below the Department of Local Government, Sport and Cultural Industries standards which has been noted as a significant adverse trend in prior annual audit reports.

It is very pleasing to note, and a credit to the Shire’s finance staff, that the Auditors confirmed that the Shire of Jerramungup will receive a totally clean audit report for the 2019/2020 year. This means that there were no significant adverse trends to report, the audit report will have an unqualified opinion, no uncorrected audit misstatements, no corrected audit misstatements and there are no reportable findings in the management letter.

Once the Council has accepted the Annual Financial Report, the Chief Executive Officer is to give local public notice of its availability and send a copy to the Department of Local Government, Sport and Cultural Industries.

STATUTORY ENVIRONMENT:***Local Government (Financial Management) Regulations 1996******51. Annual financial report to be signed etc, by CEO and given to Department***

- (1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form1.*
- (2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report.*

Local Government Act 1995***Part 7 – Audit******Division 3 – Conduct of audit******Division 4 – General******7.12A. Duties of local government with respect to audits******5.53. Annual reports***

- (1) The local government is to prepare an annual report for each financial year.*
- (2) The annual report is to contain –*
 - (f) the financial report for the financial year; and*

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Division 3 – Reporting on activities and finance***6.4. Financial report***

- (1) A local government is to prepare an annual report for the preceding financial year and such other financial reports as are prescribed.*
- (2) The financial report is to*
 - (a) be prepared and presented in the manner and form prescribed; and*
 - (b) contain the prescribed information.*
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor –*
 - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) the annual financial report of the local government for the preceding financial year.*

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:

The Annual Financial Statements set out the operating results for the Shire for the year ended 30 June 2020 and the assets and liabilities as at that date, together with other relevant financial information.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, **BY AN ABSOLUTE MAJORITY:**

1. **ACCEPTS the Auditor’s Management Report to the Council for the year ended 30 June 2020 supplied by Council’s Auditor, Mr Russell Harrison of Lincolns Accountants and Business Advisors.**
2. **ADOPTS the 2019/2020 Annual Financial Report for the Shire of Jerramungup and the accompanying 2019/2020 Audit Report, as attached to this report;**
3. **AUTHORISE the Chief Executive Officer to forward the report to the Minister for Local Government.**

MOTION: OCM201202

MOVED: Cr Iffla

SECONDED: Cr Bailey

That Council, BY AN ABSOLUTE MAJORITY:

1. **ACCEPTS the Auditor’s Management Report to the Council for the year ended 30 June 2020 supplied by Council’s Auditor, Mr Russell Harrison of Lincolns Accountants and Business Advisors.**
2. **ADOPTS the 2019/2020 Annual Financial Report for the Shire of Jerramungup and the accompanying 2019/2020 Audit Report, as attached to this report;**
3. **AUTHORISE the Chief Executive Officer to forward the report to the Minister for Local Government.**

CARRIED BY AN ABSOLUTE MAJORITY: 7/0

Council commended the Finance Department on achieving a great Annual Financial Report and Audit Report.

9.0 REPORTS

9.1 TECHNICAL SERVICES

9.1.1 WORKS REPORT FOR NOVEMBER 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:	4 December 2020
Attachments:	Road Construction Schedule November 2020
Authority/Discretion:	Information

SUMMARY:

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

BACKGROUND:

Road Construction

During November the Construction crew widened and gravel sheeted clay sections on Marnigarup East Road to improve the skid resistance of this school bus route. The crew then moved to Stock Road where they reconstructed a section near the intersection of Chittowurrup Road. This work consisted of cutting down a hill and placing the fill in the low point to improve the vertical alignment of the road whilst also improving sight distances for road users. Minor widening and horizontal alignment improvement works will continue on this road in the near future.

To tie in with Bitutek our sealing contractor's works schedule, the crew then moved into Jerramungup town site where they reconstructed a 450m section of Sydney Street which had multiple pavement failures. This required removing the old seal and unsuitable clay material, then importing and water binding a 150mm gravel overlay. Whilst the crew were in town, they also completed cement stabilisation of numerous pavement repairs on Collins, Derrick and Newton Streets which will be sealed by the spray seal contractor Bitutek in early December.

They then moved to Bremer Bay where they undertook shoulder widening along Bremer Bay Road from Wellstead Road to Frantom Way. The existing bitumen seal width was only 5.4m wide in some sections so it was boxed out and the shoulder widened which will be sealed to achieve a uniform seal width of 7m through this section.

Attached is the year to date 2020/2021 Construction Program.

Town Services

The Town Services team have been stretched this month trying to keep abreast of the weed infestations mainly in Bremer Bay which has had considerably more rain than Jerramungup throughout November.

Road Maintenance

This month has seen the team gravel sheeting numerous clay sections on bus routes to the north east of Jerramungup town site. With some recent rain events, these sections were extremely slippery when wet and quite dangerous for vehicles to traverse.

With the additional trucks on the road as a result of the early harvest, vehicles and the dry road pavement conditions, the crew have been busy patching blowouts across the network. We also engaged local

contractors to grade those roads that were very corrugated as our shire graders were already committed on other jobs.

As always, if you see any issues on the road network please don't hesitate to contact the Shire with the location.

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 2020/2021 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 November 2020.

MOTION: OCM201203

MOVED: Cr Price

SECONDED: Cr Dawson

That Council RECEIVE the works report for November 2020.

CARRIED: 7/0

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

Location/Address:	N/A
Name of Applicant:	N/A
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	8 December 2020
Attachments:	a) List of Accounts Paid to 30 November 2020 b) Credit Card Statement 27 October 2020 – 27 November 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 November 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 2020-21 Annual Budget as adopted by Council at its meeting held 19 August 2020 (Minute No. OCM200805 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 November 2020. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28175	
EFT Payments	17790 – 17796	\$35,407.71
EFT Payments	17797 – 17798	Cancelled
EFT Payments	17799 – 17884	\$311,501.81
Direct Deposits		\$13,752.70
Municipal Account Total		\$360,662.22
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$360,662.22

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 30 November 2020 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 27 October 2020 – 27 November 2020 as detailed in attachment 9.2.1(b).

MOTION: OCM201204

MOVED: Cr Parsons

SECONDED: Cr Iffla

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 November 2020 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 27 October 2020 – 27 November 2020 as detailed in attachment 9.2.1(b).

CARRIED: 7/0

9.2.2 MONTHLY FINANCIAL REPORT – NOVEMBER 2020

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Tamara Pike, Senior Finance Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 December 2020
Attachments:	Monthly Financial Report for the period ending 30 November 2020
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 30 November 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 30 November 2020.

BACKGROUND:

At its meeting held 19 August 2020 (Minute No. OCM200805 refers), Council adopted the annual budget for the 2020-21 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 November 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 19 August 2020, the Council adopted (Minute No. OCM200805 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2020-21 financial year:

Officer Recommendation 4: 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 2020/2021 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 30 November 2020 has been incurred in accordance with the 2020-21 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 30 November 2020 in accordance with section 6.4 of the *Local Government Act 1995*.

MOTION: OCM201205

MOVED: Cr Leenhouders

SECONDED: Cr Dawson

That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 30 November 2020 in accordance with section 6.4 of the *Local Government Act 1995*.

CARRIED: 7/0

9.3 DEVELOPMENT SERVICES

9.3.1 PROPOSED ROAD RESERVE CLOSURE

Location/Address:	Unnamed road reserve – Jerramungup. Land ID 3501348.
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	7 December 2020
Attachments:	a) Location Plan – Road Closure Jerramungup b) Pool Stage 2 Concept Sketch
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to initiate actions to close a portion of an unnamed road reserve adjacent to the Jerramungup District High School.

The intent is that the surplus land be amalgamated into the ‘school reserve’ (Reserve 24772) to afford better design outcomes for the redevelopment of the pool.

BACKGROUND:

- The portion of road to be closed includes the section that currently serves as the driveway to service the school carpark and provides access to the school canteen;
- The section of the road that serves the school carpark has been constructed and sealed whilst the balance of the road remains unconstructed;
- The road reserve also includes Lot 11 on Diagram 98334 which has at a point in time been subdivided from previous Lot 44 Lancaster Road and incorporated into the road reserve;
- In its entirety, the road reserve extends from Lancaster Road through to Derrick Street;
- The reserve is located immediately at the rear of residential lots facing onto both Lancaster Road and Derrick Street;
- The use of the road reserve by the adjoining lot owners appears sporadic however those property owners that do require rear access would continue to enjoy access to their lots from the Derrick Street entry should the closure as proposed be progressed.

COMMENT:

The Shire and the Education Department are progressing the redevelopment of the Jerramungup Pool. Planning for that area has been substantially progressed with all the major elements of the pool and critical infrastructure being located wholly within the school reserve being Reserve No. 24772. However, ongoing review has identified that there may be some opportunity to improve the amenity of the pool deck area by closing a portion of the underutilised adjacent road reserve and incorporating that land into the adjoining Education Department school reserve.

The existing pool is located on an area of the school reserve that is irregular in shape and relatively modest in area. The acquisition of the additional land area would increase the area around the pool and creates a more expansive area around the pool which should improve the amenity and the functionality of the area to the benefit of all users.

At this time planning for the additional area remains conceptual and statutory processes associated with road closures would mean that the land would not become available until after the larger pool redevelopment project was completed. As such, the land is being acquired for a second tranche of work to

be undertaken in the future and outside of the existing funding arrangements in place to deliver the new pool.

STATUTORY ENVIRONMENT:

Road closures are required to be progressed in accordance with the requirements set out under the *Land Administration Act 1997* and the *Land Administration Regulations 1998* as set out below:

LAND ADMINISTRATION ACT 1997 – SECTION 58

58. Closing roads

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
 - (a) *by order grant the request; or*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4) —*
 - (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
 - (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road —*
 - (a) *becomes unallocated Crown land; or*
 - (b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

LAND ADMINISTRATION REGULATIONS 1998 – REGULATION 9

9. Local government request to close road permanently (Act s. 58(2)), requirements for

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

- (a) *written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and*
- (b) *sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and*

- (c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and*
- (d) a copy of the relevant notice of motion referred to in paragraph (c); and*
- (e) any other information the local government considers relevant to the Minister's consideration of the request; and*
- (f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.*

FINANCIAL/BUDGET IMPLICATIONS:

Costs will arise with the closure associated with the preparation of survey documentation and fees. Responsibility for the payment of such costs will be discussed with the Education Department and resolved prior to the commissioning of any survey work. Total costs are anticipated to be no more than \$5,000.

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.

SUMMARY:

As identified in preceding sections of this report, ongoing review of the pool design has identified that there is an opportunity to improve the amenity and function of the pool by expanding the pool deck area beyond the extent of the old pool grounds.

As at date, the working group has not yet finalised plans for the additional area however the road closure offers an opportunity for a future stage and package of works. This will not compromise the current project within the approved budget and timelines.

The statutory processes associated with road closure processes can extend out to nine months and therefore given Council will be in recess till February 2021 it is considered opportune to secure the necessary resolution so as that the matter can be progressed at the earliest opportunity once there was agreement by the working group to progress. Should the proposal ultimately be rejected or considered unnecessary by the working group, this would be reported back to Council for the motion to be rescinded.

It is highlighted that this report authorises the Administration to commence the necessary consultation process associated with the road closure process only and the matter will be referred back to Council for further consideration following the conclusion of the consultation process. There would be further clarity at that time as to the design of the area and also as to the cost implications.

Having regard to the above, it is the recommendation of the Administration that the Council may authorise the initiation of the road closure process.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:**That Council, BY AN ABSOLUTE MAJORITY:**

1. In pursuance of section 58 of the *Land Administration Act 1997*, AUTHORISE actions to effect the closure of a section of unnamed road reserve (Land ID 3501348) and including Lot 11 on D98334, adjacent to the pool and carpark area located on the western edge of Reserve No. 24772, Lot 500 on DP 64935; and
2. SUPPORT the amalgamation of the closed road portion into the adjoining Reserve 24772 lot 500 on DP 64935.

MOTION: OCM201206**MOVED: Cr Price****SECONDED: Cr Bailey****That Council, BY AN ABSOLUTE MAJORITY:**

1. In pursuance of section 58 of the *Land Administration Act 1997*, AUTHORISE actions to effect the closure of a section of unnamed road reserve (Land ID 3501348) and including Lot 11 on D98334, adjacent to the pool and carpark area located on the western edge of Reserve No. 24772, Lot 500 on DP 64935; and
2. SUPPORT the amalgamation of the closed road portion into the adjoining Reserve 24772 lot 500 on DP 64935.

CARRIED BY AN ABSOLUTE MAJORITY: 7/0

9.3.2 REQUEST FOR COMMENT – PROPOSED NEW LEASE OVER LOT 2060 ON DP 93262 DOUBTFUL ISLAND BAY

Location/Address:	Lot 2060 on DP 9362 Doubtful Island Bay
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	11 December 2020
Attachments:	a) Location Plan
	b) Site Plan
	c) Extract from Coastal Management Plan
	d) Previous Correspondence
Authority/Discretion:	Administrative

SUMMARY:

Council are to requested to provide comment on a proposal from the Department Planning Lands and Heritage Lands concerning the issue of a new lease over land located on the Doubtful Island Bay Peninsula.

BACKGROUND:

- Currently Lot 2060 on Deposited Plan 93262 is subject to Lease L657501 on Crown Land Title 3126-772 held for the purpose of “Residence”. This lease commenced on the 1st April 2011, term of 5 years, with an option for a further term of 5 years. Lease 657501 is due to expire 31 March 2021.
- The subject has an area of 3,000m² and is Zoned Rural under the Shire of Jerramungup Local Planning Scheme No.2;
- It is noted that the intent of the original lease (issued in 1981) was to enable descendants of settlers of the area to restore the original family homestead;
- That action did not occur as it understood the original building was destroyed by fire (circa 1980) and instead a new dwelling has been constructed on an alternative location to the original building and has since been utilized as a private holiday residence;
- A review of Shire records indicates that neither planning nor building approvals were obtained from the Shire for the new building;
- The subsequent lease (in 2001) was to enable the lessee time to see if it was possible to acquire some adjoining freehold land to combine with the lease area to possibly enable the creation of a stand alone lot, although freehold would still be subject to Western Australian Planning Commission approval, Shire approval, access options and pricing.
- Council has considered extensions to lease and modifications to the land tenure over this parcel on two previous occasions. The first consideration was made at the OCM held on 21 September 1999 and the latter on the 14 December 1999;
- The matters considered at those meetings concerned a 10-year extension to the lease and also contemplated the opportunity of the lease holder to acquire adjoining lands to create a larger freehold rural land holding;
- The decision of the Council at the 14 December 1999 meeting was:
 - *Council support DOLA granting the current lease of Kent location 2060 a further 5-year lease and the opportunity to obtain freehold if sufficient adjoining land can be purchased to amalgamate into a rural land holding acceptable to the West Australian Planning Commission.*
- There does not appear to have been any further progress since that time in respect to the further land acquisitions or conversion of the land to freehold title;
- The subject use and development on the lease was identified in the Shires Coastal Management Plan (2017-2027) as follows:

In 1981, a lease (Location No. 2060, 0.3 ha) was excised from part of Reserve No. 3272 at House Beach, for the purpose of "the reconstruction of the A. Y. Hassell homestead". On expiry of the lease in 1991, it was renewed for a further 10-year period for "residential" purposes. The lease, as it stands, poses a number of management issues for the House Beach area. A major concern is that the existence of a lease for residential purposes could set a precedent. Furthermore, the excision of the lease from the reserve means that only 1.7 ha remains for camping and recreation activities, and for a professional fisherman's camp. In 1980, it was noted by the Acting Divisional Surveyor that "the Northern portion of reserve 3272 [where the residential lease now stands] is comprised of some attractive Peppermint areas that have been regularly used by campers". The leasehold area remains the preferred location for camping activities, however, the area is now fenced off and access denied.

The structure built on the lease bears only superficial resemblance to the original A. Y. Hassell homestead, which burnt to the ground in about 1980. The "new" building uses different materials (zincalume rather than corrugated iron) and appears bigger than the original. The general view is that the new building has no historical significance, other than that it is owned by descendants of A. Y. Hassell. The attractive, sheltered cove provided at House Beach is one of the principle destinations for campers and tourists in the Doubtful Islands area. Management and the provision of facilities at House Beach is exacerbated by the limited area available to the Shire for vesting, and the fact that much of the beach's hinterland is private property.

- The Coastal Management Plan recognizes the values of the House Beach area affords the community and makes a number of recommendations as to the future use and development of the area. It also includes the following specific recommendation concerning the subject lease:

The lease at house beach should not be automatically reviewed. Consideration should be given to recognizing the historical significance of the building and broader access to the building by the public, while accommodating the need of increased camping and visitation to the overall area.

This issue is discussed in later sections of this report.

CONSULTATION:

No external consultation has taken place in respect to this matter.

COMMENT:

Notwithstanding past actions and decisions, a number of concerns do arise with the current request to extend the lease and Council when determining or considering any application is required to have regard to a wide range of matters as set out under Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. (The Regulations).

Zoning and Land Use:

The lease area is zoned Rural under the Shire of Jerramungup Local Planning Scheme No. 2. The proposed lease for the purpose of a residence is a "P" use (permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme) and the current use of holiday accommodation is a "D" use (not permitted unless the local government has exercised its discretion by granting planning approval). In this instance the use of the land would identify it as being Holiday Accommodation. This land use definition has further implications in that there are specific policy requirements and responses that arise under State Planning Policy 3.7 for the use and development of land that is located in areas that are identified as being bush fire prone.

Typically, approval for a use would only be granted once Council was satisfied that all relevant aspects of that Policy had been appropriately addressed. As there has been no planning approval or building approval issued, Council at this juncture is not able to be satisfied that the development meets with all the requisite policy requirements.

Whilst it is acknowledged that past decisions may have been made with the recognition that the (replacement) dwelling existed on the land, it is the case that the existing lease is due to expire and it is a new lease that is now being sought.

As such it would not be unreasonable to ensure that should a new lease be contemplated, it should only be granted on the condition that all relevant planning and building approvals were obtained.

Access

While the lease area is capable of being reached via 4x4 tracks through crown reserve and privately owned freehold land, there is no access through gazetted road reserves. There is a road reserve in the adjacent freehold land, however, it does not link up to the road network or have a constructed road/trail within it. The lease area also does not front a gazetted road reserve.

The lack of legal access to the site does conflict with those matters that Council is required to have regard to under the *Regulations*. Clause 67 (s) of the regulations requires that Council is to have regard to the adequacy of the proposed means of access to and egress from the site. The absence of a legal means of access would generally preclude support being given towards an application and if a new lease was to be granted to any party it should be contingent upon some form of easement or similar be created.

The lack of legal access in the interim will in turn have implications for any assessment of the proposal, should an application be submitted, against State Planning Policy 3.7.

Bushfire

As discussed in the preceding sections, the lease area is in a bushfire prone area which triggers the requirements of SPP 3.7 – Planning in Bushfire Prone Areas. A preliminary assessment against the Bushfire Protection Criteria of subsidiary document Guidelines for Planning in Bushfire Prone Areas reveals the proposal may not be able to comply with any of the four elements of the Guidelines:

- Element 1 – Location:
 - Lease area needs to achieve BAL-29 or lower. Achievement will depend on the significance of the vegetation and whether clearing/fuel load reduction is appropriate (Flora and Fauna survey required to ascertain).
- Element 2 – Siting and Design: Buildings need to achieve appropriate Asset Protection Zone (APZ distance depending on vegetation type and slope). Ability to create APZ is again dependent on significance of vegetation as mentioned in Element 1. The available aerial imagery indicates an APZ does not appear to be in place.
- Element 3 – Vehicular Access: Subdivision and development are required to provide 2 different directions to different destinations for access and egress.
- Element 4 – Water: A dedicated static water supply of 10,000 litres is required for firefighting purposes.

Short stay holiday accommodation is considered a vulnerable land use under SPP 3.7. It is considered a vulnerable land use as visitors may be less able to respond in a bushfire emergency, unaware of their surroundings and who may require assistance or direction in the event of a bushfire. A lease for the purpose of holiday accommodation needs to consider Position Statement: Tourism Land Uses in Bushfire prone areas dated November 2019.

Whilst is acknowledged that the existing lessees and proponents are familiar with the area by virtue of their history with the area, the Policy is considered to be 'blind' to the holders of the tenure and as such any application needs to respond to the requirements of the Policy.

Indigenous Heritage

It is noted that there is a lodged indigenous site that intersects the lease area (Place 4941) which is significant for artefacts/scatter. The site is also within or adjacent to the following Indigenous Land Use Agreement(s): Wagyl Kaip & Southern Noongar Indigenous Land Use Agreement.

Whilst this matter falls outside the gambit of Council's ability to determine the significance of, the matter does require further investigation and consideration before any determination on a new lease is made.

Surrounding Land Use

The surrounding land to the west includes several parcels of freehold land held in private ownership that has been the subject of ongoing discussions with Council and the Department of Planning Lands and Heritage concerning the creation of a tourism proposal.

The proponent/owner had been advised that the proposal was unlikely to receive support to that development for essentially the same reasons that have been flagged as issues of concern as articulated above.

Shire of Jerramungup Coastal Management Report 2017-2027

The Coastal Management Report (CMR) sets out a strategic management vision for the coastal areas within the Shire and identifies the various values and opportunities that exist for the better management of those locations from both an environmental and social perspective.

As previously highlighted, the values and opportunities that House Beach hold are identified in the CMR and there is specific reference to the subject lease area in that it advocates that the *Leases in the area need to be reviewed, with a view for broader community access and management.*

'Appendix A' of the CMR is the Action Plan which advocates for investigating options to better formalise camping arrangements at House beach and review the current lease arrangements as being a *Medium Priority – that is to be actioned in 1-5 years time.*

This suggests that the longer term vision for the area is to make it more accessible to the broader community as opposed to it being held in exclusive tenure.

It is acknowledged that there are a significant number of recommendations detailed within the CMR and the progress of many of the actions proposed within the report have not been able to be progressed due to the standing of the South West Native Title settlement.

Further, in 2019 the State Government released its Plan for Our Parks Plan that proposes to secure a further five million hectares of new national parks, marine parks and other conservation reserves over the next five years. Council has made previous representations to the government that the Doubtful Bay Peninsula is considered to be a viable land parcel for acquisition and inclusion into the adjoining Fitzgerald National Park and there is a view that the continuation of approving new leases and creating a piecemeal land tenure arrangement within this area may prove counterproductive to securing that outcome.

As such, any decision to issue a new lease should be considered against the above stated Council endorsed strategic visions for the area.

STATUTORY ENVIRONMENT:

Land Administration Act 1997 – in respect to the leasing of land;

Town Planning Scheme No.2 – in respect to land use permissibility

State Planning Policy 3.7 – Planning for Bushfire Prone Areas

STRATEGIC IMPLICATIONS:

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

Aspiration	Objective	Measurement
2.1 – Community Sport and Recreation	2.1.1 Continue support for community lead sporting infrastructure improvements and strong sporting clubs	Action will increase capacity to provide water for the reticulation of Boxwood Hill sporting complex playing fields.
2.4 – Emergency Management	2.4.1 Maintain a high standard of emergency planning and preparedness	Action will increase capacity to provide for emergency farmland water supply.
	2.4.4 Continue the delivery of fire mitigation strategies across the Shire	Action will increase capacity to provide a water supply to respond to bush fire threats
2.5 – Civic Leadership	2.5.1 Maintain a high standard of community consultation and engagement	Project has been progressed in consultation with local sporting club, farmers and volunteer and state emergency groups.

FINANCIAL/BUDGET IMPLICATIONS:

None arising from Council's consideration of this matter.

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.

SUMMARY:

Whilst it is acknowledged that the current lessee has held the lease over the land for an extended period time and have made a not insignificant investment in constructing a new dwelling this should, however, not be the determining factor in Council's deliberation. Past leases were granted with a defined end date and there is no inference given in a lease that further approvals would be forthcoming and the lessee has a made a conscious decision to invest monies onto the leasehold without the surety of future tenure being available. Further, it could be inferred that the construction of the new holiday accommodation dwelling was contrary to the intent and purpose under which the original lease was granted which proposed the reconstruction of the original homestead building that held historical values.

The Council's strategic vision as articulated within the CMR suggests that the area should be more focussed on providing greater public access and use of the area as opposed to retaining strategically located land parcels in private ownership. It must, however, be recognised the implementation of this objective may be achieved in a longer term timeframe that was originally envisaged. Similarly, other state initiatives such as the South West Native Title Settlement and the Plan for our Parks may also have an influence on those outcomes.

Should a new lease be contemplated by the State it is recommended that the condition of that be that the lessee be required to apply for all retrospective approvals so as that the development meets all relevant aspects of the local planning scheme, building act and relevant state planning policy requirements and that the situation regarding access be satisfactorily resolved. Should it become apparent that these matters cannot be satisfactorily resolved by the expiration of the current lease then a new lease should not be issued, the buildings be required to be removed and the lease be reverted to an alternative form of tenure.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

1. That COUNCIL advises the Department of Planning, Lands and Heritage that the new lease over Lot 2060 on DP 93626 Doubtful Island Bay that:
 - a) Council is concerned that the grant of a new lease over the proposed Lot 2060 is contrary to the longer term vision for the area as articulated within the Council adopted Coastal Management Plan 2017-2027 and may set an undesirable precedent for the proper and orderly planning for the area insofar that it proposes to create exclusive tenure over areas that have been identified for investigation for greater public access and facilities;
 - b) That the existing development has not received any past planning or building approvals or approvals for the installation of septic waste systems and may not comply with current Local Planning Scheme and State Planning Policy requirements for development that is regarded as being a Vulnerable Land Use in a location that has been declared as being Bush Fire Prone by the Fire and Emergency Services Commissioner;
 - c) That the grant of a new lease without the development and land use being made to comply without all regulatory approvals being in place may set an undesirable precedent for other unauthorized development in the locality;
 - d) The Lease over Lot 2060 does not enjoy any legal access at present and that suitable arrangements should be established prior to the grant of any new lease.
2. That Council advises the Department of Planning, Lands and Heritage that should a new lease be contemplated then it should be contingent upon the following conditions;
 - i) That all regulatory approvals be obtained for the development and land use and be to the satisfaction of the Shire of Jerramungup and relevant state agencies prior to the issue of a new lease;
 - ii) That suitable arrangements be put in place concerning access to the site to the satisfaction of the Department of Planning, Lands and Heritage;
 - iii) That a new lease be granted for no longer than five years and which excludes the lease area either being sub-let, on sold or rented for commercial gain or further developed in any way whatsoever.
3. That Council advises the Department of Planning, Lands and Heritage that in the event that the above conditions as proposed under Recommendation 2 above cannot be satisfactorily resolved prior to the expiration of the current lease, then the no further lease be granted and that all buildings be removed and improvements be cleared from the land.

MOTION: OCM201207**MOVED: Cr Leenhouders****SECONDED: Cr Parsons**

1. That COUNCIL advises the Department of Planning, Lands and Heritage that the new lease over Lot 2060 on DP 93626 Doubtful Island Bay that:
 - a) Council is concerned that the grant of a new lease over the proposed Lot 2060 is contrary to the longer term vision for the area as articulated within the Council adopted Coastal Management Plan 2017-2027 and may set an undesirable precedent for the proper and orderly planning for the area insofar that it proposes to create exclusive tenure over areas that have been identified for investigation for greater public access and facilities;
 - b) That the existing development has not received any past planning or building approvals or approvals for the installation of septic waste systems and may not comply with current Local Planning Scheme and State Planning Policy requirements for development that is regarded as being a Vulnerable Land Use in a location that has been declared as being Bush Fire Prone by the Fire and Emergency Services

Commissioner;

- c) That the grant of a new lease without the development and land use being made to comply without all regulatory approvals being in place may set an undesirable precedent for other unauthorized development in the locality;
 - d) The Lease over Lot 2060 does not enjoy any legal access at present and that suitable arrangements should be established prior to the grant of any new lease.
2. That Council advises the Department of Planning, Lands and Heritage that should a new lease be contemplated then it should be contingent upon the following conditions;
 - i) That all regulatory approvals be obtained for the development and land use and be to the satisfaction of the Shire of Jerramungup and relevant state agencies prior to the issue of a new lease;
 - ii) That suitable arrangements be put in place concerning access to the site to the satisfaction of the Department of Planning, Lands and Heritage;
 - iii) That a new lease be granted for no longer than five years and which excludes the lease area either being sub-let, on sold or rented for commercial gain or further developed in any way whatsoever.
 3. That Council advises the Department of Planning, Lands and Heritage that in the event that the above conditions as proposed under Recommendation 2 above cannot be satisfactorily resolved prior to the expiration of the current lease, then the no further lease be granted and that all buildings be removed and improvements be cleared from the land.

CARRIED: 7/0

Bob Van Den Berg, Katie White, William Ball, Mark White and Anne Van Den Berg left the meeting at 9:22am and did not return.

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN NOVEMBER 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:	11 December 2020
Attachments:	November 2020 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

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

MOTION: OCM201208

MOVED: Cr Leenhouders

SECONDED: Cr Dawson

That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of November 2020.

CARRIED: 7/0

9.4.2 RENEWAL OF BREMER BAY LIBRARY SERVICE LEVEL AGREEMENT

Location/Address:	N/A
Name of Applicant:	
File Reference:	CA.CT.4
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 November 2020
Attachments:	2020 Service Level Agreement Bremer Bay Community Resource Centre
Authority/Discretion:	Executive

SUMMARY:

This item addresses the endorsement of a Service Level Agreement with the Bremer Bay Community Resource Centre for the delivery of library and associated services to the community. The recommendation is to endorse the agreement and authorise the Chief Executive Officer and Shire President to execute the document.

BACKGROUND:

For a number of years the Bremer Bay Community Resource Centre (CRC) has delivered library services to the community on behalf of the Shire. The previous agreements have been in place for six years and all parties are happy with their operation and outcomes achieved.

The collocation of the CRC business and library services has been a successful model through most of Western Australian regional areas. The integration of the two services provides the CRC's with additional staffing capabilities and enables the library to be accessible for longer hours.

Council also provides the following financial or resourcing assistance the organisation:

1. Cleaning of facilities (which is carried out by the CRC and billed to the Shire).
2. Subsidised rental of the facility.
3. All income generated by the hire of the hall/conference rooms in the venue.
4. All income generated by the sub lease agreement with the Pharmacy.
5. Subsidised telecommunications and payment of all other utility charges associated with the building.
6. Maintenance and management of gardens and buildings.

CONSULTATION:

Consultation has occurred with the Manager and Committee members of the Bremer Community Resource Centre to undertake a review of the front counter services provided by the Bremer Bay Community Resource Centre on behalf of the Shire.

COMMENT:

The current services provided by the Bremer Bay Community Resource Centre on behalf of the Shire has been reviewed as some Shire front counter services have been reduced however the library statistics indicate a 20% increase between 2017/18 and 2019/20. The 2019/20 Southern WA Library Consortium Statistics confirm the annual issues total for Bremer Bay is 2,623 and Jerramungup is 620.

There are no significant changes to the funding or service models and the new agreement will run a term of three years from July 1, 2020 – July 1, 2023. There are also provisions within the agreement to terminate the agreement should either party be subject to structural changes within the industries.

STATUTORY ENVIRONMENT:

Nil

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

2.5.4 – Foster strong partnerships with community groups to deliver a broad range of high quality and valued services.

FINANCIAL/BUDGET IMPLICATIONS:

The financial impact of the service level agreement has been factored into the 2020/2021 budget. After a comprehensive review of the front counter services performed it has been proposed to reduce the annual amount to \$40,000 per annum for the service level agreement between the Shire and the Bremer Bay Community Resource Centre.

WORKFORCE IMPLICATIONS:

The provision of Library services and front counter services through the Community Resource Centre offsets the requirement for Council to provide staffing in this area.

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. Endorse the service level agreement for Library and Shire Branch Services and Front Counter Services with the Bremer Bay Community Resource Centre for a term of three years at \$40,000 per annum plus GST. The contract price is to be increased by \$500 annually and confirmed in Council's annual budget.**
- 2. Authorise the Chief Executive Officer and Shire President to execute the service level agreement with the Bremer Bay Community Resource Centre.**

MOTION: OCM201209

MOVED: Cr Bailey

SECONDED: Cr Price

That Council;

- 1. Endorse the service level agreement for Library and Shire Branch Services and Front Counter Services with the Bremer Bay Community Resource Centre for a term of three years at \$40,000 per annum plus GST. The contract price is to be increased by \$500 annually and confirmed in Council’s annual budget.**
- 2. Authorise the Chief Executive Officer and Shire President to execute the service level agreement with the Bremer Bay Community Resource Centre.**

CARRIED: 7/0

9.4.3 ANNUAL REPORT 2019/2020

Location/Address:	N/A
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:	7 December 2020
Attachments:	2019/2020 Annual Report (under separate cover)
Authority/Discretion:	Legislative

SUMMARY:

For Council to accept the Shire of Jerramungup's 2019/2020 Annual Report.

BACKGROUND:

In accordance with section 5.53 of the *Local Government Act 1995* the 2019/2020 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The Shire's external auditor, in conjunction with the Office of the Auditor General, has completed the audit of Council's Annual Financial Statements for the 2019/2020 financial year and these statements are the subject of a separate report to Council. The Annual Financial Statements form part of the 2019/2020 Annual Report.

The 2019/2020 Annual Report forms the main item of business discussed at the Annual General Meeting of Electors. Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the Annual Report is accepted. The Annual Report contains statements from the Shire President, Chief Executive Officer, and the Annual Financial Statements for the 2019/2020 financial year.

CONSULTATION:

Senior Staff

Lincolns Accountants and Business Advisors

Office of the Auditor General

COMMENT:

The Department of Local Government, Sport and Cultural Industries Integrated Planning and Reporting Framework sets out the requirements for local governments to undertake planning and reporting on their activities. This includes the annual reporting to the community on achievements and the financial statements. The Annual Report is also seen as an essential tool to inform the community and key stakeholders about its performance and future plans.

The *Local Government Act 1995* requires every local government to prepare an Annual Report. The Annual Report provides progress on the performance, highlights and achievements of the previous financial year to the community. The Annual Report also contains the audited Financial Statements from the previous financial year. It is a statutory requirement that Council accepts an Annual Report and for the report to be presented to the Annual General Meeting of Electors.

The 2019/2020 Annual Report has been prepared addressing the highlights and achievements of the year. The Annual Report also includes measurements against the Shire of Jerramungup Corporate Business Plan. Reports against statutory requirements are also included in the Annual Report.

Once adopted by Council the Annual Report, incorporating the Annual Financial Report, will be made available on the Shire’s website. A minimal number of printed, bound colour copies will be available for viewing at Libraries and Customer Services Areas of the Shire.

In order for the Shire of Jerramungup to meet its legislative requirements, it is recommended that Council accepts the Annual Report for the financial year 2019/2020.

STATUTORY ENVIRONMENT:

Section 5.53 of the *Local Government Act 1995* states the following in relation to the contents of the Annual Report:

5.53 Annual Reports

- (1) *The local government is to prepare an annual report each financial year.*
- (2) *The annual report is to contain:*
 - (a) *a report from the Mayor or President;*
 - (b) *a report from the Chief Executive Officer;*
 - (c) *deleted;*
 - (d) *deleted;*
 - (e) *an overview of the Plan for the Future of the District made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year;*
 - (f) *the financial report for the financial year;*
 - (g) *such information as may be prescribed in relation to the payments made to employees;*
 - (h) *the auditor’s report for the financial year;*
 - ha. *a matter on which a report must be made under Section 29(2) of the Disability Services Act 1993*
 - hb. *details of entries made under Section 5.121 during the financial year in the register of complaints, including –*
 - I. *the number of complaints recorded in the register of complaints;*
 - II. *how the recorded complaints were dealt with; and*
 - III. *any other details that the regulations may require; and*

Section 5.54 of the *Local Government Act 1995* states the following in relation to the acceptance of the Annual Report:

5.54 Acceptance of Annual Reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after the financial year.*

**Absolute Majority required.*

- (2) *If the auditor’s report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.*

Section 5.55 of the *Local Government Act 1995* states the following in regard to the notice regarding the availability of the Annual Report:

5.55 Notice of Annual Reports

The Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by the Local Government.

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the Annual General Meeting of Electors. They include the contents of the Annual Report for the previous financial year and then any other general business.

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:

2.5.1 – Maintain a high standard of community consultation and engagement.

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications resulting from the recommendations of this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY:

1. Pursuant to section 5.54 of the *Local Government Act 1995*, **ACCEPTS** the Annual Report for the 2019/2020 financial year, as attached to this report;
2. Pursuant to section 5.55 of the *Local Government Act 1995*, **GIVES** local public notice of the availability of the 2019/2020 Annual Report.

MOTION: OCM201210

MOVED: Cr Leenhouders

SECONDED: Cr Bailey

That Council, BY AN ABSOLUTE MAJORITY:

1. Pursuant to section 5.54 of the *Local Government Act 1995*, **ACCEPTS** the Annual Report for the 2019/2020 financial year, as attached to this report;
2. Pursuant to section 5.55 of the *Local Government Act 1995*, **GIVES** local public notice of the availability of the 2019/2020 Annual Report.

CARRIED BY AN ABSOLUTE MAJORITY: 7/0

9.4.4 ANNUAL MEETING OF ELECTORS

Location/Address:	N/A
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:	7 December 2020
Attachments:	Nil
Authority/Discretion:	Legislative

SUMMARY:

For Council to determine the meeting date and time for the Annual General Meeting of Electors.

BACKGROUND:

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors be held on a day selected by the local government, but not more than 56 days after the Annual Report is accepted. It is anticipated that Council will accept the Annual Report at its meeting to be held Wednesday, 16 December 2020.

Furthermore, section 5.29 of the *Local Government Act 1995* states that the Chief Executive Officer is to convene an Electors Meeting by giving at least 14 days public notice.

Should Council adopt the Annual Report at its meeting to be held 16 December 2020, the earliest date to issue local public notice is Monday 21 December 2020, meaning that the earliest date the Annual General Meeting of Electors can be held is Monday 4 January 2021, with the last date being Wednesday 10 February 2021.

It is proposed to hold the Annual General Meeting of Electors on Wednesday 3 February 2021.

CONSULTATION:

The *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the Annual Report to be made publicly available.

While the Shire advertises the meeting in accordance with the *Local Government Act 1995*, the Shire will promote the scheduled meeting date as soon as possible and will publicise the Annual Report through the Shire's website and Facebook page once it is adopted by Council.

COMMENT:

The audited Annual Financial Statements for 2019/2020 are the subject of a separate report to the Audit Committee and then Council. Once these statements are adopted by Council, they are inserted into the 2019/2020 Annual Report which is also adopted by Council as a separate item.

In order for the Shire of Jerramungup to meet its legislative requirements, it is recommended that Council convenes the Annual General Meeting of Electors at 2.00pm on Wednesday 3 February 2021 at the Council Chambers, 8 Vasey Street, Jerramungup.

STATUTORY ENVIRONMENT:

Section 5.27 of the *Local Government Act 1995* states the following in regard to Annual General Meeting of Electors:

5.27. Electors' general meetings

(1) *A general meeting of the electors of a district is to be held once every financial year.*

- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Section 5.29 states the following in respect to convening Electors Meetings:

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving:*
- (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under Section 1.7(1)(a) and is to continue by way of exhibition under Section 1.7(1)(b) and (c) until the meeting has been held.*

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the AGM of Electors. They are the contents of the Annual Report for the previous financial year and then any other general business. It is suggested therefore, that the agenda format for the Annual Meeting of Electors be:

- Attendance and Apologies
- Contents of the 2019/2020 Annual Report
- General Business

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:

- 2.5.1 – Maintain a high standard of community consultation and engagement.
- 2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications resulting from the recommendations of 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:**

1. Pursuant to section 5.27 of the *Local Government Act 1995*, CONVENES the Annual General Meeting of Electors on Wednesday 3 February, 2020 commencing at 2.00pm at the Council Chambers, 8 Vasey Street, Jerramungup; and
2. ADVERTISE the Annual General Meeting of Electors in accordance with section 5.29 of the *Local Government Act 1995*.

MOTION: OCM201211**MOVED: Cr Dawson****SECONDED: Cr Leenhouders****That Council:**

1. Pursuant to section 5.27 of the *Local Government Act 1995*, CONVENES the Annual General Meeting of Electors on Wednesday 3 February, 2020 commencing at 10.00am at the Bremer Bay Town Hall, 7 Mary Street, Bremer Bay; and
2. ADVERTISE the Annual General Meeting of Electors in accordance with section 5.29 of the *Local Government Act 1995*.

CARRIED: 7/0

Reason for variation: venue and time changed to align with pre-arranged meeting.

Cr Iffla left meeting at 9:30am

Cr Iffla returned to meeting at 9:32am

9.4.5 REPORT INTO THE CITY OF PERTH – SHIRE OF JERRAMUNGUP

Location/Address:	N/A
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:	4 December 2020
Attachments:	a) Inquiry into the City of Perth Report Overview b) Shire of Jerramungup response to Inquiry Report Recommendations
Authority/Discretion:	Advocacy

SUMMARY:

For Council to consider the proposed response to the City of Perth Inquiry Report in terms of the impact of the recommendations on the Shire of Jerramungup and wider, local government sector.

BACKGROUND:

The recent City of Perth Inquiry released a wide-ranging report with 341 recommendations, some of which are directed at the WA Local Government sector as a whole.

The findings of this report have been flagged as elements which will form the basis for the new Local Government Act.

To ensure that the Shire of Jerramungup has considered these issues and formed a position, a response has been prepared.

In March/April 2018, the City of Perth (the City) Council was suspended and an Inquiry Panel was established by the Minister for Local Government; Culture and the Arts, the Hon. David Templeman MLA, to look into the governance systems and practices of the City due to its alleged dysfunctionality. Concerns centred around the culture, relationships and responsibilities between Councillors and staff, the separation of roles and responsibilities, decision-making effectiveness and the City's ability to act in the best interest of the local community. Mr Anthony (Tony) Power of the Inquiry Panel outlined, "One of the main functions of this Inquiry is to inquire into and report on matters in its Terms of Reference for the purpose of making recommendations aimed at restoring and ensuring the future good government of the City. This will be achieved by its recommendations."

The primary finding of this inquiry was that in the period between 1 October 2015 and 1 March 2018, there was a gross failure to provide good government at the City.

The Report itself considers the following as some of the main factors that lead to the suspension of the Council in March 2018 and the Inquiry commencing in April 2018:

- The Council was factionalised. The Lord Mayor, Ms Lisa Scaffidi, led a majority "Team" until the Council election in October 2017.
- A lack of harmony and cooperation developed within the Executive Leadership Group (ELG), which included the CEO and five directors.
- Some council members used their positions to advance their own personal interests, or those of family and associates.
- Some council members misused their official entitlements.
- Some council members failed to make proper declarations of conflicts of interest, gifts and/or sources of income.

- Some council members became involved in City administrative matters, which were not legitimately their concern, including human resources matters.
- The CEO was unable to prevent council members interfering in administrative matters:
 - Some council members manipulated election processes.
 - Some procurements were not properly handled by City employees.
 - Some complaints and allegations were not properly dealt with by the City.

The full City of Perth Inquiry has not been included with this report (due to its size) however, a copy of each Volume of the Report is available on the Department of Local Government, Sport and Cultural Industries' (DLGSC) website at <https://www.dlgsc.wa.gov.au/local-government/inquiries/inquiry-into-the-city-of-perth>.

CONSULTATION:

Country Local Governments

Executive Staff

COMMENT:

The Inquiry into the City of Perth has identified a number of risk areas for the broader local government sector and therefore, the Inquiry Panel as made a number of recommendations to the Minister to address the issues and put in place appropriate control measures to safeguard against similar future failings. The Department of Local Government has indicated that consideration of these recommendations will be incorporated into the wider review of the Local Government Act.

The Report of the Inquiry into the City of Perth comprises 4 volumes totalling some 1,900 pages. It makes 341 recommendations to ensure the return of good government to the City. Many of these recommendations are relevant to the industry as a whole and should be considered as part of the overall review of Local Government.

There is general concern over the increased responsibilities and potential costs for local governments should some of the recommendations by implemented within the Local Government Act Review, particularly for smaller local governments attempting to resource compliance, enforcement and auditing. There are also functionalities of Council that are somewhat diminished by some of the recommendations that brings into question the democratic rights of each Council to govern effectively and efficiently for their respective communities.

Given that the State Government will be carefully assessing both the Report of the Inquiry Into the City of Perth and the Review of the *Local Government Act 1995*, it is important that Council reviews the Report of the Inquiry Into the City of Perth report and provides its feedback to the Department of Local Government, Sport and Cultural Industries.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Part 8 – Scrutiny of the affairs of local governments

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 full implications of the City of Perth Inquiry Report are not yet known, until the outcomes and recommendations of the Report are considered as part of the Local Government Act Review.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

As above, there may be financial implications depending on the Local Government Act Review.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council endorses the prepared response to the City of Perth Inquiry as attached, and submits the response to the Department of Local Government, Sport and Cultural Industries.

MOTION: OCM201212

MOVED: Cr Leenhouders

SECONDED: Cr Bailey

That Council endorses the prepared response to the City of Perth Inquiry as attached, and submits the response to the Department of Local Government, Sport and Cultural Industries.

CARRIED: 7/0

Cr Iffla declared an interest in Item 9.4.6. Due to the nature of the interest she remained in the meeting.

9.4.6 OUT OF BUDGET EXPENSE – BOXWOOD HILL COMBINED SPORTS CLUB

Location/Address:	N/A
Name of Applicant:	Boxwood Hill Combined Sports Club
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 December 2020
Attachments:	<ul style="list-style-type: none"> a) Correspondence from BHSC, BHFC, BHNC, BHHC and BHSC Ladies Auxiliary b) CONFIDENTIAL – BHSC Project Budget Rev 04 exc timekeepers box and western verandah c) CONFIDENTIAL – Financials from BHSC d) CONFIDENTIAL – Financials from BHFC e) CONFIDENTIAL – Financials from BHNC f) CONFIDENTIAL – Financials from BHHC g) CONFIDENTIAL – Financials from BHSC Ladies Auxiliary
Authority/Discretion:	Executive

SUMMARY:

The purpose of this report is to place before Council a request from the Boxwood Hill Combined Sports Club for further financial assistance of \$70,000 ex GST due to the unforeseen increase in construction costs associated with COVID-19 and the government's stimulus packages in the building industry. The additional funds requested will be to fund the timekeepers box and western verandah.

BACKGROUND:

In 2016 the Boxwood Hill Combined Sports Club undertook a detailed planning and engagement process to develop a new Strategic Plan (BHSC Strategic Plan 2016-2021). The plan identified key focus areas, goal, performance measures and strategies for the future. Twenty projects were identified with one being the need for a major upgrade to facilities identified as the highest priority.

The proposed upgrade to the Boxwood facility is a replacement of existing service levels and accordingly is not anticipated to result in additional operational costs except depreciation charges due to the increase in overall asset value.

This project has demonstrated a high level of planning and club member involvement and is supported by Council. The upgrade will continue to allow members and visitors to the facility to spend more time enjoying their sport of choice. The Shire also envisages this project as having longer term outcomes by expanding recreation opportunities to the wider public and visitors to Boxwood.

The Boxwood Hill Combined Sports Club project has been thoroughly reviewed and is backed by feasibility studies and costings from a qualified quantity surveyor.

The original project scope included:

- Demolition of existing male change rooms.
- Retention of existing UAT and conversion of existing umpires' room to public toilet.
- Construction of new female and male toilets and change rooms.
- Construction of new umpire's room.
- Construction of new medical room.
- Installation of a new septic system.

- Construction of new time-keeper's box including access by stairs.
- Internal alteration of existing female change room to convert and divide into new kids playroom/meeting room and female public toilets.
- Internal alteration to demolish existing male public toilets and convert room into store room.
- Construction of additional external verandas.
- Construction of paved pathways, stairs and access ramps to safely access building.
- Provisions for new lawn area and landscaping.

At the Ordinary Meeting of Council held 18 September 2019, Council endorsed the proposed project and authorised a cash contribution of up to \$200,000 ex GST for the Boxwood Hill Combined Sports Club project on the condition that the project is successful in achieving funding from the Department of Local Government, Sport and Cultural Industries.

The Club successfully secured Federal and State Funding to proceed with the project. \$542,985 from the Federal Government's Building Better Regions Fund and \$225,000 from the State Government's Community Sport and Recreation Facilities Fund.

CONSULTATION:

Boxwood Hill Combined Sports Club

COMMENT:

The tender period closed on 6 November 2020, with three tender submissions received. The three tender submissions received were;

1. 1,508,870.00 inc GST
2. 1,673,258.94 inc GST
3. 1,927,574.00 inc GST

After assessing and evaluating all submissions, the Club found the tender from Smith's Construction to be the most competitive in all areas being price, schedule, experience, and capacity to carry out the works. The successful tenderer was \$289,200 (20%) above the cost estimate prepared by the quantity surveyor. The highest tender received was approximately 90% above the cost estimate.

The increase in costs are mainly due to;

- High levels of construction (government grants) leading to low subcontractor availability; and
- COVID-19 (materials in short supply)

The Club discussed ways of reducing the building scope with the successful tenderer in order to bring the project within budget.

The construction costs were revised:

- Cost savings of \$119,916.04 ex GST – this included removing Timekeepers Box, water tank, club taking on more demolition works, reducing tiling scope in the bathroom area.
- Cost savings of \$30,912 ex GST by removing the western verandah.

This brought the revised construction budget to \$1,220,871.96 ex GST. In addition to the construction costs \$72,224.55 is required for the costs associated with the architect, consultant fees, project management and provisional sums for decommissioning the existing septic tank bringing the final project total to \$1,293,096.51 ex GST.

To ensure the project proceeded the contribution from the Boxwood Hill Combined Sports Club towards the project has increased from \$117,985 ex GST to \$325,111.51 ex GST.

Club	Amount contributing to project ex GST	Reserve left for next season
Combined Sports Club	\$150,566.05	\$13,000 + \$7,000 left from club crop
Ladies Auxiliary	\$68,181.82	\$26,000
Football Club	\$79,090.91	\$63,000
Netball Club	\$22,727.27	\$6,000
Hockey Club	\$4,545.45	\$3,000
Total	\$325,111.51	\$118,000

Below is a cost breakdown of the project:

Total Project Costs ex GST	Comment
\$1,371,700.00	Initial tender price
-\$119,916.04	Proposed cost savings – remove timekeepers box and water tank
-\$30,912.00	Proposed cost savings – remove western verandah
\$1,220,871.96	Revised total construction budget
\$57,624.55	Fees associated with consultants (Design, engineers, surveyors etc.)
\$12,690.00	Project management fees, Approvals, BSL/BCITF
\$2,000.00	Septic decommissioning costs
\$1,293,186.51	Currently committed project budget
\$11,320.00	Add back water tank – club sponsors agreed to fund the tank
\$1,304,506.51	Revised total project budget – water tank included
\$39,016.00	Proposed add back time keeper's box
\$30,912.00	Proposed add back western verandah
\$1,374,434.51	Revised total project budget- if additional funding received from the Shire

Funding value ex GST	Funding Source
\$542,985.00	BBRF
\$225,000.00	CSRFF
\$200,000.00	SoJ
\$2,000.00	Club Works paid by BHCSC
\$323,111.51	BHCSC
\$11,320.00	Sponsors
-\$70,018.00	Funding gap to complete entire project (add back of time keeper's box and western verandah)

The Boxwood Hill Combined Sports Club have provided updated financial information, which is provided to Council as a confidential attachment.

The Boxwood Hill Combined Sports Club is an integral part of the Shire of Jerramungup sporting community and also the wider Great Southern Sporting area. Locally held sport and recreation events are important to the community and provide health, well being and social benefits to those that actively participate and those that support recreation in more passive ways, such as spectators and volunteers. Local sporting events help build a sense of community spirit and pride and help to foster a sense of community.

The refurbishment of the Boxwood Hill Combined Sports Club will increase participation in both physical and social activities, promote health and wellness opportunities, boost community pride and morale, and create a positive image for the Club. The Boxwood Hill Combined Sports Club currently has 220 members.

Due to the significant financial contribution from the Boxwood Hill Combined Sports Club towards the refurbishment and acknowledging that COVID-19 has had a major impact on the construction costs, the officer recommendation is to support the request for further financial assistance to ensure the timekeepers box and western verandah can be included back into the scope of works.

STATUTORY ENVIRONMENT:

Section 6.8 of the *Local Government Act 1995* applies;

6.8. 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; or*
 - (b) *is authorised in advance by resolution*; or*
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

- (1a) *In subsection (1) —*

additional purpose *means a purpose for which no expenditure estimate is included in the local government's annual budget.*

- (2) *Where expenditure has been incurred by a local government —*

- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
- (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026; Aspiration 2.1 – Community Sport and Recreation: To recognise that sport and recreation is a significant part of the community network and support its growth and development.

Objective:

2.1.1 – Continue support for community lead sporting infrastructure improvements and strong sporting clubs

FINANCIAL/BUDGET IMPLICATIONS:

It is proposed that the additional funds requested be drawn from the Community Sport and Recreation Reserve. If Council agree to the additional funding the predicted budget closing balance of the Community Sport and Recreation Reserve will be \$26,711.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Finance Policy 4 – Sport and Recreation Grants

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:**That Council, BY AN ABSOLUTE MAJORITY:**

- 1. AUTHORISE the out of budget expense of \$70,000 ex GST to the Boxwood Hill Combined Sports Club to fund the timekeepers box and western verandah on the condition that the Boxwood Hill Combined Sports Clubs contribution towards the project is \$325,111 ex GST.**
- 2. AUTHORISE a reserve transfer of \$70,000 prior to 30 June 2021 from the Community Sport and Recreation Reserve to the Shire’s Municipal Account.**

MOTION: OCM201213**MOVED: Cr Bailey****SECONDED: Cr Price****That Council, BY AN ABSOLUTE MAJORITY:**

- 1. AUTHORISE the out of budget expense of \$70,000 ex GST to the Boxwood Hill Combined Sports Club to fund the timekeepers box and western verandah on the condition that the Boxwood Hill Combined Sports Clubs contribution towards the project is \$325,111 ex GST.**
- 2. AUTHORISE a reserve transfer of \$70,000 prior to 30 June 2021 from the Community Sport and Recreation Reserve to the Shire’s Municipal Account.**

CARRIED BY AN ABSOLUTE MAJORITY: 7/0

Murray Flett left the meeting at 9:36am

Murray Flett returned to the meeting at 9:37am

9.4.7 STATE ELECTION PRIORITIES

Location/Address:	N/A
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 December 2020
Attachments:	State Election Priorities (under separate cover)
Authority/Discretion:	Legislative

SUMMARY:

For Council to consider endorsing a set of key strategies and priorities for the Shire of Jerramungup to communicate to State political parties for the upcoming State Election in March 2021.

BACKGROUND:

The next State general election is scheduled to held on 13 March 2021. To ensure political parties have an understanding of our own priorities and projects in the next 1-5 years, a list of key strategies has been developed to assist in advocating for funding support.

The list has been informed by the Shire’s Strategic Community Plan and Corporate Business Plan.

State General Elections for both the Legislative Assembly (lower house) and Legislative Council (upper house) are held every four years on the second Saturday in March. Therefore, the next State Government Election is scheduled to be held on 13 March 2021. Western Australia is divided into 59 Legislative Assembly districts and six Legislative Council regions. During an election, one candidate is elected for each Legislative Assembly district and six candidates are elected for each Legislative Council region.

CONSULTATION:

Executive Staff

COMMENT:

In the lead up to an election, political parties are often active in communicating the policy positions, strategies for addressing constituent issues and announcing funding priorities for the proceeding years, in the hope of garnering voter support.

Council have the opportunity to be proactive in advocating local community needs and priorities with State Government political parties in the lead up to the 2021 State Government Election so that feedback and regional issues may be considered when the parties develop their strategies and priorities for communicating with constituents.

STATUTORY ENVIRONMENT:

Local Government Act 1995

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:

2.5.1 – Maintain a high standard of community consultation and engagement.

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

The key priorities have been developed from the Shire’s Strategic Community Plan and Corporate Business Plan.

FINANCIAL/BUDGET IMPLICATIONS:

State and Federal Government funding priorities have an effect on the Shire’s ability to source external funding opportunities based on its own priorities. Council can play a role in advocating for funding priorities for its Shire and the sector based on its local understanding and needs.

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 **ENDORSES** the following key strategic issues and projects, as detailed in the attachments, to be communicated to State political parties for consideration in developing funding and advocacy priorities in the lead up to the 2021 State Government Election:

- **Bremer Bay Airstrip Cross Runway**
- **ANZAC/Rock Cairn Trail**
- **Bremer Bay Town Centre/Civic Building**
- **Bush Fire Risk Mitigation Co-Coordinator**
- **Drought Proof Shire**
- **Tourism Strategy**
- **Fitzgerald River National Park Access – Pt Ann Road**
- **Bremer Bay Marina**
- **South Coast Highway**
- **Health Services**
 - **Medical Centres – Bremer Bay, Jerramungup**
 - **Nursing Staff/Cover**
- **Aquaculture Industry Expansion Proposal**
- **Water Corporation – Water Softener for Bremer Bay**

MOTION: OCM201214**MOVED: Cr Price****SECONDED: Cr Dawson**

That Council ENDORSES the following key strategic issues and projects, as detailed in the attachments, to be communicated to State political parties for consideration in developing funding and advocacy priorities in the lead up to the 2021 State Government Election:

- **Bremer Bay Airstrip Cross Runway**
- **ANZAC/Rock Cairn Trail**
- **Bremer Bay Town Centre/Civic Building**
- **Bush Fire Risk Mitigation Co-Coordinator**
- **Drought Proof Shire**
- **Tourism Strategy**
- **Fitzgerald River National Park Access – Pt Ann Road**
- **Bremer Bay Marina**
- **South Coast Highway**
- **Health Services**
 - **Medical Centres – Bremer Bay, Jerramungup**
 - **Nursing Staff/Cover**
- **Aquaculture Industry Expansion Proposal**
- **Water Corporation – Water Softener for Bremer Bay**

CARRIED: 7/0

Noel Myers left the meeting at 9:44am

Noel Myers returned to the meeting at 9:46am

Cr Bill Bailey left the meeting at 9:48am

Cr Bill Bailey returned to the meeting at 9:50am

10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**(CONFIDENTIAL MATTERS)****MOTION: OCM201215**

MOVED: Cr Iffla	SECONDED: Cr Parsons
That Council close the meeting to the public.	

CARRIED: 7/0

DCEO Charmaine Solomon declared an impartiality interest in item 10.1. Due to the nature of this interest Charmaine Solomon left the meeting at 9:57am.

Cr Drew Dawson declared an impartiality interest in item 10.1. Due to the nature of this interest Cr Drew Dawson left the meeting at 9:57am.

Cr Rex Parsons declared an impartiality interest in item 10.1. Due to the nature of this interest Cr Rex Parsons remained in the meeting.

Cr Bill Bailey declared an impartiality interest in item 10.1. Due to the nature of this interest Cr Bill Bailey remained in the meeting.

Cr Andrew Price declared an impartiality interest in item 10.1. Due to the nature of this interest Cr Andrew Price remained in the meeting.

10.1 CONFIDENTIAL – AUSTRALIA DAY AWARDS 2020

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	CR.AW.1
Author:	Rachel Smith, Events Co-Ordinator
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 December 2020
Attachments:	a) <i>Selection Criteria</i> b) CONFIDENTIAL – Award Nominations
Authority/Discretion:	Confidential

OFFICER RECOMMENDATION:

- 1) That Council AWARD the 2020 Citizenship Award to _____, with it being presented to the recipient on 26 January 2021 at the Australia Day Breakfast Event.
- 2) That Council AWARD the 2020 Community Group or Event Award to _____, with it being presented to the recipient on 26 January 2021 at the Australia Day Breakfast Event.
- 3) That Council AWARD the 2020 Junior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2021 at the Australia Day Breakfast Event.
- 4) DETERMINES there is no recipient for the 2020 Senior Sportsperson Award category.

MOTION: OCM201216

MOVED: Cr Leenhouders

SECONDED: Cr Bailey

- 1) That Council AWARD the 2020 Citizenship Award to Nikki Carthew, with it being presented to the recipient on 26 January 2021 at the Australia Day Breakfast Event.
- 2) That Council AWARD the 2020 Community Group or Event Award to Lions Club of Jerramungup, with it being presented to the recipient on 26 January 2021 at the Australia Day Breakfast Event.
- 3) That Council AWARD the 2020 Junior Sportsperson Award to Levi Dawson, with it being presented to the recipient on 26 January 2021 at the Australia Day Breakfast Event.
- 4) DETERMINES there is no recipient for the 2020 Senior Sportsperson Award category.

CARRIED: 6/0

DCEO Charmaine Solomon and Cr Drew Dawson returned to the meeting at 10:03am

Cr Rex Parsons declared an interest in Item 10.2. Due to the nature of this interest Cr Rex Parsons left the meeting at 10:03am.

10.2 CONFIDENTIAL – FURTHER REPORT – PROPOSED DISPOSITION OF RESERVE NO.24619, LOT 155 BREMER BAY ROAD, BREMER BAY

Location/Address: Reserve 24619 Lot 155 Bremer Bay Road, Bremer Bay
Name of Applicant: Megatime Pty Ltd
File Reference: A1604429
Author: Noel Myers, Manager of Development
Responsible Officer: Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest: Nil
Date of Report: 4 September 2020
Attachments: Nil – previously circulated
Authority/Discretion: Legislative

RECOMMENDATION;

That Council:

1. **DISPOSES of Reserve 24619 – Lot 155 Bremer Bay Road, Bremer Bay via lease to Megatime Pty Ltd for purposes of Caravan and Camping subject to the following conditions:**
 - a. **All requirements of section 3.58 (3) and (4) of the *Local Government Act 1995* being carried out;**
 - b. **Lease term to be 21 years commencing 30 September 2020 and expiring 30 September 2041 with a review to be undertaken as at 26 January 2025;**
 - c. **The annual lease fee to commence at \$21,741.50 pa with annual Consumer Price Index or 3% pa;**
 - d. **Megatime Pty Ltd being responsible to meet the full cost of the upgrades of the hot water systems servicing the ablution block located on the subject Lot 155;**
 - e. **Agrees to meet 50% of costs associated with the connection of the property to the Water Corporation sewer to a maximum amount of \$15,000 – exclusive of any headworks costs;**
 - f. **That Megatime Pty Ltd become liable for all future non-structural maintenance and upgrade costs to the existing buildings on the subject lot, being the ablution block and storage shed;**
 - g. **That Megatime Pty Ltd agrees to defer the Shire’s maximum contribution of \$15,000 towards the costs associated with the connection of the lot to the Water Corporation sewer till 26 January 2025, payable upon 26 January 2025 or sooner at a mutually agreed later date linked to the amalgamation of Reserves 24619 and 21496 as agreed to by the parties in writing;**
 - h. **That the Shire agrees to initiate and progress the process to amalgamate Reserves 24619 and 21496 and that it will not unreasonably delay the amalgamation proceeding; and**
 - i. **That the applicant be responsible for all costs associated with the future amalgamation of Reserves 24619 and 21496.**

MOTION: OCM201217**MOVED: Cr Iffla****SECONDED: Cr Dawson**

That Council, BY AN ABSOLUTE MAJORITY, rescind Motion OCM200915, Item 11.1 – Proposed Disposition of Reserve No. 24619, Lot 155 Bremer Bay Road, Bremer Bay from the Ordinary Meeting of Council held 16 September 2020.

CARRIED: 6/0 BY AN ABSOLUTE MAJORITY**MOTION: OCM201218****MOVED: Cr Iffla****SECONDED: Cr Bailey****That Council:**

- 1. DISPOSES of Reserve 24619 – Lot 155 Bremer Bay Road, Bremer Bay via lease to Megatime Pty Ltd for purposes of Caravan and Camping subject to the following conditions:**
 - a. All requirements of section 3.58 (3) and (4) of the *Local Government Act 1995* being carried out;**
 - b. Lease term to be 21 years commencing 30 September 2020 and expiring 30 September 2041 with a review to be undertaken as at 26 January 2025;**
 - c. The annual lease fee to commence at \$21,741.50 pa with annual Consumer Price Index or 3% pa;**
 - d. Megatime Pty Ltd being responsible to meet the full cost of the upgrades of the hot water systems servicing the ablution block located on the subject Lot 155;**
 - e. Agrees to meet 50% of costs associated with the connection of the property to the Water Corporation sewer to a maximum amount of \$15,000 – exclusive of any headworks costs;**
 - f. That Megatime Pty Ltd become liable for all future non-structural maintenance and upgrade costs to the existing buildings on the subject lot, being the ablution block and storage shed;**
 - g. That Megatime Pty Ltd agrees to defer the Shire’s maximum contribution of \$15,000 towards the costs associated with the connection of the lot to the Water Corporation sewer till 26 January 2025, payable upon 26 January 2025 or sooner at a mutually agreed later date linked to the amalgamation of Reserves 24619 and 21496 as agreed to by the parties in writing;**
 - h. That the Shire agrees to initiate and progress the process to amalgamate Reserves 24619 and 21496 and that it will not unreasonably delay the amalgamation proceeding; and**
 - i. That the applicant be responsible for all costs associated with the future amalgamation of Reserves 24619 and 21496.**

MOTION LOST: 0/6

Reason for variation: Council wishes to keep the two parcels of land separate, therefore the lots are not proposed to be amalgamated.

MOTION: OCM201219**MOVED: Cr Bailey****SECONDED: Cr Dawson**

That Council DISPOSES of Reserve 24619 – Lot 155 Bremer Bay Road, Bremer Bay via lease to Megatime Pty Ltd for purposes of Caravan and Camping subject to the following conditions:

- a. All requirements of section 3.58 (3) and (4) of the *Local Government Act 1995* being carried out;**
- b. Lease term to be 21 years commencing 30 September 2020 and expiring 30 September 2041 with a review to be undertaken as at 26 January 2025;**
- c. The annual lease fee to commence at \$21,741.50 pa with annual Consumer Price Index or 3% pa, whichever is the greatest;**
- d. Megatime Pty Ltd being responsible to meet the full cost of the upgrades of the hot water systems servicing the ablution block located on the subject Lot 155;**
- e. Council agrees to meet 50% of costs associated with the connection of the property to the Water Corporation sewer to a maximum amount of \$15,000;**
- f. Council agrees to meet 50% of costs associated with any headworks charges that may accrue with the connection of the property to the Water Corporation sewer pending receipt of such costs and such costs being acceptable to the Chief Executive Officer;**
- g. That Megatime Pty Ltd become liable for all future non-structural maintenance and upgrade costs to the existing buildings on the subject lot, being the ablution block and storage shed; and**
- h. That Megatime Pty Ltd agrees to defer the Shire's maximum contribution of \$15,000 towards the costs associated with the connection of the lot to the Water Corporation sewer till 26 January 2025, payable upon 26 January 2025 or sooner at a mutually agreed date.**

MOTION CARRIED: 6/0

Martin Cuthbert left the meeting at 10:05am

Martin Cuthbert returned to the meeting at 10:06am

Cr Andrew Price left the meeting at 10:28am

Cr Andrew Price returned to the meeting at 10:30am

Rachel Smith left the meeting at 10:56am

Rachel Smith returned to the meeting at 10:59am

Tamara Pike left the meeting at 11:01am

Tamara Pike returned to the meeting at 11:03am

Cr Parsons returned to the meeting at 11:11am

MOTION: OCM201220**MOVED: Cr Dawson****SECONDED: Cr Leenhouders****That Council open the meeting to the public.****CARRIED: 7/0****11.0 COUNCILLOR REPORTS****Cr Rex Parsons**

Attended Shire annual Christmas party

Cr Andrew Price

Attended Shire annual Christmas party

Attended Gairdner Primary School Presentation night

Attended Jerramungup Primary School Presentation night

Cr Joanne Iffla

Attended Exit Meeting with the Auditor General

Attended South Coast Alliance meeting

Met with Chris Swarts and prospective Doctor

Met with new Executive Officer from South Coast Alliance

Cr Drew Dawson

Attended Shire annual Christmas party

Cr Julie Leenhouders

Attended Shire annual Christmas party

Met with new Executive Officer from South Coast Alliance

Attended South Coast Alliance meeting

Attended Regional Road Group meeting

Cr Robert Lester

Attended Shire annual Christmas party

Attended Regional Road Group meeting

Met with new Executive Officer from South Coast Alliance

Attended South Coast Alliance meeting

Attended Jerramungup Primary School Presentation night

Attended Exit Meeting with the Auditor General

Attended LEMC meeting

Martin Cuthbert left meeting at 11:19am

Martin Cuthbert returned to the meeting at 11:21am

12.0 NEW BUSINESS OF AN URGENT NATURE

Noel Myers advised Council that he has received an enquiry from the new owner of Joyce Air to lease land at the Jerramungup Airstrip and build an aeroplane hangar. Noel has met and discussed the process of approvals and advised Council that this may be an item at the Ordinary Council Meeting in February.

13.0 CLOSURE

13.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 24 February 2021, commencing at 2.00pm, in the Council Chambers, Jerramungup.

13.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at 11:27am

These minutes were confirmed at a meeting held

.....

Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: