



# SHIRE OF JERRAMUNGUP

## NOTICE OF COUNCIL MEETING

**To the President and Councillors,**

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

Wednesday, 18 December 2019  
At the Emergency Services Shed,  
Bremer Bay  
Commencing at 8:30am

### **Council Meeting Procedures**

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

Martin Cuthbert  
**CHIEF EXECUTIVE OFFICER**  
12 December 2019

## AGENDA

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## **OUR GUIDING VALUES**

Progressive, Prosperous and a Premium Place to Live and Visit

### **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Jerramungup (Shire) for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular, and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any Elected Member or officer of the Shire during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire.

The Shire warns that anyone who has any application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application and any conditions attaching to the decision made by the Shire in respect of the application.

## **NOTES FOR MEMBERS OF THE PUBLIC**

### **PUBLIC QUESTION TIME**

The Shire of Jerramungup extends a warm welcome to you in attending any Shire meeting. The Shire is committed to involving the public in its decision making processes whenever possible. The ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective. The Shire sets aside a period of 'Public Question Time' to enable a member of the public to put questions. Questions should only relate to the business of the Shire and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Presiding Member may either answer the question or direct it to an officer to answer, or it will be taken on notice.

Any comments made by a member of the public become a matter of public record as they are minuted by Council. Members of the public are advised that they are deemed to be held personally responsible and legally liable for any comments made by them that might be construed as defamatory or otherwise considered offensive by any other party.

### **MEETING FORMALITIES**

Local government Council meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation. Members of the public shall ensure that their mobile telephone or audible pager is not switched on or used during any Shire meeting. Members of the public are hereby advised that the use of any electronic, visual or audio recording device or instrument to record proceedings of the meeting is not permitted without the permission of the Presiding Member.

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## NOTES FOR ELECTED MEMBERS

### NATURE OF COUNCIL'S ROLE IN DECISION MAKING

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations, grants, and setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Administrative:** When Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.
- Review:** When Council reviews a decision made by Officers.
- Information:** Includes items provided to Council for information purposed only that do not require a decision of Council (that is for 'noting').

### ALTERNATIVE MOTIONS

Councillors wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Executive Assistant prior to the Council meeting.

### DECLARATIONS OF INTERESTS

Elected Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences. Section 5.60A of the *Local Government Act 1995* states;

*"a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person."*

Section 5.60B states;

*"a person has a proximity interest in a matter if the matter concerns –*

*(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or*

*(b) a proposed change to the zoning or use of land that adjoins the person's land; or*

*(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."*

Regulation 34C (Impartiality) states;

*"interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association."*

## 2019 MEETING DATES

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

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

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

## APPLICATION FOR LEAVE OF ABSENCE

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

## Shire of Jerramungup

### Table of Contents

#### Ordinary Meeting of Council

Wednesday 18 December 2019

<b>1.0</b>	<b>DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS .....</b>	<b>8</b>
<b>2.0</b>	<b>RECORD OF ATTENDANCE .....</b>	<b>8</b>
2.1	ATTENDANCE .....	8
2.2	APOLOGIES.....	8
2.3	APPROVED LEAVE OF ABSENCE.....	8
2.4	ABSENT .....	8
2.5	DISCLOSURE OF INTERESTS.....	8
2.5.1	<i>DECLARATIONS OF FINANCIAL INTERESTS.....</i>	<i>9</i>
2.5.2	<i>DECLARATIONS OF PROXIMITY INTERESTS.....</i>	<i>9</i>
2.5.3	<i>DECLARATIONS OF IMPARTIALITY INTERESTS .....</i>	<i>9</i>
<b>3.0</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>9</b>
<b>4.0</b>	<b>ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS.....</b>	<b>9</b>
<b>5.0</b>	<b>RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....</b>	<b>9</b>
<b>6.0</b>	<b>PUBLIC TIME.....</b>	<b>9</b>
6.1	PUBLIC QUESTION TIME.....	9
6.2	PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS .....	9
<b>7.0</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS .....</b>	<b>9</b>
<b>8.0</b>	<b>RECOMMENDATIONS AND REPORTS OF COMMITTEES .....</b>	<b>10</b>
8.1	AUDIT COMMITTEE.....	10
8.1.1	ACCEPTANCE OF 2018/2019 ANNUAL FINANCIAL REPORT.....	10
<b>9.0</b>	<b>REPORTS .....</b>	<b>13</b>
9.1	TECHNICAL SERVICES .....	13
9.1.1	WORKS REPORT FOR NOVEMBER 2019.....	13
9.2	CORPORATE SERVICES .....	15
9.2.1	ACCOUNTS FOR PAYMENT – NOVEMBER 2019.....	15
9.2.2	MONTHLY FINANCIAL REPORT – NOVEMBER 2019 .....	18
9.3	DEVELOPMENT SERVICES .....	21
9.3.1	PROPOSED TELECOMMUNICATION TOWER .....	21
9.3.2	RETROSPECTIVE DEMOLITION PERMIT.....	24
9.4	EXECUTIVE SERVICES .....	27
9.4.1	INFORMATION BULLETIN NOVEMBER 2019.....	27
9.4.2	GREAT SOUTHERN DEVELOPMENT COMMISSION BOARD NOMINATIONS .....	29
9.4.3	LEASE OF LOT 223, 2 DERRICK STREET JERRAMUNGUP .....	32
9.4.4	LEASE OF LOT 225, 6 DERRICK STREET JERRAMUNGUP .....	35
9.4.5	RISK MANAGEMENT FRAMEWORK REVIEW .....	38
9.4.6	ANNUAL REPORT 2018/2019.....	41
9.4.7	ANNUAL MEETING OF ELECTORS .....	44
<b>10.0</b>	<b>COUNCILLOR REPORTS.....</b>	<b>47</b>
<b>11.0</b>	<b>NEW BUSINESS OF AN URGENT NATURE .....</b>	<b>47</b>
<b>12.0</b>	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....</b>	<b>47</b>
12.1	CONFIDENTIAL TENDER – MEDICAL SERVICES PROVIDER.....	47
12.2	CONFIDENTIAL – AUSTRALIA DAY AWARDS.....	50
<b>13.0</b>	<b>CLOSURE .....</b>	<b>52</b>

13.1	DATE OF NEXT MEETING .....	52
13.2	CLOSURE OF MEETING .....	52

**ORDINARY COUNCIL MEETING  
AGENDA**

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

The meeting was opened at .....pm by the Shire President.

**2.0 RECORD OF ATTENDANCE**

**2.1 ATTENDANCE**

**ELECTED MEMBERS:**

**STAFF:**

**VISITORS:**

**GALLERY:**

**2.2 APOLOGIES**

**2.3 APPROVED LEAVE OF ABSENCE**

**2.4 ABSENT**

**2.5 DISCLOSURE OF INTERESTS**

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

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



**2.5.1 DECLARATIONS OF FINANCIAL INTERESTS****2.5.2 DECLARATIONS OF PROXIMITY INTERESTS****2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS****3.0 APPLICATIONS FOR LEAVE OF ABSENCE****4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

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

**5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**6.0 PUBLIC TIME****6.1 PUBLIC QUESTION TIME****6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS****7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Ordinary Council Meeting held 20 November 2019.

**That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup, on 20 November 2019 be CONFIRMED**

## 8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

### 8.1 AUDIT COMMITTEE

#### 8.1.1 ACCEPTANCE OF 2018/2019 ANNUAL FINANCIAL REPORT

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Tamara Pike, Senior Finance Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	11 December 2019
<b>Attachments:</b>	a) 2018/2019 Annual Financial Report b) Report to the Department
<b>Authority/Discretion:</b>	Legislative

#### SUMMARY:

For Council to accept the 2018/2019 Annual Financial Report and Auditors Report.

#### BACKGROUND:

The Audit Committee of the Shire of Jerramungup met on 19 December 2019 to consider the 2018/2019 Annual Financial Report and Auditor's Report. The recommendation from the Audit Committee was for Council to adopt the 2018/2019 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 2019 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 recommend adoption by Council. 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:

##### Independent Audit report

Contained in the Annual Financial Report is the independent auditor's report from the Office of the Auditor General. They reported the following:

*Report on Other Legal and Regulatory Requirements*

*In accordance with the Local Government (Audit) Regulations 1996 I report that:*

*In my opinion, the following material matter indicates a significant adverse trend in the financial position of the Shire:*

*The Operating Surplus Ratio has been below the Department of Local Government, Sport and Cultural Industries (DLGSC) standard for the past three years.*

*All required information and explanations were obtained by me.*

*All audit procedures were satisfactorily completed.*

*In my opinion, the asset consumption ratio and the asset renewal funding ratio included in the annual financial report were supported by verifiable information and reasonable assumptions.*

The operating surplus ratio is a measurement of whether own source revenue raised is able to meet operational needs and have revenues available for capital or other purposes. Depreciation is included as an expense and forms part of the ratio calculation. Due to Fair Value implementation asset values have increased and therefore depreciation has also increased, which then affects this ratio. Staff are reviewing the useful life and residual values for various components of road infrastructure which is believed will affect future depreciation expenses. The ratio includes depreciation of assets as an expense however does not recognise capital grants received by Council to fund asset purchases or additions. Capital grants that the Shire receives are a major funding source for the Shire.

Under the Local Government Operational Guidelines Financial Ratios, the Operating Surplus Ratio Standards are listed below:

- Basic Standard between 1% and 15% (0.01 and 0.15)
- Advanced Standard > 15% (>0.15)

Below is the Shire's Operating Surplus Ratio since 2014:

- 2014 - (0.20)
- 2015 - (0.03)
- 2016 - (0.55)
- 2017 - (0.12)
- 2018 - (0.01)
- 2019 (0.02)

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***

##### ***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:**

Nil

**FINANCIAL IMPLICATIONS:**

The Annual Financial Statements set out the operating results for the Shire for the year ended 30 June 2019 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. NOTES** the following matter is identified as significant by the Auditor;
  - *The Operating Surplus Ratio has been below the DLGSCI standard for the past 3 years.*
- 2. ACCEPTS** the Auditor's Management Report to the Council for the year ended 30 June 2019 supplied by Council's Auditor, Mr Russell Harrison of Lincolns Accountants and Business Advisors.
- 3. ADOPTS** the 2018/2019 Annual Financial Report for the Shire of Jerramungup and the accompanying 2018/2019 Audit Report, as attached to this report;
- 4. AUTHORISE** the Chief Executive Officer to forward the report to the Minister for Local Government.

**9.0 REPORTS****9.1 TECHNICAL SERVICES****9.1.1 WORKS REPORT FOR NOVEMBER 2019**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Murray Flett, Manager of Works
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	5 December 2019
<b>Attachments:</b>	Road Construction Schedule November 2019
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

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

**BACKGROUND:****Road Construction**

The Construction crew completed forming and gravel re-sheeting another 3 kilometre section of Jacup North Road. These upgrade works now extend past the intersection of Middamidjup Road.

The crew then moved to Rabbit Proof Fence Road and commenced forming and drainage works to accommodate the pavement overlay.

Additional gravel sheeting will continue next year for a further 3 kilometres on both these roads.

These works will significantly reduce the maintenance required on this section over the busy harvest period.

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

**Town Services**

The crew have undertaken additional fire mitigation works around both town sites of Jerramungup and Bremer Bay which has reduced fuel loads next to adjacent buildings prior to the onset of summer.

The recent drainage works the crew completed along Barbara Street in Bremer Bay, has eliminated stormwater runoff from entering adjacent properties. These works are the first stage of several proposed treatments to address stormwater issues in the Bremer Bay town site.

**Road Maintenance**

Gravel patching and maintenance grading continues on numerous roads to rectify blowouts in the pavement. With commencement of the harvest period and the additional large vehicles on the network, all road users are urged to drive accordingly given the ever changing road conditions.

**CONSULTATION:**

Internal

**COMMENT:**

This report is for information only to advise Council on the previous months works activities.

**STATUTORY ENVIRONMENT:**

There are no statutory implications for this report.

**STRATEGIC IMPLICATIONS:**

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026; Aspiration 3.4 – Service and Infrastructure Provision: To lobby, advocate for and deliver a first class transport and telecommunications network.

Objectives:

3.4.1 – Continued improvements on the local road network.

**FINANCIAL IMPLICATIONS:**

The works completed are included in the 2019/2020 Shire of Jerramungup budget.

**WORKFORCE IMPLICATIONS:**

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

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council RECEIVE the works report for November 2019.**

## 9.2 CORPORATE SERVICES

### 9.2.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2019

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>Author:</b>	Sarah Van Elden, Finance Officer
<b>Responsible Officer:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	11 December 2019
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>a. List of Accounts Paid to 30 November 2019</li> <li>b. Credit Card Statement 27 October 2019 – 27 November 2019</li> </ul>
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

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

#### BACKGROUND:

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire's municipal and trust funds. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Office is to be provided to Council.

#### CONSULTATION:

Internal consultation within the Finance Department.

#### COMMENT:

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2019-20 Annual Budget as adopted by Council at its meeting held 17 July 2019 (Minute No. OCM190706 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

The table below summarises the payments drawn on the funds during the month of September 2019. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
<b>Municipal Account</b>		
Last Cheque Used	28172	
EFT Payments	16635 – 16699	\$367,719.10
Direct Deposits		\$46,345.35
<b>Municipal Account Total</b>		<b>\$414,064.45</b>
<b>Trust Account</b>		
<b>Trust Account Total</b>		<b>\$0.00</b>
<b>Grand Total</b>		<b>\$414,064.45</b>

#### CERTIFICATE

This schedule of accounts as presented, which was submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have

been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been paid.

**STATUTORY ENVIRONMENT:**

*Local Government (Financial Management) Regulations 1996*

**12. Payments from municipal fund or trust fund, restrictions on making**

*12(1) A payment may only be made from the municipal fund or a trust fund—*

- (a) if the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from those funds—by the CEO: or*
- (b) otherwise, if the payment is authorised in advance by a resolution of the council.*

*The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.*

**13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.**

*(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared—*

- (a) the payee's name; and*
- (b) the amount of the payment; and*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

*(2) A list of accounts for approval to be paid is to be prepared each month showing—*

- (a) for each account which requires council authorisation in that month—*
  - (i) the payee's name; and*
  - (ii) the amount of the payment; and*
  - (iii) sufficient information to identify the transaction; and*
- (b) the date of the meeting of the council to which the list is to be presented.*

*(3) A list prepared under subregulation (1) or (2) is to be—*

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

**STRATEGIC IMPLICATIONS:**

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

Objectives:

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

**FINANCIAL IMPLICATIONS:**

All expenditure from the municipal fund was included in the annual budget as adopted or revised by Council.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.



**POLICY IMPLICATIONS:**

Finance Policy FP5 – Corporate Credit Card

Finance Policy FP6 – Purchasing

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council, pursuant to regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, NOTES the Chief Executive Officer’s list of accounts paid under delegated authority being;**

- a) **The List of Accounts Paid to 30 November 2019 as detailed in Attachment 9.2.1(a).**
- b) **The Credit Card Statement 27 October 2019 – 27 November 2019 as detailed in attachment 9.2.1(b).**

**9.2.2 MONTHLY FINANCIAL REPORT – NOVEMBER 2019**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Tamara Pike, Senior Finance Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	10 December 2019
<b>Attachments:</b>	Monthly Financial Report for the period ending 30 November 2019
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the statement of financial activity for the period ended 30 November 2019 as required by the *Local Government Act 1995* ('the Act').

Pursuant to section 6.4 of the *Local Government Act 1995* and regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* ('the Regulations'), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted/amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 30 November 2019.

**BACKGROUND:**

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

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 30 June 2020 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

- The annual budget estimates.
- The operating revenue, operating income, and all other income and expenses.
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period.
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period.
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result.
- Include an operating statement.
- Any other required supporting notes.

Additionally, and pursuant to regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting on 17 July 2019, the Council adopted (Minute No. OCM190706 part 1.6 refers) the following material variance reporting threshold for the 2019-20 financial year:

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

*That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2019/2020 financial year for monthly reporting purposes.*

**CONSULTATION:**

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

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Community Plan, prepared under section 5.56 of the *Local Government Act 1995*.

**COMMENT:**

The financial report contains annual budget estimates, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

All expenditure included in the financial statements is incurred in accordance with Council's adopted budget or subsequent approval in advance.

**STATUTORY ENVIRONMENT:**

Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:

**34. Financial activity statement required each month (Act s. 6.4)**

(1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail—*

- (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- (b) *budget estimates to the end of the month to which the statement relates;*

*and*

- (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) *the net current assets at the end of the month to which the statement relates.*

(2) *Each statement of financial activity is to be accompanied by documents containing—*

- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
- (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
- (c) *such other supporting information as is considered relevant by the local government.*

(3) *The information in a statement of financial activity may be shown—*

- (a) *according to nature and type classification; or*
- (b) *by program; or*
- (c) *by business unit.*

(4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be—*

- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) *recorded in the minutes of the meeting at which it is presented.*

- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

**STRATEGIC IMPLICATIONS:**

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

Objectives:

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

**FINANCIAL IMPLICATIONS:**

Expenditure for the period ending 30 September 2019 has been incurred in accordance with the 2019-20 budget parameters, which have been structured on financial viability and sustainability principles.

Details of any budget variation in excess of \$10,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

AP4 – Regional Price Preference

FP1 – Capitalisation and Depreciation of Non-Current Assets

FP2 – Rates and Accounts Collection

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 30 November 2019 in accordance with section 6.4 of the *Local Government Act 1995*.**

### 9.3 DEVELOPMENT SERVICES

#### 9.3.1 PROPOSED TELECOMMUNICATION TOWER

<b>Location/Address:</b>	Lot 638 Corackerup Road, Needilup
<b>Name of Applicant:</b>	Visionstream
<b>File Reference:</b>	A1601568
<b>Author:</b>	Noel Myers, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	9 December 2019
<b>Attachments:</b>	(a) Planning Report (b) Plans of Development
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

Report seeks Council's approval for the installation of a 60m high guyed lattice telecommunications tower on portion of Lot 638 Corackerup Road Needilup.

#### BACKGROUND:

The subject property on which the tower is to be located is zoned Rural under Town Planning Scheme No.2 (TPS No.2). The property is owned in freehold title and is currently operated as a farm consistent with the Rural zoning.

Surrounding land uses include other rural zoned properties that are under broad acre cropping and there are two adjoining Crown Reserves, one of which has a purpose of Conservation and is under the control of the Department Planning Lands and Heritage whilst the other is a Water Reserve. The effect of the surrounding tenure and land uses is that the area has a low residential density and this situation is reasonably expected to prevail into the foreseeable future. The nearest dwellings to the proposed tower are set away approximately 3km to the north-west and 3.6km to the east.

#### Previous Considerations:

- Development Approval for a 60m telecommunications tower on Lot 1476 South Coast Highway, Gairdner issued September 2012;
- Development Approval for a 70m high guyed mast and equipment shelter to accommodate Western Australian police radio transmission equipment issued July 2014;
- Development Approval for 60m telecommunications tower on Lot 1607 South Coast Highway, Jacup issued June 2016;
- Development Approval for a 70m telecommunications tower on Lot 1623 South Coast Highway issued February 2017.

#### CONSULTATION:

Consultation has been undertaken in accordance with Council's adopted Local Planning Policy No.11 – A Guide on Public consultation for Development Applications. The Policy requires that developments deemed to be "A" Uses are advertised for a minimum of 21 days.

The required consultation was undertaken by way of letters being written to surrounding private land owners and notices being placed on the Shire's website and on public notice boards in both Jerramungup and Bremer Bay.

One submission in favour of the development proceeding was received. The submission raised several questions on statements made within the applicant's planning report, however, the matters raised were not challenging or objecting to the installation of this new facility and therefore are not addressed within

this report. A response to those questions raised has been provided by the applicant and on-forwarded to the author of the submission.

**COMMENT:**

Council received an application from Visionstream to construct telecommunications infrastructure at Lot 638 Corackerup Road Needilup. The application proposes the following scope of works:

- Installation of one (1) 60.0m high lattice (overall height 64.41 inc antennae);
- Installation of one (1) triangular headframe;
- Installation of four (4) new omni antennas (no greater than 2.8m in length);
- Installation of four (4) remote radio units (RRUs);
- Installation of a Telstra equipment shelter (2.38 (w) x 2.99 (l) x 2.9m (h));
- Installation of associated ancillary cabling and equipment;
- Underground connection of power from point of supply on existing site;

The applicant has provided a Planning Report in support of their application that identifies and addresses the planning framework as it applies to the installation of telecommunications infrastructure. The matters and justifications detailed within that report are supported (See Annexure 1).

In brief the report outlines the rationale for the chosen location, describes the benefit the facility insofar that it serves to improve network coverage in the area (acknowledging the project is auspiced by the Federal Governments Telecommunications Black Spot Funding program) and considers the impact upon the surrounding locality from both a safety and amenity perspective. It is acknowledged that telecommunications infrastructure is by necessity visually intrusive in rural landscapes however their presence has become more common and thus more normalised and is a feature that the broader public would generally expect to encounter in rural areas. This new facility is consistent in form and height to past approvals granted by Council.

Given the location and zoning of the land, the absence of objections arising from the public consultation process and the benefit to telecommunications coverage in the area, the application is recommended for approval.

**STATUTORY ENVIRONMENT:**

Town Planning Scheme No.5 - Clause 5.10 sets out the several matters Council is to have regard to when determining applications for telecommunication facilities which includes the following considerations;

- (a) the social and economic benefits of affordable and convenient access to modern telecommunications based services for people and businesses throughout the State;
- (b) continuity of supply of telecommunications services;
- (c) protection of the environment;
- (d) safeguarding visual amenity and streetscape;
- (e) protection of heritage places;
- (f) public safety; and
- (g) co-ordination with other services.

The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the Council.

**STRATEGIC IMPLICATIONS:**

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026;  
Aspiration 1.2.4 – Ensure that new development is well designed and sustainable, where community needs are met while conserving our natural and built environment.

Aspiration 3.4.6 – Reliable and fast telecommunications such as mobile phone, internet/broadband

**FINANCIAL IMPLICATIONS:**

There are no financial implications for Council.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

Nil

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That COUNCIL pursuant to Town Planning Scheme No.2 GRANTS Development Approval for the proposed 'Telecommunications Infrastructure' at Lot 638 Corackerup Road Needilup, subject to:

- a) The Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the development application.

### 9.3.2 RETROSPECTIVE DEMOLITION PERMIT

<b>Location/Address:</b>	Lot 804 Bremer Bay Road, Bremer Bay
<b>Name of Applicant:</b>	JM & JL Iffla
<b>File Reference:</b>	A1603558
<b>Author:</b>	Noel Myers, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Joint owner is an Elected Member of Council
<b>Date of Report:</b>	9 December 2019
<b>Attachments:</b>	Site Plan
<b>Authority/Discretion:</b>	Legislative

#### SUMMARY:

Report seeks Council's approval to issue a demolition permit retrospectively for demolition works undertaken as a matter of public safety at the Old Telegraph Station.

#### BACKGROUND:

The owners of the property, referred to as the Old Telegraph Station are undertaking a comprehensive refurbishment and renovation of the building group and grounds in preparation for the reopening of a café/restaurant that had previously operated from the property.

As part of the overall works program, Demolition Permit No.DP19-03 (DP) was issued 29 April 2019 for the removal of asbestos materials from inside the main building on the site and also from the building commonly referred to as the 'Old School House' that had been clad with asbestos roof and wall sheeting. The DP permitted the removal of asbestos sheeting only which was degraded and broken in multiple locations. The DP did not extend to the demolition of the building which been identified as possessing some heritage values and there had been an intent to investigate options to preserve the building as part of a future building programme and post the removal of the asbestos sheeting.

- Works to remove the asbestos from the subject building was undertaken on the 28 November 2019 in accordance with the approved permit;
- The owners contacted the Shire immediately post the removal of the asbestos sheeting citing concerns about the structural integrity of the building. The decayed state of the asbestos sheeting meant that its removal was a matter of high priority;
- An inspection to the site was undertaken by staff where it was identified that the entire building frame had been compromised by white ant infestation and the building was in danger of imminent collapse;
- The location of the building towards the frontage of the lot increased concerns about risks to persons taking unauthorised access to the property and the compromised nature of the residual building meant that cleaning the site of the asbestos rubble post removal of the sheeting was problematical;
- The Shire's consultant Building Surveyor was contacted and it was agreed that the compromised structural integrity of the building was sufficient to authorise its demolition as a matter of urgency and without having to apply for and receive a demolition permit. Section 12 of the *Building Act 2011* permits this action to occur;
- Prior to the removal of the asbestos sheeting, there was an undertaking by the owners to compile a photographic record of the building and those images would be forwarded to the Shire for retention and the keeping of a record of the place;



- The actions to prepare a photographic record of a place prior to its demolition is consistent with the Management Statement for the place as set out within the Shire’s Municipal Inventory of Heritage Places (MI).

It is acknowledged that whilst the property as a whole is included within the MI, such a listing does not preclude actions such as demolitions occurring and there has been no conservation plan or conservation management strategy in place, nor is the place included within a Heritage List. Rather the inclusion of a place in the MI at its current status serves to flag that a particular place holds some heritage values that the Council may wish to consider before it determines an application and flags that the place may be suitable for higher levels of heritage protection.

#### **CONSULTATION:**

Nil external – internal communication with Shire’s contracted Building Surveyor to confirm legislative capacity to authorise demolition to proceed in advance of demolition permit being issued.

#### **COMMENT:**

Whilst the loss of a building that had heritage values is regrettable, the permission to demolish was granted only once it had been identified that the structural integrity of the building had been wholly compromised by extensive white ant infestation and the building was assessed to be in danger of imminent collapse. The dangerous state of the building was exacerbated post removal of the asbestos sheeting that was removed under the auspices of DP19-013 and it was assessed that the highly degraded condition of the wall and roof sheeting meant that there was an immediate health risk from the broken asbestos sheeting and its removal was a matter of high priority.

As detailed above, section 12 of the *Building Act 2011* deals with emergency scenarios where demolition can proceed without first holding a permit. Given the particular set of circumstances it was assessed that there was the potential for a high level of risk of building collapse and hazard to public health and safety and the situation was reasonably considered to be an emergency in the context of the legislation that justified approval to proceed without a permit.

The owners of the property were verbally advised they could proceed with the demolition after the action was agreed to by the Shire’s Chief Executive Officer, Manager of Development and the Shire’s consultant Building Surveyor. The demolition of the building frame and subsequent clean-up of the site was undertaken only post receipt of verbal advice from the Manager of Development to the owners on the 29/11/2019 and the works proceeded over the weekend of the 30 November 2019 and the 1 December 2019. Written confirmation confirming their approval to proceed with the demolition was provided on 04 December 2019.

The owners have subsequently lodged a Permit to formalise the actions and Council are requested to endorse the actions of the Administration to issue a Demolition Permit retrospectively.

#### **STATUTORY ENVIRONMENT:**

- Town Planning Scheme No.5 -
- Building Act 2011
- Shire of Jerramungup Municipal Heritage Inventory

#### **STRATEGIC IMPLICATIONS:**

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

- 2.3.8 Implement initiatives to harness and recognise the Shire’s cultural values and history;
- 2.5.2 Maintain a highly accountable and transparent governance network and decision making process

**FINANCIAL IMPLICATIONS:**

There are no financial implications for Council.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for Council.

**POLICY IMPLICATIONS:**

Nil

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That **COUNCIL** approves the issue of a Demolition Permit retrospectively for the demolition of the “Old School Building” located on a portion of Lot 804 Bremer Bay Road, Bremer Bay as marked on the attached site plan dated 9 December 2019 subject to the following condition;

- a) The owners are to provide the photographic record of the building taken prior to its demolition for its record and future use at Council’s discretion.

## 9.4 EXECUTIVE SERVICES

### 9.4.1 INFORMATION BULLETIN NOVEMBER 2019

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	11 December 2019
<b>Attachments:</b>	November 2019 Information Bulletin
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

To advise Council on the information items for November 2019 including actions that have been undertaken in relation to decisions of Council and actions performed under delegated authority.

#### BACKGROUND:

There is no specific requirement to report on actions performed under delegated authority to Council. However, to increase transparency this report has been prepared for Council and includes actions performed under delegated authority for the month of November 2019.

#### CONSULTATION:

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

#### COMMENT:

The Status of Council Decisions report is an important administrative tool used by the Shire to monitor the implementation of Council decisions. Any Council decision that has not yet been fully implemented will remain on the list until it has been completed.

Once the minutes of each Council meeting have been completed, the Executive Assistant uploads each decision of Council into the spreadsheet and allocates it to the relevant Shire office for actioning and comment. The spreadsheet is accessible by all relevant Shire officers.

The Shire enters into various agreements by affixing its Common Seal. The *Local Government Act 1995* states that the Shire is a body corporate with perpetual succession and a Common Seal. Those documents that are to be executed by affixing the Common Seal or signed by the Shire President and the Chief Executive Officer are reported to Council for information on a regular basis.

#### STATUTORY ENVIRONMENT:

##### *Local Government (Administration) Regulations 1996*

##### **19. Delegates to keep certain records (Act s. 5.46(3))**

*Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —*

- a) how the person exercised the power or discharged the duty; and*
- b) when the person exercised the power or discharged the duty; and*
- c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.*

**STRATEGIC IMPLICATIONS:**

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

Objectives:

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

**FINANCIAL IMPLICATIONS:**

There are no financial implications for this report.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for this report.

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of November 2019.**

**9.4.2 GREAT SOUTHERN DEVELOPMENT COMMISSION BOARD NOMINATIONS**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	7 December 2019
<b>Attachments:</b>	GSDC Correspondence
<b>Authority/Discretion:</b>	Administrative

**SUMMARY:**

The Great Southern Development Commission is seeking nominations for two Local Government Representatives for a term of up to 3 years. Councillor Jo Iffla is currently on the Great Southern Development Commission Board.

**BACKGROUND:**

The role of the Great Southern Development Commission (GSDC) is to coordinate and support endeavours that build the economy and promote growth in the Great Southern region of Western Australia. The GSDC works with the public, private and not-for-profit sectors.

Strategic planning undertaken by the GSDC sits under the strategies of the Western Australian State Government, including as expressed by the Department of Primary Industries and Regional Development.

The GSDC's strategic planning activities seek to keep on growing the regional economy by making sure there is an integrated set of planning resources that lead to good decisions about practical matters. The GSDC integrates government planning and provides a valuable resource for government, industry and not-for-profit organisations.

The core functions as identified by the Board include undertaking regional planning and appropriate projects, advising the State Government and providing a link to the Government on key issues and policies that impact the region.

Four goal areas encompass the work of the Commission:

1. Economic growth and diversification
2. Essential infrastructure and services
3. Community and environment
4. Knowledge and innovation.

**CONSULTATION:**

Nil

**COMMENT:**

The Great Southern Development Commission is seeking nominations for two local government representative vacancies on its Board of Management. In accordance with the *Regional Development Commissions Act 1993*, nominees for the vacancies must be members of the Council of a local government in the region and are to be nominated by local governments in the region.

All local governments in the Great Southern region are invited to nominate up to four Councillors, who are willing and able to be candidates, for appointments. The Commission is seeking nominations of highly

motivated and enthusiastic people, who can help drive economic opportunities in the region and demonstrate the following:

- Experience of decision making and planning at local government level;
- Active involvement in, and awareness of economic and social development issues within the region;
- Experience and/or knowledge of public sector governance, finances and risk management;
- Willingness and capacity to devote time and energy to the role.

Terms of appointment will be for up to three years. The Minister for Regional Development, Hon Alannah MacTiernan MLC will make appointments to the Board after consultation with Cabinet.

At present Cr Iffla is on the GSDC Board. Having a Council representative on the Board has been beneficial to the Shire of Jerramungup in terms of enhancing the profile of the Shire, having significant input into regional matters and generally staying abreast of regional issues.

It is anticipated that the Shire would provide a letter of support for any nominee it endorses but there is an onus on the nominee to complete the nomination form, provide their Curriculum Vitae and other information prior to the nomination deadline of 5.00 pm Friday, 20 December 2019.

#### **STATUTORY ENVIRONMENT:**

##### ***Regional Development Commissions Act 1993***

##### ***16. Method of appointment of appointed members***

*Regulations made for the purposes of paragraph (b) of section 15(1) are to be consistent with the following, unless particular circumstances require otherwise —*

- (a) one third of the members referred to in that paragraph are to be persons who are resident in the region and nominated in accordance with the regulations;*
- (b) one third of those members are to be members of the council of a local government in the region and are to be nominated by local governments in the region in accordance with the regulations; and*
- (c) one third of those members are to be appointed at the Minister's discretion.*

##### ***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:

2.5.2 – 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 nominates the following Councillors to the role of Board Member for the Great Southern Development Commission for a period of 3 years for the Minister’s approval:**

1. Cr
2. Cr
3. Cr
4. Cr

**9.4.3 LEASE OF LOT 223, 2 DERRICK STREET JERRAMUNGUP**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	7 December 2019
<b>Attachments:</b>	(a) Offer of Lease renewal - 2 Derrick Street (b) GROH Residential Tenancy Agreement (c) Nominated Smoke Alarms
<b>Authority/Discretion:</b>	Administrative

**SUMMARY:**

The purpose of this report is to seek Council's support to enter into a lease renewal agreement with the Government of Western Australia – Department of Communities for Lot 223, 2 Derrick Street Jerramungup.

**BACKGROUND:**

The current lease between the Shire of Jerramungup and the Department of Communities is due to expire on 4 February 2020. Department of Communities staff have been negotiating the renewal of the lease with Council staff.

**CONSULTATION:**

Department of Communities, Government Regional Officer Housing.

**COMMENT:**

The current lease for Lot 223, 2 Derrick Street Jerramungup commenced 5 February 2010 for a period of 10 years for an annual rent of \$36,140. Council constructed the housing funded by a loan specifically for the Department of Communities to be available for WAPOL staff. The loan was for a period of 10 years with the final payment to be made during the 2019/2020 financial year.

The Department of Communities has had the properties valued by an independent rental assessor and in the current fiscal climate in the region a rent range of \$300 – \$340 per week was provided. Therefore, the rent offered of \$500, while below the existing rental agreement, is still considerably above market valuation. It is presumed the initial 10 year lease was to allow for the Shire of Jerramungup to construct the properties and have a guaranteed income to cover the loan required for construction.

**STATUTORY ENVIRONMENT:*****Local Government Act 1995******3.58. Disposing of property***

(1) *In this section –*

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

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

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

(a) *the highest bidder at public auction; or*



- (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
- (i) *describing the property concerned; and*
- (ii) *giving details of the proposed disposition; and*
- (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
- (b) *the consideration to be received by the local government for the disposition; and*
- (c) *the market value of the disposition —*
- (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
- (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
- (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
- (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
- (d) *any other disposition that is excluded by regulations from the application of this section.*

### **Local Government (Functions and General) Regulations 1996**

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

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (c) *the land is disposed of to —*
- (i) *the Crown in right of the State or the Commonwealth; or*

- (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
- (iii) *another local government or a regional local government;*

**STRATEGIC IMPLICATIONS:**

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026; Aspiration 2.2 – Improved Liveability: To develop initiatives and programs, supported by high quality infrastructure that improves lifestyle outcomes and makes the Shire of Jerramungup an attractive place to live.

Objectives:

2.2.8 – Increased housing availability options (ownership, rentals, workers accommodation).

Aspiration 2.3 – Healthy and Happy Community: To promote and deliver programs, initiatives and infrastructure that contribute to a healthier, happier community.

Objectives:

2.3.4: Investigate the provision of housing for visiting professional services.

**FINANCIAL/BUDGET IMPLICATIONS:**

Lease income of \$26,000.00 per annum.

**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. **Acknowledge that the disposition is an exempt disposition in accordance with the *Local Government (Functions and General) Regulations 1996*, section 30 (1)(c)(ii).**
2. **Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal of the Shire of Jerramungup to execute the lease agreement for Lot 223, 2 Derrick Street Jerramungup for;**
  - **A lease term of 3 years commencing 5 February 2020, expiring on 4 February 2023 and with an option of 1 year;**
  - **A weekly rent of \$500.00; and**
  - **The terms and conditions set out in the residential tenancy agreement as attached to this item.**

**9.4.4 LEASE OF LOT 225, 6 DERRICK STREET JERRAMUNGUP**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	7 December 2019
<b>Attachments:</b>	(a) Offer of Lease renewal - 6 Derrick Street (b) GROH Residential Tenancy Agreement (c) Nominated Smoke Alarms
<b>Authority/Discretion:</b>	Administrative

**SUMMARY:**

The purpose of this report is to seek Council's support to enter into a lease renewal agreement with the Government of Western Australia – Department of Communities for Lot 225, 6 Derrick Street Jerramungup.

**BACKGROUND:**

The current lease between the Shire of Jerramungup and the Department of Communities is due to expire on 4 February 2020. Department of Communities staff have been negotiating the renewal of the lease with Council staff.

**CONSULTATION:**

Department of Communities, Government Regional Officer Housing.

**COMMENT:**

The current lease for Lot 225, 6 Derrick Street Jerramungup commenced 5 February 2010 for a period of 10 years for an annual rent of \$36,140. Council constructed the housing funded by a loan specifically for the Department of Communities to be available for WAPOL staff. The loan was for a period of 10 years with the final payment to be made during the 2019/2020 financial year.

The Department of Communities has had the properties valued by an independent rental assessor and in the current fiscal climate in the region a rent range of \$300 – \$340 per week was provided. Therefore, the rent offered of \$500, while below the existing rental agreement, is still considerably above market valuation. It is presumed the initial 10 year lease was to allow for the Shire of Jerramungup to construct the properties and have a guaranteed income to cover the loan required for construction.

**STATUTORY ENVIRONMENT:*****Local Government Act 1995******3.58. Disposing of property***

(1) *In this section —*

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

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

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

(a) *the highest bidder at public auction; or*

- (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
- (i) *describing the property concerned; and*
- (ii) *giving details of the proposed disposition; and*
- (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
- (b) *the consideration to be received by the local government for the disposition; and*
- (c) *the market value of the disposition —*
- (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
- (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
- (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
- (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
- (d) *any other disposition that is excluded by regulations from the application of this section.*

### **Local Government (Functions and General) Regulations 1996**

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

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (c) *the land is disposed of to —*
- (i) *the Crown in right of the State or the Commonwealth; or*

- (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
- (iii) *another local government or a regional local government;*

**STRATEGIC IMPLICATIONS:**

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026; Aspiration 2.2 – Improved Liveability: To develop initiatives and programs, supported by high quality infrastructure that improves lifestyle outcomes and makes the Shire of Jerramungup an attractive place to live.

Objectives:

2.2.8 – Increased housing availability options (ownership, rentals, workers accommodation).

Aspiration 2.3 – Healthy and Happy Community: To promote and deliver programs, initiatives and infrastructure that contribute to a healthier, happier community.

Objectives:

2.3.4: Investigate the provision of housing for visiting professional services.

**FINANCIAL/BUDGET IMPLICATIONS:**

Lease income of \$26,000.00 per annum.

**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;

3. **Acknowledge that the disposition is an exempt disposition in accordance with the *Local Government (Functions and General) Regulations 1996*, section 30 (1)(c)(ii).**
4. **Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal of the Shire of Jerramungup to execute the lease agreement for Lot 225, 6 Derrick Street Jerramungup for;**
  - **A lease term of 3 years commencing 5 February 2020, expiring on 4 February 2023 and with an option of 1 year;**
  - **A weekly rent of \$500.00; and**
  - **The terms and conditions set out in the residential tenancy agreement as attached to this item.**

**9.4.5 RISK MANAGEMENT FRAMEWORK REVIEW**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	7 December 2019
<b>Attachments:</b>	(a) AP9 – Risk Management Policy (b) Draft Risk Management Framework (c) Current Risk Management Framework
<b>Authority/Discretion:</b>	Executive

**SUMMARY:**

The purpose of this report is for Council to consider an updated 'Risk Management Framework'. This framework supports the review of Policy AP9 – Risk Management Policy adopted by Council at the Ordinary Meeting held 17 April 2019.

**BACKGROUND:**

Previous enquiries around risk management specific software have indicated that available products are not, at this point in time, best fit for purpose with regard to local government risk management requirements. The new Risk Management Framework presented has been created in conjunction with Local Government Insurance Services (LGIS) based on AS/NZS ISO 31000:2018 and adapted for the Shire of Jerramungup.

The Shire's existing Risk Management Plan, based on AS/NZS ISO 31000: 2009, was last reviewed 21 February 2018. The Shire of Jerramungup was one of four regional shires to recently engage LGIS in the reviewing of their existing Risk Management Plan (Plan), the aim being to ensure contemporary best practice in risk management.

**CONSULTATION:**

Michael Sparks, Senior Risk Consultant – Local Government Insurance Services  
Executive Management Team

**COMMENT:**

The aim of Risk Management is to recognise and manage risks in order to minimise negative consequences while optimising potential opportunities. The Risk Management process involves many facets including identification, defining levels of risk (based on consequence and likelihood), analysis, prioritisation, action/treatment, and recording, monitoring and reporting. A Risk Management Plan/Framework details that process, assigns responsibilities and is fundamental to good governance in local government.

The Chief Executive Officer and other Officers attended a workshop conducted by LGIS in 2019 concentrating on common risks, controls, actions, responsibilities/accountabilities, and priorities in line with the new Framework. The review process has delivered an updated Risk Management Policy and Framework along with a working document that identifies fifteen (15) risk profiles generic to local government.

On a comparative level (existing Plan vs new Framework):

- Updates (different wording/similar values in many cases) are evident within risk impact areas of the new Framework's Measures of Consequence table with Financial Impact being an exception,

Property being an additional risk area, Operation being defined as Service Interruption and Project divided into two areas (Time and Cost). Rating level terminology has changed for the higher three rating levels with Extreme now being referred to as Catastrophic. Measures of Likelihood are the same within both documents. Risk Acceptance Criteria is similar (once again, slightly different wording is used to explain the risk rankings of Low, Moderate, High and Extreme).

- The new Risk Management Framework document, whilst similar in many aspects, is a more succinct, overarching document compared to the existing Plan that contains quite detailed appendices. Much of the information contained in the existing Plan's appendices (particularly 1 and 3) is available to staff in or as a requirement of other documentation such as the WA Accounting Manual, Audit Regulation 17 Review (see Statutory Requirements below), the Business Continuity Plan, and employment practices as well as other corporate documents. Each risk area in the new Framework's working document (Risk Profiles) captures much of the action related information referred to in Appendices 2 of the existing Plan.
- The Risk Profile templates of the new Framework capture more comprehensive detail than the existing Risk Register can and contain and address more 'across the board' local government risks. The new Framework allows risk causes to be identified (expanding understanding on the origin of particular risks) as well as indicators that assist in tracking progress, establishing benchmarks and determining trends. More information around the efficacy of controls is also able to be captured and monitored in the Risk Profiles of the new Framework under the 'Controls Assurance' section (to a larger extent than within the existing Risk Register document).
- Staff will be working towards ensuring that any outstanding risks identified in the existing Risk Register are captured within the Risk Profiles of the new Framework as well as forming a manual of Risk Management Procedures as outlined in the Framework's Document Structure.
- Other minor changes (to reflect correct titles) within the new LGIS Framework document have been updated.
- A new Risk Management Policy aligned with AS/NZS ISO 31000:2018 was presented separately to Council for consideration at the Ordinary Meeting held 17 April 2019.

#### **STATUTORY ENVIRONMENT:**

Whilst a Risk Management Plan is not required specifically under legislation, regulation 17 of the *Local Government (Audit) Regulations 1996* requires:

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to*
  - a. *Risk management; and*
  - b. *Internal control; and*
  - c. *Legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in sub-regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*

#### **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:**

There are no financial implications for this report.

**WORKFORCE IMPLICATIONS:**

All Shire of Jerramungup staff undertake risk management on a daily basis, this Framework provides that guidance.

**POLICY IMPLICATIONS:**

Council Policy AP9 – Risk Management Policy is central to the Risk Management Framework.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council ADOPT the new Risk Management Framework dated December 2019, as attached to this report.**



**9.4.6 ANNUAL REPORT 2018/2019**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	12 December 2019
<b>Attachments:</b>	2018/2019 Annual Report
<b>Authority/Discretion:</b>	Legislative

**SUMMARY:**

For Council to adopt the 2018/2019 Annual Report.

**BACKGROUND:**

In accordance with section 5.53 of the *Local Government Act 1995* the 2018/2019 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 2018/2019 financial year and these statements are the subject of a separate report to Council. The Annual Financial Statements form part of the 2018/2019 Annual Report.

The 2018/2019 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, senior staff and the Annual Financial Statements for the 2018/2019 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 2018/2019 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 2018/2019.

### **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*
  - (i) *such other information as may be prescribed.*

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 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 2018/2019 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 2018/2019 Annual Report.**

**9.4.7 ANNUAL MEETING OF ELECTORS**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	12 December 2019
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	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 18 December 2019.

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 18 December 2019, the earliest date to issue local public notice is Monday 23 December 2019, meaning that the earliest date the Annual General Meeting of Electors can be held is Monday 6 January 2020, with the last date being Wednesday 12 February 2020.

It is proposed to hold the Annual General Meeting of Electors on Wednesday 22 January 2020.

**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 2018/2019 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 2018/2019 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 22 January 2020 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 2018-19 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 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 22 January, 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*.**

## 10.0 COUNCILLOR REPORTS

### 11.0 NEW BUSINESS OF AN URGENT NATURE

### 12.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

#### (CONFIDENTIAL MATTERS)

#### 12.1 CONFIDENTIAL TENDER – MEDICAL SERVICES PROVIDER

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	12 December 2019
<b>Attachments:</b>	1. Confidential Attachment – Evaluation Report
<b>Authority/Discretion:</b>	Legislative

#### SUMMARY:

This item addresses the outcome of a request for tender issued for the provision of a Medical Services Provider for the Shire of Jerramungup and recommends the awarding of a three year contract to First Health.

#### BACKGROUND:

The Shire of Jerramungup has undertaken an open public tender process to appoint a suitable Contractor for Provision of a qualified Medical Services Provider to provide General Practitioner Medical Services and General Business Practice Support Services to the Shire of Jerramungup community. This process was facilitated by WALGA.

A request for tender was initially released as an open tender, however, no responses were received. With the approval of the Chief Executive Officer a restricted tender was released to three companies seeking a response.

The scope of this tender includes provision of a suitably qualified and experienced contractor to undertake;

- The Medical Services Provider shall establish and facilitate the services of a General Practitioner for the Shire of Jerramungup. The Medical Services Provider will also provide Business Services in relation to the General Practice to be funded by the Principal.
- The Medical Services Provider must, during the term, provide the medical services to the reasonable satisfaction of the Principal and must:
  - Provide all aspects of general practice services and management of the medical centres.
  - Employ all clinical and administrative staff required to conduct the medical services.

One response was received from First Health by the deadline of the restricted tender.

The responses were reviewed by an evaluation panel consisting of CEO, DCEO and WALGA.

The following Qualitative Criteria was utilised during this procurement process:

Qualitative Criteria		Weighting
a)	<p>Capability and Methodology</p> <ul style="list-style-type: none"> <li>• Provide previous and/or current capability in undertaking the documented Services in a regional location.</li> <li>• Detail the Tenderers process and methodology for the management of the Services to include for; patient records, confidentiality of records, patient bookings, out of hours service and emergency response service and include a detailed description of the general practice support services to be provided.</li> </ul>	40%
b)	<p><b>Organisational Experience</b></p> <ul style="list-style-type: none"> <li>• Provide details of Tenderers organisation and organisational chart for the regional service including the Tenderers proposed personnel (GP, managerial and operational team) relevant experience and qualifications, current registrations or licences held and police clearances.</li> <li>• Provide details for initial and ongoing training of administration staff.</li> <li>• Provide details of the Tenderers ability to provide compliance with the Work Health and Safety (OHS) acts and regulations and Environmental Standards for both their employees and patients.</li> </ul>	30%
c)	<p><b>Organisational Capacity and Personnel</b></p> <ul style="list-style-type: none"> <li>• Provide details and records of the Tenderers ability to engage and retain regional staff.</li> <li>• Demonstrate and provide process for the management of employees legislative registration details of compliance for both current and ongoing requirements.</li> <li>• <b>Provide details of Tenderers process to maintain and protect the Shires facilities.</b></li> </ul>	30%

**CONSULTATION:**

Tenderers

WALGA



**COMMENT:**

As detailed in the confidential evaluation report the assessment panel has recommended the incumbent contractor be provided with a new three (3) year contract with a three (3) year extension at Council's sole discretion.

The table below provides the results of the assessment undertaken by the panel:

<b>Tenderer</b>	<b>Qualitative Score</b>	<b>Ranking</b>
First Health	70%	1

**STATUTORY ENVIRONMENT:**

Tendering for this supply contract was undertaken in accordance with the *Local Government (Functions and General) Regulations 1996*. Part 4 – Tenders for Provision of Goods or Services.

**STRATEGIC IMPLICATIONS:**

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

Objectives:

2.3.5 – Support for visiting services including medical and legal

2.3.6 – Provide local opportunities to access health and wellbeing services

**FINANCIAL IMPLICATIONS:**

Funds are allowed for in Councils annual budget process to undertake the contract.

**WORKFORCE IMPLICATIONS:**

There are no additional workforce implications for this report.

**POLICY IMPLICATIONS:**

Tendering for this supply contract is in accordance with Council's Policy AP3 – Regional Price Preference Policy and Finance Policy 6 – Procurement of Goods and Services.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council;**

- 1. ACCEPTS the Tender submitted by First Health as the most advantageous Tender to form a Contract for Provision of a qualified Medical Services Provider to provide General Practitioner Medical Services and General Business Practice Support Services to the Shire of Jerramungup Community. The estimated start date for the contract is 1 January 2020 and it will be in place until 31 December 2023. After this date, there is one extension available, for three (3) years.**
- 2. Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**

**12.2 CONFIDENTIAL – AUSTRALIA DAY AWARDS**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	CR.AW.1
<b>Author:</b>	Rachel Smith, Events Co-Ordinator
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	10 December 2019
<b>Attachments:</b>	a) Selection Criteria b) Confidential – Award Nominations
<b>Authority/Discretion:</b>	Confidential

**SUMMARY:**

This item addresses Council’s annual Citizen, Community Group or Event and Sporting Awards which are presented at the Australia Day Breakfast.

**BACKGROUND:**

As part of Council’s annual traditions Citizen, Community Group or Event and Sporting Awards are presented each year at the Australia Day Breakfast.

**CONSULTATION:**

Community nominations are sought for these awards.

**COMMENT:**

Copies of the nominations will be presented to the Council meeting and Council will need to close the meeting to the public to consider the nominations in “committee”. Council set guidelines for the selection of winners of the Sports Star awards at the December 2018 Council meeting.

Nominations for the awards closed on December 9, 2019.

The award winners will be recorded in the official minutes however in order to maintain confidentiality the names will not be published in community minutes until after the presentation.

**STATUTORY ENVIRONMENT:**

Nil

**STRATEGIC IMPLICATIONS:**

Nil

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications for this report.

**WORKFORCE IMPLICATIONS:**

There are no additional 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 REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

- 1) That Council award the 2019 Citizenship Award to \_\_\_\_\_, with it being presented to the recipient on 26 January 2020 at the Australia Day Breakfast Event.**
- 2) That Council award the 2019 Community Group or Event Award to \_\_\_\_\_, with it being presented to the recipient on 26 January 2020 at the Australia Day Breakfast Event.**
- 3) That Council award the 2019 Junior Sportsperson Award to \_\_\_\_\_, with it being presented to the recipient on 26 January 2020 at the Australia Day Breakfast Event.**
- 4) That Council award the 2019 Senior Sportsperson Award to \_\_\_\_\_, with it being presented to the recipient on 26 January 2020 at the Australia Day Breakfast Event.**

**13.0 CLOSURE**

**13.1 DATE OF NEXT MEETING**

The next ordinary meeting of Council will be held Wednesday, 19 February 2020, commencing at 2.00pm, in the Council Chambers, 8 Vasey Street, Jerramungup.

**13.2 CLOSURE OF MEETING**

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

These minutes were confirmed at a meeting held

.....

Signed: .....

Presiding Person at the meeting at which these minutes were confirmed

Date: .....