

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 September 2019
At the Council Chambers,
Jerramungup
Commencing at 2:00pm

Council Meeting Procedures

- 1. All Council meetings are open to the public, except for matters raised by Council under "confidential items".
- 2. Members of the public may ask a question at an ordinary Council meeting under "public question time".
- 3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member annouces 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 September 2019

AGENDA

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OUR GUIDING VALUES

Progressive, Prosperous and a Premium Place to Live and Visit

DISCLAIMER

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

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

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

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

NOTES FOR MEMBERS OF THE PUBLIC

PUBLIC QUESTION TIME

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

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

MEETING FORMALITIES

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

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NOTES FOR ELECTED MEMBERS

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

Advocacy: When Council advocates on its own behalf or on behalf of its community to

another level of government/body/agency.

Executive/Strategic: The substantial direction setting and oversight role of the Council such as

adopting plans and reports, accepting tenders, directing operations, grants,

and setting and amending budgets.

Legislative: Includes adopting local laws, town planning schemes and policies.

Administrative: When Council administers legislation and applies the legislative regime to

factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that

may be appealable to the State Administrative Tribunal.

Review: When Council reviews a decision made by Officers.

Information: Includes items provided to Council for information purposed only that do not

require a decision of Council (that is for 'noting').

ALTERNATIVE MOTIONS

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

DECLARATIONS OF INTERESTS

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

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

Section 5.60B states;

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

- (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
- (b) a proposed change to the zoning or use of land that adjoins the person's land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."

Regulation 34C (Impartiality) states;

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

2019 MEETING DATES

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

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

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

APPLICATION FOR LEAVE OF ABSENCE

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

Shire of Jerramungup

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ORDINARY COUNCIL MEETING AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened atpm by the Shire President.

2.0 RECORD OF A	ATTENDANCE
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2.1	ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

- 2.2 APOLOGIES
- 2.3 APPROVED LEAVE OF ABSENCE

Cr Bill Bailey, Councillor

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 21 August 2019.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held at the Emergency Services Shed, Bremer Bay, on 21 August 2019 be CONFIRMED

Special Council Meeting held 27 August 2019.

That the Minutes of the Special Council Meeting of the Shire of Jerramungup held at the Emergency Services Shed, Bremer Bay, on 27 August 2019 be CONFIRMED

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

9.0 REPORTS

9.1 TECHNICAL SERVICES

9.1.1 WORKS REPORT FOR AUGUST 2019

Location/Address: N/A
Name of Applicant: N/A

File Reference:

Author: Murray Flett, Manager of Works

Responsible Officer: Martin Cuthbert, Chief Executive Officer

Disclosure of any Interest: Nil

Date of Report: 11 September 2019

Attachments: Road Construction Schedule August 2019

Authority/Discretion: Information

SUMMARY:

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

BACKGROUND:

Road Construction

During the month of August, the Construction crew commenced forming and gravel re-sheeting the last 5km section of Lake Magenta Road. These upgrade works undertaken over the last 5 years have significantly improved the pavement integrity of this major commodity route.

Special mention should go to a local farming family who generously allowed access to bore water so that this project could be delivered.

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

Town Services

August saw the departure of Bill Brown who has been an integral worker with Town Services and his antics will be missed. Bill and his partner Lauren have moved to greener pastures and we wish them both all the best for the future. The crew have been undertaking some fire mitigation works to reduce the fuel loads in various locations which has also improved the amenity of the area.

The Great Southern Technical and Further Education (TAFE) are still in the process of propagating native plants from seeds collected within work areas and these will be planted at rehabilitation sites by Cert III and IV students as part of their Cert III CLM training. TAFE are confident in having 20,000 native seedlings propagated by the time the rehabilitation works commence. This type of exposure to real time works has been invaluable training to these students undertaking their Cert III and Cert IV CLM units.

Some of these seedlings will also be planted out in upgrade works in both town sites as well.

Road Maintenance

The relatively dry conditions have not been favourable for maintenance grading. The crew are focussing on maintaining not only the running surface, but also offshoot drains, back-slopes, the inside of curves and sight lines at intersections to improve driving conditions for the road user.

Some gravel patching has been undertaken to rectify failures in the road pavement and 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 August 2019.

9.2 **CORPORATE SERVICES**

9.2.1 **ACCOUNTS FOR PAYMENT – AUGUST 2019**

Location/Address: N/A Name of Applicant: N/A

Sarah Van Elden, Finance Officer Author:

Responsible Officer: Charmaine Solomon, Deputy Chief Executive Officer

Disclosure of any Interest: Nil

Date of Report:

11 September 2019

Attachments:

a. List of Accounts Paid to 31 August 2019

b. Credit Card Statement 27 July 2019 – 27 August 2019

Authority/Discretion: Information

SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of August 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 August 2019. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28170	
EFT Payments	16334 – 16437	\$611,210.79
Cheque Payments	28171 – 28172	\$270.30
Direct Deposits		\$27,150.06
Municipal Account Total		\$638,631.15
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$638,631.15

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 31 August 2019 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 27 July 2019 27 August 2019 as detailed in attachment 9.2.1(b).

9.2.2 MONTHLY FINANCIAL REPORT – AUGUST 2019

Location/Address: N/A
Name of Applicant: N/A

File Reference:

Author: Tamara Pike, Senior Finance Officer

Responsible Officer: Martin Cuthbert, Chief Executive Officer

Disclosure of any Interest: Nil

Date of Report: 11 September 2019

Attachments: Monthly Financial Report for the period ending 31 August

2019

Authority/Discretion: Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 August 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 31 August 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 31 August 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 - Purchasing

Significant Accounting Policies as detailed within the Monthly Financial Report

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 August 2019 in accordance with section 6.4 of the *Local Government Act 1995*.

9.3 DEVELOPMENT SERVICES

Nil

9.4 **EXECUTIVE SERVICES**

9.4.1 **INFORMATION BULLETIN AUGUST 2019**

Location/Address: N/A Name of Applicant: N/A

File Reference:

Author: Martin Cuthbert, Chief Executive Officer **Responsible Officer:** Martin Cuthbert, Chief Executive Officer

Disclosure of any Interest: Nil

Date of Report:

12 September 2019

Attachments:

August 2019 Information Bulletin

Authority/Discretion:

Information

SUMMARY:

To advise Council on the information items for August 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 August 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

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 August 2019.

9.4.2 DISPOSITION OF PROPERTY – 2 CORAL SEA ROAD, JERRAMUNGUP

Location/Address: N/A
Name of Applicant: N/A

File Reference:

Author: Martin Cuthbert, Chief Executive Officer
Responsible Officer: Martin Cuthbert, Chief Executive Officer

Disclosure of any Interest: Nil

Date of Report: 11 September 2019

Attachments: a) CONFIDENTIAL – Property Valuation

b) Public Notice - Disposition of Property

Authority/Discretion: Executive

SUMMARY:

The Shire has received an offer from Mrs Sophie Pocock to purchase 2 Coral Sea Road, Jerramungup. Details of the proposed intention to sell 2 Coral Sea Road, was advertised in accordance with the *Local Government Act 1995*.

BACKGROUND:

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

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

On 16 August 2019 the Shire received a verbal offer for the sale of 2 Coral Sea Road, to satisfy the requirements of the *Local Government Act 1995* the Shire sought an updated market valuation. The valuation was received on the 22 August 2019. There were no changes to the market valuation of \$110,000.

CONSULTATION:

Opteon Valuers

Department of Local Government, Sport and Cultural Industries

Elected Members

Mrs Sophie Pocock

COMMENT:

As per the advice received from the Department of Local Government, Sport and Cultural Industries on 16 August 2019, the offer and acceptance was signed on the 26 August 2019 and included a special condition that the sale of the land is subject to the process being followed under section 3.58(3) and (4) of the *Local Government Act 1995*.

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

Written submissions were invited on the proposed sale closing 4.00pm on Wednesday 11 September 2019. No submissions have been received. It is now recommended Council proceed with the sale of 2 Coral Sea Road, Jerramungup to Mrs Sophie Pocock.

STATUTORY ENVIRONMENT:

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

3.58. Disposing of property

(1) In this section —

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

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

- (2) Except as stated in this section, a local government can only dispose of property to
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property
 - (a) it gives local public notice of the proposed disposition
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

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

STRATEGIC IMPLICATIONS:

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

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

Objectives:

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

FINANCIAL IMPLICATIONS:

The sale of this property has been budgeted this financial year.

WORKFORCE IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

- 1. DECLARE that the market valuation is a true indication of the property's value at the time of the proposed disposition.
- 2. RESOLVE to proceed with the sale of 2 Coral Sea Road, Jerramungup to Mrs Sophie Pocock for \$110,000 as the proposed disposition has been advertised in accordance with Section 3.58(3) of the Local Government Act 1995 and no adverse public submissions have been received.
- 3. DELEGATE authority to the Chief Executive Officer to execute transfer documents, settlement arrangements and finalise the sale.

9.4.3 CSRFF APPLICATIONS 2019/2020

Location/Address: N/A
Name of Applicant: N/A

File Reference:

Author: Charmaine Solomon, Deputy Chief Executive Officer

Responsible Officer: Martin Cuthbert, Chief Executive Officer

Disclosure of any Interest: Nil

Date of Report: 9 September 2019

Attachments: a) Various documents – Boxwood Hill Combined

Sports Club application

b) Various documents - Jerramungup Swimming

Pool application

Authority/Discretion: Executive

SUMMARY:

This item provides seeks Council endorsement of Community Sport and Recreation Facilities Fund (CSRFF) applications associated with the Boxwood Hill Combined Sports Club and the Jerramungup Swimming Pool.

BACKGROUND:

Each year the Department of Local Government, Sport and Cultural Industries calls for grant applications under its CSRFF program. The process is for applicants to complete their applications and lodge them with their local government for consideration in September. The local government's task is to assess and then rank applications received and lodge them with the Department.

Two projects were submitted for forward planning grants which means they will be delivered in future financial years if successful in gaining CSRFF funding.

The Boxwood Hill Combined Sports Club application includes the following scope:

- Replacement or refurbishment of change rooms, ablutions, umpires box and verandah area to meet modern standards and address existing issues identified in public buildings inspections
- To be completed in the 2020/2021 financial year
- Total project budget \$1,080,200
- Total funding request from Council \$200,000
- Total applicant cash contribution \$270,000
- Other funding \$260,200

The Jerramungup Swimming Pool project application includes the following scope:

- Replacement of the existing swimming pool and associated infrastructure due to the existing facility reaching the end of its useful life
- To commence in the 2020/2021 financial year
- Total project budget \$4,20,000
- Total funding request from Council \$1,400,000
- Total funding request from Department of Education \$1,400,000

Further detailed information on both projects is provided in the attachments.

CONSULTATION:

Boxwood Hill Combined Sports Club

Department of Education

COMMENT:

Both facilities proposed are replacements of existing service levels and accordingly are not anticipated to result in additional operational costs except depreciation charges due to the increase in overall asset value.

Both projects have been thoroughly reviewed and are backed by feasibility studies and costings from a qualified quantity surveyor.

Both projects represent significant cash contributions from Council. At present the Community Recreation Reserve is forecast to have \$210,645 at the end of the 2019/2020 financial year.

The swimming pool project requires a significantly greater investment from Council to achieve the project and also relies on an additional contribution from the Department of Education. On the 14 June 2019 the Department of Education committed \$1million (inclusive of GST) towards the replacement of the swimming pool. Shire staff have recently met with the Department of Education to seek additional funding towards the project. It is expected that their project funding will be confirmed prior to the submission of the grant applications to the Department of Local Government, Sport and Cultural Industries. Council's funding commitment will most likely require borrowings to offset shortfalls from the Community Recreation Reserve and annual budget allocations. Additional funding streams will also be pursued in the lead up to the project's delivery.

STATUTORY ENVIRONMENT:

Nil

STRATEGIC IMPLICATIONS:

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

Aspiration 2.1: Community Sport and Recreation: To recognise that sport and recreation is a significant part of the community network and support its growth and development.

Objective 2.1.1: Continue support for community lead sporting infrastructure improvements and strong sporting clubs.

FINANCIAL/BUDGET IMPLICATIONS:

Council has forecast a 2.5% annual contribution of rates revenue to CSRFF projects in the Long Term Financial Plan. The 2.5% allocation equates to approximately \$81,000 in the 2019/2020 financial year.

WORKFORCE IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council;

- 1. Place the following priority on the projects submitted for CSRFF funding:
 - 1 Shire of Jerramungup Jerramungup Swimming Pool.
 - 2 Boxwood Hill Combined Sports Club Inc Boxwood Hill Sports Ground Upgrade.
- 2. Endorse the following project assessment sheets;

PROJECT ASSESSMENT SHEET

This page is for the use of the relevant Local Government Authority to be used for both community and LGA projects. Please **attach copies of council minutes** relevant to the project approval.

Name of Local Gove	rnment Authority: Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup

Note: The applicant's name cannot be changed once the application is lodged at DLGSC.

Section A

The CSRFF principles have been considered and the following assessment is provided: (Please include below your assessment of how the applicant has addressed the following criteria)

All applications

	Satisfactory	Unsatisfactory	Not relevant
Project justification			
Planned approach			
Community input			
Management planning			
Access and opportunity			
Design			
Financial viability			
Co-ordination			
Potential to increase Physical activity			
Sustainability			

Section B

Priority received	ranking of no of applications	1 of 2 applications received	
Is this p	roject consistent with the		
Have all planning and building approvals been given for this project?		☐ Yes ☒ No	
If no, what approvals are still outstanding?		Planning and Building approvals to be submitted once funding is confirmed and designs are finalised.	
Project I	Rating (Please tick the most appropri	iate box to describe the project)	
Α	Well planned and needed by munic	ipality 🖂	
В	Well planned and needed by applicant		
С	Needed by municipality, more planning required		
D	Needed by applicant, more planning required		
E	Idea has merit, more planning work needed		
F	Not recommended		

Please complete the questions attached. This assessment is an important part of the CSRFF process and your answers to these questions assist the committee make their recommendations, even if you are the applicant. Please provide a summary of any attachments in your assessment, rather than referring to attachments or external documents such as Council Minutes.

1. Please confirm your contribution to the project, whether it has been formally approved (including financial year for which it is approved) and any conditions on the funding. If no funding has been provided, why not?

The swimming pool project requires a significantly greater investment from Council to achieve the project and also relies on an additional contribution from the Department of Education. On the 14 June 2019 the Department of Education committed \$1 million (inclusive of GST) towards the replacement of the swimming pool. Shire staff met with the Department of Education to seek additional funding towards the project. It is expected that their additional project funding will be confirmed prior to the submission of the grant applications to the Department of Local Government, Sport and Cultural Industries. Council's funding commitment will most likely require borrowings to offset shortfalls from the Community Recreation Reserve and annual budget allocations. Additional funding streams will also be pursued in the lead up to the project's delivery.

2. A) If a community group application: Do you believe the project is financially viable, including the applicant's ability to provide upfront contributions, ongoing payments and contributions to an asset replacement fund. Does council commit to underwriting any shortfalls as the ultimate asset owner?

The proposed facilities will continue to be managed under a shared-use licence agreement between the Minister of Education and the Shire of Jerramungup. The licence agreement between the Minister for Education and the Shire of Jerramungup provides that the Shire is responsible for the daily operation of the facility and the Minister is responsible for major maintenance (>\$1,000), structural repairs and upgrade. User groups will continue to pay for a season pass to access the pool, the fees are expected to remain similar for the new pool.

3. Please provide any additional comments regarding this applications merit against the assessment criteria to support your project rating and ranking.

The Jerramungup swimming pool has reached the end of its useful life, the pool is currently in a below average state of repair due to a failing pool liner and superseded filtration system. The Shire has coordinated repairs to the pool liner in 2018 prior to the opening season as a short term fix to ensure the facility was available in summer however these repairs have already failed. The Shire aims to provide the community with quality buildings and infrastructure and the opportunity to learn how to swim.

Signed Position Date

Applications for CSRFF funding must be submitted to your Department of Local Government, Sport and Cultural Industries office by **4pm on 27 September 2019.** Late applications cannot be accepted in any circumstances.

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246 Vincent Street

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greatsouthern@dlgsc.wa.gov.au

PEEL

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peel@dlgsc.wa.gov.au

WHEATBELT - Narrogin

Government Offices 50 Clayton Road

Narrogin WA 6312

Telephone 0429 881 369 wheatbelt@dlgsc.wa.gov.au

PROJECT ASSESSMENT SHEET

This page is for the use of the relevant Local Government Authority to be used for both community and LGA projects. Please **attach copies of council minutes** relevant to the project approval.

Name of Local Gove	rnment Authority: Shire of Jerramungup
Name of Applicant:	Boxwood Hill Combined Sports Club Inc

Note: The applicant's name cannot be changed once the application is lodged at DLGSC.

Section A

The CSRFF principles have been considered and the following assessment is provided: (Please include below your assessment of how the applicant has addressed the following criteria)

All applications

	Satisfactory	Unsatisfactory	Not relevant
Project justification	\boxtimes		
Planned approach	\boxtimes		
Community input	\boxtimes		
Management planning	\boxtimes		
Access and opportunity	\boxtimes		
Design	\boxtimes		
Financial viability			
Co-ordination	\boxtimes		
Potential to increase Physical activity	\boxtimes		
Sustainability	\boxtimes		

Section B

Priority i	ranking of no of applications	2 of 2 applications received	
Is this project consistent with the			
Have all planning and building approvals been given for this project?		☐ Yes ☒ No	
If no, what approvals are still outstanding?		Planning and Building approvals to be submitted once funding is confirmed and designs are finalised.	
Project I	Rating (Please tick the most appropri	iate box to describe the project)	
Α	Well planned and needed by munic	sipality 🖂	
В	Well planned and needed by applicant		
С	Needed by municipality, more planning required		
D	Needed by applicant, more planning required		
E	Idea has merit, more planning work needed		
F	Not recommended		

Please complete the questions attached. This assessment is an important part of the CSRFF process and your answers to these questions assist the committee make their recommendations, even if you are the applicant. Please provide a summary of any attachments in your assessment, rather than referring to attachments or external documents such as Council Minutes.

1. Please confirm your contribution to the project, whether it has been formally approved (including financial year for which it is approved) and any conditions on the funding. If no funding has been provided, why not?

Council forecast a 2.5% annual contribution of rates revenue to CSRFF projects in the Long Term Financial Plan which is transferred to reserves annually. A provision will be made in the 2020/2021 budget to authorise a cash contribution of up to \$200,000 for the project cost on the condition that the project is successful in achieving funding from the Department of Local Government, Sport and Cultural Industries.

2. A) If a community group application: Do you believe the project is financially viable, including the applicant's ability to provide upfront contributions, ongoing payments and contributions to an asset replacement fund. Does council commit to underwriting any shortfalls as the ultimate asset owner?

Council's contribution to the project will be capped at \$200,000. The Shire believes that the Club is financially viable as the current bank balances of the various clubs associated with the Boxwood Hill Combined Sports Club is \$436,000. The Club have committed 60% of each Club's balances towards the redevelopment project. Council will not commit to any shortfalls.

3. Please provide any additional comments regarding this applications merit against the assessment criteria to support your project rating and ranking.

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

Signed Position Date

Applications for CSRFF funding must be submitted to your Department of Local Government, Sport and Cultural Industries office by **4pm on 27 September 2019.** Late applications cannot be accepted in any circumstances.

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Narrogin WA 6312

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greatsouthern@dlgsc.wa.gov.au

9.4.4 APPOINTMENT OF FIRE CONTROL OFFICERS

Location/Address: N/A
Name of Applicant: N/A

File Reference:

Author: Ashley Peczka, Community Emergency Services Officer

Responsible Officer: Martin Cuthbert, Chief Executive Officer

Disclosure of any Interest: Nil

Date of Report: 11 September 2019

Attachments: Nil

Authority/Discretion: Administrative

SUMMARY:

For Council to consider and endorse the appointments of Fire Control Officers (amended), for the 2019/20 Bushfire Season.

BACKGROUND:

Since the Bush Fire Advisory Council (BFAC) Annual General Meeting held in April 2019 and Council endorsing appointments of Fire Control Officers at its June Ordinary Council Meeting, some brigades have held their own Annual General Meetings. As a result, previously endorsed Fire Control Officers have stepped down from their position and brigades have nominated experienced volunteers to fill these roles, requiring Council to consider and endorse the appointment of Fire Control Officers for the 2019/20 Bush Fire Season.

CONSULTATION:

Chief Bush Fire Control Officer

Bush Fire Brigades

COMMENT:

Recommends that Council endorse the amended Fire Control Officer list, with newly appointed Fire Control Officers to undergo appropriate training, (if required) prior to the start of the bushfire season.

STATUTORY ENVIRONMENT:

Bush Fires Act 1954

Section 38. Local Government may appoint bush fire control officer.

Section 39. Special powers of bush fire control officers.

Section 39A. Duties of bush fire authorities on outbreak of fire.

STRATEGIC IMPLICATIONS:

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

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

Objective 2.4.2: Retain strong relationships and provide support to volunteer emergency services

FINANCIAL/BUDGET IMPLICATIONS:

Minor cost involved, with Shire having to advertise appointments within the Government Gazette, to give delegation of powers under *Bush Fires Act 1954* and *Bush Fires Regulations 1954*.

WORKFORCE IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Fire Control Policy 1 – Brigades and Officers

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council ENDORSE the appointment of the following Fire Control Officers (amended) for the 2019/20 **Bushfire Season;**

Chief Bush Fire Control Officer: Dave Edwards

Deputy Chief Bush Fire Control Officer: Alex Jones Paul Hislop Fire Control Officer: Peter Buckenara Wes Thomas

Stacey Francis John Iffla

> **Anthony Thomas Stuart Hocking**

> **Jarrod King Michael Campbell Brad Shelton Craig Hall**

Bruce Hill Daniel Smart Trevor Ross Michael Lester **Brad Bailey Peter Wisewould Mark Spinks Anthony Armstrong**

Kim Parsons Ronald Pocock Clint Pocock Nathan Brown Mark Tapscott Ashley Peczka

Michael McManus

Fire Control Officer (Powers Restricted to Fire Permit Issuing Officer only)

Bryan Hunter Peter Kinnear

10.0 COUNCILLOR REPORTS

11.0 NEW BUSINESS OF AN URGENT NATURE

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

13.0 CLOSURE

13.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 16 October 2019, commencing at 2.00pm, in the Council Chambers, 8 Vasey Street, Jerramungup.

13.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atpm

These minutes were confirmed at a meeting held
Signed:
Presiding Person at the meeting at which these minutes were confirmed
Date: