



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, 21 August 2019
At the Emergency Services Shed,
Bremer Bay
Commencing at 2:00pm

Council Meeting Procedures

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

Martin Cuthbert
CHIEF EXECUTIVE OFFICER
16 August 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 ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

Cr Rex Parsons, 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 17 July 2019.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held at the Council Chambers, 8 Vasey Street, Jerramungup, on 17 July 2019 be CONFIRMED

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

9.0 REPORTS

9.1 TECHNICAL SERVICES

9.1.1 WORKS REPORT FOR JULY 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:	5 August 2019
Attachments:	Road Construction Schedule July 2019
Authority/Discretion:	Information

SUMMARY:

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

BACKGROUND:

Road Construction

At the start of this month the Construction crew were undertaking maintenance works including, gravel sheeting clay sections on bus routes to improve the skid resistance, patching pavement failures and culvert upgrades.

Due to early rain in July and more favourable soil conditions, works recommenced on Meechi Road at the Devil Creek crossing. These works consisted of cutting 2 metres off the hill to the south of the creek crossing and placing this fill material over the culvert to raise the road centreline at this point.

These works were undertaken with the assistance of a local farmer and his tractor drawn scraper which worked fantastically in moving bulk materials in a short time. This cut to fill works has significantly improved the vertical alignment of the road and combined with the curve realignment to the north of the crossing, has dramatically improved traffic safety for motorists at this location.

The Construction crew need to be commended on their professionalism and very high standard of works undertaking this upgrade.

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

Town Services

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

The Great Southern Technical and Further Education (TAFE) campus have now propagated in excess of 15,000 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 early rains were favourable for maintenance grading, however, given the recent dry spell the crew are back 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 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 July 2019.

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

Location/Address:	N/A
Name of Applicant:	N/A
Author:	Sarah Van Elden, Finance Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	5 August 2019
Attachments:	<ul style="list-style-type: none"> a. List of Accounts Paid to 31 July 2019 b. Credit Card Statement 27 June 2019 – 27 July 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 July 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 July 2019. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28170	
EFT Payments	16220 – 16333	\$662,625.68
Direct Deposits		\$34,729.55
Municipal Account Total		\$697,355.23
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$697,355.23

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

9.2.2 MONTHLY FINANCIAL REPORT – JULY 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:	15 August 2019
Attachments:	Monthly Financial Report for the period ending 31 July 2019
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 July 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 July 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 July 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 July 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 JULY 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: 5 August 2019
Attachments: July 2019 Information Bulletin
Authority/Discretion: Information
SUMMARY:

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

9.4.2 DISABILITY ACCESS INCLUSION PLAN REVIEW

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	5 August 2019
Attachments:	Draft Disability Access and Inclusion Plan 2019-2024
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is to seek Council approval to endorse the Shire's Disability Access and Inclusion Plan (DAIP) 2019-2024 in accordance with the *Disability Services Act 1993*.

It is a requirement of the *Disability Services Act 1993* that all local government authorities develop and implement a DAIP. The plan outlines the ways in which the authority will ensure that people with disability have equal access to its facilities and services and must be lodged with the Department of Communities – Disability Services.

BACKGROUND:

Under the *Disability Services Act 1993* (Act) local governments in Western Australia are required to develop, implement, and report on a Disability Access and Inclusion Plan. The purpose of a DAIP is to set out strategies that a local government will undertake to ensure that people with disability can access its services, and that the services provided will facilitate increased independence, opportunities and inclusion for people with disability in the community.

Public authorities in Western Australia have been required by the *Disability Services Act 1993* to have a Disability Service Plan (DSP) since 1995. An amendment to the Act in 2004 brought about a number of changes to this requirement, including a change of name to Disability Access and Inclusion Plan (DAIP).

'Disability' is defined as any continuing condition that restricts everyday activities and can be attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of those impairments.

DAIPs contain strategies in 7 key outcome areas, which are established in the *Disability Services Regulations 2013* (Regulations). The 7 outcome areas are:

- Access to services and events;
- Access to buildings and other facilities;
- Access to information;
- Quality of service provided by the local government;
- Opportunity to make complaints;
- Opportunity to participate in public consultation; and
- Employment at the local government.

Under the Act, local governments are required to review and update their DAIP every 5 years. The draft DAIP 2019–2024 has been prepared to fulfil this requirement.

The draft DAIP was endorsed by Council at the Ordinary Meeting of Council held 19 June 2019 to be advertised for a period of four weeks inviting submissions. The draft DAIP was also forwarded to the Department of Communities – Disability Services for review and endorsement. Implementation of the DAIP will be ongoing and guided by an internal implementation plan which allocates each strategy to a Shire team or teams that will be charged with overseeing and reporting on that strategy. It is important to note, however, that the success of the DAIP will require a whole of organisation approach, as many of the strategies have application across multiple service areas.

CONSULTATION:

Department of Communities – Disability Services, Internal Staff and local health professionals.

Public consultation occurred by placing a notice on the Shire website, Facebook page, local papers and a newspaper circulating throughout the district requesting submissions on the draft DAIP.

COMMENT:

In accordance with section 28(7) of the *Disability Services Act 1993* a full review of the DAIP must occur at least every five years.

Disability Services Act 1993

28. Disability access and inclusion plans

(7) Not more than 5 years is to elapse —

- (a) between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or*
- (b) between the lodgement of the report of one review of a plan and the lodgement of the report of another review of the plan.*

If the Shire fails to produce and provide the Department of Communities – Disability Services with a DAIP, the Shire can be named in Parliament by the Minister for Disability Services. From a community perspective, failing to have a DAIP could imply that the Shire does not believe that providing for people with disability having equal access to the Shire's facilities and services as being important.

Council officers have undertaken a full review of the Shire of Jerramungup Disability Access and Inclusion Plan 2013-2018 in consultation with the Department of Communities – Disability Services and have undertaken the required public consultation period to enable the preparation of the Shire of Jerramungup Disability Access Inclusion Plan 2019-2024.

The Shire's draft DAIP 2019-2024 was forwarded to the Department of Communities – Disability Services who have endorsed the document. The next stage in the process is for endorsement by Council.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Disability Services Act 1993

Equal Opportunity Act 1984

Disability Discrimination Act 1992

Disability Services Act 1993

28. Disability access and inclusion plans

- (1) Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.*
- (2) A disability access and inclusion plan must meet any prescribed standards.*
- (3) A public authority must lodge its disability access and inclusion plan with the Commission —*
 - (a) if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;*
 - (b) if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.*
- (4) A public authority may amend its disability access and inclusion plan at any time.*
- (5) A public authority may review its disability access and inclusion plan at any time.*
- (6) After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).*
- (7) Not more than 5 years is to elapse —*
 - (a) between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or*
 - (b) between the lodgement of the report of one review of a plan and the lodgement of the report of another review of the plan.*
- (8) After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.*
- (9) If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.*
- (10) A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.*

Disability Services Regulation 2004

10. Procedure for public consultation by authorities (s. 28)

- (1) For the purposes of section 28(10) of the Act, a public authority is to undertake consultation in relation to its disability access and inclusion plan by calling for submissions either generally or specifically —*
 - (a) by notice in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the Local Government Act 1995; and*
 - (b) on any website maintained by or on behalf of the public authority.*
- (2) Nothing in sub regulation (1) prevents a public authority from also undertaking any other consultation.*

STRATEGIC IMPLICATIONS:

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

Objectives:

2.3.7 – Implementation of Access and Inclusion Plan.

FINANCIAL IMPLICATIONS:

The implementation of the DAIP is integrated into the Shire’s annual programs and services through operating procedures, plans and budgets.

WORKFORCE IMPLICATIONS:

The DAIP provides direction for all Shire of Jerramungup employees.

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, pursuant to the *Disability Services Act 1993*, resolves to:

1. **ADOPT** the Shire of Jerramungup Disability Access Inclusion Plan 2019-2024 as presented and attached to this Agenda, and
2. **CONSIDERS** the key priority areas identified with financial implications in the Disability Access Inclusion Plan 2019-2024 during the annual budget process.

9.4.3 2019 MARKYT COMMUNITY SCORECARD REPORT

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:	5 August 2019
Attachments:	a) Jerramungup MARKYT Community Scorecard b) Great Southern MARKYT Community Scorecard
Authority/Discretion:	Information

SUMMARY:

The purpose of this report is for Council to receive the results of the 2019 MARKYT Community Scorecard.

BACKGROUND:

Over the past two years the City of Albany has championed the facilitation of the Great Southern IPR Peer Support Program, which aims to help members improve the content and performance of their IPR framework through regional collaboration and resource sharing.

Through the program, all eleven local governments in the Great Southern committed to undertake a MARKYT Community Scorecard in 2019 as a way to measure the performance against their own IPR frameworks, assist with the review of their respective IPR framework documents and also providing an opportunity to access regional reporting.

The additional level of regional analysis helps all Great Southern local governments better understand community trends, priorities and concerns that are common in the region and will facilitate greater collaboration with our neighbours. The analysis will also help support any future collective funding applications and grant opportunities that support regional actions and address areas of mutual significance.

CONSULTATION:

In March/April 2019 MARKYT Community Scorecards were sent to all households and PO Boxes using Australia Post unaddressed mail. Invitations were also emailed to all contacts in the Shire's customer database. The Shire offered supporting promotions through its own communication channels.

To ensure a statistically valid sample the Shire was seeking a minimum response of 86 completed surveys to reduce the sampling error to $\pm 10\%$ at the 95% confidence interval. The Shire far exceeded this requirement with 117 community members submitting a response.

COMMENT:

A regular community survey is an opportunity for the organisation to understand the opinions and views of the community, identify issues and areas for focus, benchmark performance, track improvements over time and inform the review of the Strategic Community Plan. Importantly, the survey is a fundamental part of a healthy democracy and well-functioning local government.

Catalyse were engaged to undertake the current community scorecard by all eleven of the Great Southern Councils, as they have a significant amount of experience in conducting similar surveys for other local governments for benchmarking purposes.

The results from the 2019 MARKYT Community Scorecard indicate that the community's satisfaction levels with Council and its various functions are at an acceptable level when benchmarked against other Councils.

Regional benchmarking shows that within the Great Southern Region, the Shire of Jerramungup has an Overall Performance Index Score (a combined measure of the Shire of Jerramungup as a 'place to live' and as a 'governing organisation') of 68 out of 100. This is 2 index points above the average for the Great Southern and 3 index points about the average for Western Australia. It also showed that the Shire of Jerramungup is leading the Great Southern in Economic Development with an index score of 43.

The following table shows a strategic overview of the results:

Area	Shire of Jerramungup Performance Index Score	Great Southern Region Average	Industry Standard For WA
Place to Live	74	79	75
Place to Visit	74	76	64
Organisation	61	54	56
Value for Money	47	41	45

Perceived strengths of the Council include playgrounds, parks and reserves, customer service and library and information services. Moving forward, the community would like Council to prioritise economic development and tourism marketing and promotion. Other areas the community would like Council to address are sport and recreation facilities, footpaths, trails and cycleways, road maintenance, waste collection, streetscapes and value for money from rates.

The Shire will be conducting a review of its Strategic Community Plan during 2019/2020 and the community scorecard results will form the basis for the review. The results will also be considered as part of the development and review of the Corporate Business Plan.

STATUTORY ENVIRONMENT:

Section 5.56 of the Local Government Act 1995 requires all local governments to plan for the future of the district. This is supported by regulations that clearly articulate the requirements surrounding this section of the Act.

The Department of Local Government, Sport and Cultural Industries has developed comprehensive Integrated Planning and Reporting Framework Guidelines. These guidelines express the importance of monitoring and reporting a local government's progress against its IPR documents and the requirement to consult with the community when preparing and reviewing the documents.

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.

The cost of the survey was included in the 2018/2019 budget and was subsidised as a result of partnering with the Great Southern Local Governments through the IPR Peer Support Program.

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 with respect to the 2019 MARKYT Community Scorecard, Council:

- 1. Receive the report and results contained therein; and**
- 2. Utilise the community's feedback contained within the 2019 Community Scorecard to inform Council's review of the Strategic Community Plan due to commence in 2019/2020.**

9.4.4 PROPOSED 2019 ELECTORAL BOUNDARY CHANGES OBJECTION

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:	13 August 2019
Attachments:	<ul style="list-style-type: none"> a) Overview and Reasons – Proposed Boundaries by District and Region July 2019 b) 2019 WA Distribution – Process Overview c) 2019 Agricultural Region Maps d) 2019 South West Region Maps e) 2019 WA Distribution – Fact Sheet – Lodging an Objection f) Proposed Boundaries 2019 Elector Numbers
Authority/Discretion:	Advocacy

SUMMARY:

It is recommended that Council participates in the review of the State's electoral boundaries by lodging an objection to the Western Australian Distribution Commission on the proposed electoral boundary change for the Shire of Jerramungup. Written objections close 26 August 2019. Final boundaries will be published in late November 2019.

BACKGROUND:

In 2015 the Commissioners provided the following commentary on the Shire of Jerramungup and its move to the Albany District:

"The Commissioners understand that residents in the Shire of Jerramungup generally regard Albany as their regional centre and as the district of Albany already includes areas where the land use is agricultural (as well as the town centre) there ought not to be any adverse community of interest implications."

In August 2015, Council lodged a submission with the WA Electoral Commission supporting the proposed new boundary move into the Albany District. Given the marginal status of the seat of Albany and the prevalence of a number of common strategic issues such as South Coast Highway, Health and Emergency Services, Port Infrastructure and Commodity Freight Routes there was great opportunities for the Shire of Jerramungup joining the Albany district.

CONSULTATION:

Discussions between Elected Members and neighbouring Councils.

COMMENT:

The Electoral Act 1907 requires that the Western Australia's State Electoral boundaries be reviewed once in the life of each Parliament.

The proposed boundaries were published on Friday 26 July 2019. If the Shire wishes to lodge an objection it must be done in writing by no later than 5.00pm Monday 26 August 2019. The revised boundaries to be determined in 2019 will not take effect until the March 2021 State general election.

To balance elector numbers in Central Wheatbelt the Commissioners proposed to add the Shire of Kulin, Wikepin and Cuballing from the district of Roe. This will be balanced in turn through Roe gaining the Shire of Jerramungup from Albany under the proposed boundary change.

Under the proposal the Shire of Jerramungup will be ceded from the Albany District to the Roe District and move to the Agricultural Region from the South West Region.

In setting the boundaries for both districts and regions the Commissioners are required to take into account:

- Communities of interest
- Land use patterns
- Means of communication, means of travel and distance from Perth
- Physical features
- Existing boundaries or regions and districts
- Existing local government boundaries
- Predicted future increases or decreases in elector numbers

Council believe that in addressing the above the Shire is best suited by remaining in the Albany District.

Since the move into a marginal seat and into the Albany District we have successfully yielded desirable outcomes when lobbying for improvements to State Infrastructure and Services within the region. The Shire has fostered strong relationships with the City of Albany since the boundary move.

The Shire of Jerramungup believes it does not share a community interest with the majority of the Roe District. The Shire has worked hard to build relationships with the City of Albany, the move to the Roe District would have detrimental affects on the work the Shire has put into building the relationships with our neighbouring Council Albany. Albany is the regional hub for the Great Southern and a nationally important regional centre and destination. Albany provides opportunity for our community members to access economic, cultural and educational services and programs in the region.

The Shire of Jerramungup has formally joined with the City of Albany, Shire of Denmark and the Shire of Plantagenet to form an economic alliance called the South Coast Alliance Inc focussed on the economic development of the Lower Great Southern region.

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

- Advocacy
- Economic Development and Tourism
- Efficiency and Consistency

The 'guiding principles' for the Alliance include:

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

The Alliance has adopted a Strategic Plan and has a rolling 'priority action list'.

Jerramungup Shire President, Deputy President and the CEO have attended a number of these meetings.

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

The Shire of Jerramungup believes there may also be greater economic gains as well through joining future waste management solutions, joint tourism promotion and coordinated responses to future economic opportunities.

Working with the City of Albany in particular has enabled assistance through providing support for staff, additional resources and opportunities for collaboration between administrations leading to efficiencies.

The Shire of Jerramungup has also been involved in the Amazing South Coast project. The Amazing South Coast region stretches from Bremer Bay through to Walpole and up to the Stirling Range. The Amazing South Coast project has been sponsored by State Government, Local Government Authorities of Albany, Denmark, Plantagenet and Jerramungup and various local tourism organisations.

The Amazing South Coast campaign launched in January 2018, is a small part of a larger Tourism Development Strategy for the region. The broader strategy aims to strengthen and diversify the economic base of the Amazing South Coast through unified promotion and development of unique experiences. The Shire of Jerramungup is a proud partner of the Amazing South Coast project.

The Shire of Jerramungup has developed strong communities of interest with Albany with it being our nearest major town moving the Shire to Roe will have a detrimental affects and will weaken the Alliance that the Shire has worked hard to establish with Albany.

As a small rural local government we constantly rely on the support, commitment, advice and advocacy of our local member to deliver messages to the State Government on our behalf if the Shire of Jerramungup was moved to the Roe district it could have serious impacts on our voice being heard.

After supporting the change to the electoral boundaries in 2015 the Shire of Jerramungup committed to fostering solid relationships with their new political members. Council has been very successful in developing these relationships in a short amount of time and to be moved to a different district after just one election cycle means Council would be required to start this process yet again.

After serious consideration of all the benefits of remaining in the Albany District, it is strongly recommended that Council formally lodge an objection on the 2019 proposed boundary change to move the Shire of Jerramungup from the Albany District to the Roe District.

STATUTORY ENVIRONMENT:

Nil

STRATEGIC IMPLICATIONS:

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

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

Objectives:

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

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

Objectives:

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

FINANCIAL/BUDGET 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:

1. Formally lodge an objection to the Western Australian Distribution Commission on the proposed electoral boundary change for the Shire of Jerramungup to move from the Albany District to the Roe District;
2. Supports maintaining the current State Electoral Boundaries within the South West Region; and

9.4.5 OSH POLICIES REVIEW

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 August 2019
Attachments:	a) Existing Occupational Safety and Health Policies b) Draft Occupational Safety and Health Policies
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to consider rescinding policies deemed redundant and adopt new and reviewed policies as detailed in this report.

BACKGROUND:

Although not a requirement of the *Local Government Act 1995*, it is considered good practice for Council to review its Policy Manual on a regular basis. It is intended to review the Policy Manual by each section on a monthly basis until all policies have been reviewed during 2019.

In addition to any annual review, any changes to existing policies or the need for new policies identified during the course of the year will be presented through the appropriate meetings for Council consideration.

Policies are determined by Council and may be amended or waived according to circumstances. This power is conveyed to Council in section 2.7(2)(b) of the *Local Government Act 1995*. Policies cannot be made in relation to those powers and duties given directly to the CEO by the Act.

The objectives of the Council's Policy Manual are:

- to provide Council with a formal written record of all policy decisions;
- to provide the staff with clear direction to enable them to respond to issues and act in accordance with Council's general direction;
- to enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Shire;
- to enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- to enable electors to obtain immediate advice on matters of Council Policy.
- Policies are to relate to issues of an on-going nature; policy decisions on single issues are not to be recorded in the manual.

Policies should not be confused with management practices or operational procedures, which are determined by the CEO, as a mechanism for good management, and implementation of Council policies.

Changes to Council Policy shall be made only on:

1. a) the outcome of the Annual Review or
2. b) an agenda item clearly setting out details of the proposed amendment

Users should be mindful of the fact that, in simple terms:

- Policy provides what can be done;
- Procedures provide for how to do it;
- Delegation provides for who can do it.

It is important to note that the Shire's adopted policies have been made to facilitate:

- Consistency and equity in decision making;
- Promptness in responding to customer needs; and
- Operational efficiency.

CONSULTATION:

Internal – Relevant Shire staff have been consulted.

COMMENT:

A review has been conducted of the Shire of Jerramungup's existing Occupational Safety and Health Policies. Council Policies are developed to assist Council in achieving its strategic goals and contribute to meeting mandatory obligations with the 'Objective' providing the reason why the Policy has been developed.

Policies guide the discretionary powers of Council's decision making and are defined as "A course of principle of action", while Management Practices explain the steps and the considerations to be followed by management when applying Policy to a matter and are defined as "A series of actions conducted in a certain order or manner to give effect to Policy".

Amended Policies:

OSH1 – Occupational Safety and Health Policy

OSH2 – Fitness for Work Policy

OSH4 – Workplace Bullying Policy

OSH5 – Sexual Harassment Policy

OSH6 – Injury Management Policy

OSH7 – Contractors Policy

These policies have been reviewed and amended to reflect current industry standards.

Policies to Rescind:

OSH3 – Smoking in Council Premises Policy

This policy is recommended to be rescinded as it duplicates legislation and is not required.

STATUTORY ENVIRONMENT:

Local Government Act 1995 s.2.7(2)(b)

2.7. Role of council

1. *The council —*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
2. *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

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:

Policies provide direction for all Shire of Jerramungup employees.

POLICY IMPLICATIONS:

As detailed in each policy.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council:

1. Pursuant to section 2.7(2)(b) of the *Local Government Act 1995* reaffirm the continued application and operation of each of the following current Council Policies as amended in the report and attached to this report for a further two (2) years or such earlier date as Council may determine from time to time:
 - OSH1 – Occupational Safety and Health Policy
 - OSH2 – Fitness for Work Policy
 - OSH4 – Workplace Bullying Policy
 - OSH5 – Sexual Harassment Policy
 - OSH6 – Injury Management Policy
 - OSH7 – Contractors Policy
2. Pursuant to section 2.7(2)(b) of the *Local Government Act 1995* Rescind Policy:
 - OSH3 – Smoking in Council Premises Policy

9.4.6 DEED OF ASSIGNMENT AND VARIATION OF SUBLEASE PORTION OF RESERVE 26384

Location/Address:	7 Mary Street, Bremer Bay
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:	15 August 2019
Attachments:	Deed of Assignment and Variation of Sub-Lease
Authority/Discretion:	Administrative

SUMMARY:

This item addresses the Deed of Assignment and variation of Sublease for a Portion of Reserve 26384, 7 Mary Street Bremer Bay for the Bremer Bay Pharmacy with a recommendation that it be accepted and that the Shire President and Chief Executive Officer be authorised to execute the documentation.

BACKGROUND:

The Bremer Bay CRC sublease the front meeting room to the Pharmacist, the head lease is between the Shire of Jerramungup and Bremer Bay CRC. As the 'Head Lessor' Council approval is required if the sublease requires an amendment.

The sublease between the Shire of Jerramungup, Bremer Bay Community Resource Centre and Thuc Huynh expires 31 March 2021 for the Bremer Bay Pharmacy. On 6 August 2019 Thuc Huynh contacted the Shire to advise that the WA Pharmacy Board had requested the sublease be amended from "Thuc Huynh" to the company name "Thuchan Pty Ltd" to enable the Bremer Bay Pharmacy to continue to operate.

CONSULTATION:

Thuc Huynh

McLeods Barristers & Solicitors

Manager, Bremer Bay Community Resource Centre

COMMENT:

In order to transfer the lease into the company name, McLeods Barristers & Solicitors were engaged to prepare a deed of assignment.

As the sublease is being assigned to a company McLeods recommended that the sublease also be varied to include a guarantee by the company's director. This is standard practice in circumstances where a company is the tenant as the company itself may have no assets and therefore may not provide an effective guarantee of the lease provisions in the event of default.

Under a guarantee, the director will personally guarantee the obligations of the lessee. So if money is owing under the lease, and the company has no assets, the lessor can then enforce the obligations of the lessee against the guarantor/director personally. This provides the lessor/head lessor with some additional security in a situation where the lessee company may not have any assets to recover against.

The Manager of the Bremer Bay CRC has been informed of the changes and has no objections to the variation proposed to the sublease.

Accordingly, it is recommended that Council approve the Deed of Assignment to ensure the community continue to have access to pharmaceutical services in Bremer Bay.

STATUTORY ENVIRONMENT:

The disposition of property was carried out as per section 3.58 of the *Local Government Act 1995* when the lease was originally executed in April 2016.

STRATEGIC IMPLICATIONS:

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

Objective 2.3.6:

Provide local opportunities to access health and wellbeing services

FINANCIAL IMPLICATIONS:

All costs in preparing the deed will be borne by the Assignor.

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. **APPROVES** the Deed of Assignment and Variation of Sublease for a Portion of Reserve 26384, 7 Mary Street, Bremer Bay.
2. **DELEGATE** to the Shire President and Chief Executive Officer to be the signatories on the signing and affixing of the Common Seal of the Shire of Jerramungup to execute the Deed of Assignment and Variation of Sublease for a Portion of Reserve 26384, 7 Mary Street, Bremer Bay.

9.4.7 DRAFT SUBMISSION TO THE SELECT COMMITTEE INTO LOCAL GOVERNMENT

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:	14 August 2019
Attachments:	<ul style="list-style-type: none"> a) WALGA Draft Submission b) WALGA Cooperation and Shared Services Report c) WALGA Local Government Act Review Principles

Authority/Discretion: Advocacy

SUMMARY:

On 26 June 2019, the Western Australian Parliament's Legislative Council voted to establish a Select Committee into Local Government. The Select Committee is to report its findings to Parliament in 12 months. The Select Committee has invited public submissions to be lodged by Friday 13 September 2019.

A draft submission to the Select Committee is proposed to be prepared and this item seeks Council's approval to lodge on behalf of the Shire.

BACKGROUND:

The Select Committee initially invited public submissions to be lodged by midnight 23 August 2019. WALGA requested an extension to the deadline allowing most local governments to be able to include their submissions in their meeting cycle for Council endorsement. The Select Committee into Local Government has approved the request to extend the deadline for submission to Friday, 13 September 2019.

The future of Western Australia's framework for local government is being considered and reviewed through several mechanisms. These include the State Government's *Local Government Act 1995* review; the City of Perth Inquiry; a schedule of performance audits conducted by the Office of the Auditor General and the Select Committee. The State Government review of Western Australia's planning framework, Ministerial Review of the State Industrial Relations System and Public Sector Reform program will also have impact for local government across the State.

The Select Committee comprises five members:

- Hon Simon O'Brien, South Metropolitan (Chair)
- Hon Laurie Graham, Agricultural Region
- Hon Diane Evers, South West Region
- Hon Charles Smith, East Metropolitan Region
- Hon Martin Aldridge, Agricultural Region

On 26 June 2019 the Select Committee into Local Government was established by the Legislative Council to inquire into how well the system of local government is functioning in Western Australia, with particular reference to:

- a) Whether the *Local Government Act 1995* and related legislation is generally suitable in scope, construction and application;
- b) The scope of activities of Local Governments;

- c) The role of the Department of State administering the Local Government Act 1995 and related legislation;
- d) The role of Elected Members and Chief Executive Officers/employees and whether these are clearly defined, delineated, understood and accepted;
- e) The funding and financial management of Local Governments; and
- f) Any other related matters the Select Committee identifies as worthy of examination.

The Select Committee has the power to call for witnesses to appear at the Committee but at the time of the preparation of this report has not announced its intention to do so.

Evidence provided to the Select Committee, including submissions, are generally protected by Parliamentary Privilege.

WALGA is preparing a submission and assisting the sector in the following ways:

- a) Will prepare a draft submission for sector input and also for local governments to use the information in their own submissions;
- b) The draft submission will be circulated to local governments for sector input on 26 July 2019 and invite comments by 13 August 2019; and
- c) Following the receipt of any feedback, WALGA will review the feedback and finalise an interim submission to be considered by State Council's Executive Committee by the due date of 23 August 2019.

The timing of establishing the Select Committee coincides with review of the *Local Government Act 1995*. It is important to make the distinction between the Select Committee Terms of Reference and the review of the *Local Government Act 1995*. These are separate and unrelated processes.

CONSULTATION:

Consultation to occur with Elected Members.

WALGA

COMMENT:

A submission to the Select Committee represents an opportunity to advocate for better outcomes for the Shire of Jerramungup community.

The Committee's members have stated varied and competing motivations for the establishment of the Committee. The recommendations of the Committee will have a significant impact on the passage of legislation related to local government and influence the relationship between State and Local Government.

A strong, healthy relationship between the State and Local Government is in the interests of the Shire of Jerramungup community. The draft submission should reflect that, like all tiers of government, local government must strive for continuous improvement.

Overall, while recognising the sector's limitations, the draft submission should reinforce that Western Australia's approach to local government is unique and successful; and that the success of local democracy and service delivery is why Commonwealth and State Governments have over recent years increasingly deferred responsibility for decision-making and delivery to local government.

The short-timeframe between the call for submissions and the close of submissions may limit the capacity of some local governments across Western Australia to provide council-endorsed submissions to the review. This scenario makes it more important for the Shire to be heard through a submission.

The Select Committee into Local Government will make recommendations to Parliament that will shape the future of local government. Making a submission that reflects the importance of local government and working in partnership with Commonwealth and State Government is in the interests of the Shire and the community. The call for submissions represents an important opportunity for the Shire to advocate on behalf of the community.

Whilst the WA Local Government Association will make a submission on behalf of the sector, it is encouraged that Council also makes a submission to reinforce key points and to include any additional views that Council would like raised.

Individuals are also being encouraged to make submissions and therefore Elected Members may wish to make their own submissions to the Select Committee into Local Government.

STATUTORY ENVIRONMENT:

The functions and powers of the Select Committee into Local Government are bound by the Legislative Council's Standing Orders.

STRATEGIC IMPLICATIONS:

The draft submission is aligned with all of the objectives of 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:

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:

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. **Supports WALGA's submission to the WA Legislative Council – Select Committee into Local Government.**
2. **That the Chief Executive Officer forwards a submission to the WA Legislative Council – Select Committee into Local Government, addressing the Committee's Terms of Reference, on behalf of the Shire of Jerramungup in line with the direction of Council's views and concerns.**

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 APPOINTMENT OF PREFERRED CANDIDATE – MANAGER OF DEVELOPMENT**

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:	5 August 2019
Attachments:	Draft Contract
Authority/Discretion:	Executive

OFFICER RECOMMENDATION:

That Council ENDORSE the Chief Executive Officer's appointment of the preferred applicant to the position of Manager of Development with the Shire of Jerramungup in accordance with the attached contract of employment.

12.2 CONFIDENTIAL – ILU TENDER CONSIDERATION – RFT 05/19

Location/Address: Lot 3 Yandil Street, Bremer Bay
Name of Applicant: Shire of Jerramungup
File Reference: A897
Author: Marisa Papalia, Project Officer
Martin Cuthbert, Chief Executive Officer
Responsible Officer: Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest: Nil
Date of Report: 15 August 2019
Attachments: a) H+H Tender Assessment
b) H+H Tender Recommendation
c) Internal Tender Assessment
Authority/Discretion: Executive

OFFICER RECOMMENDATION:**That Council:**

1. **AWARD Tender RFT 05/2019 to Pindan Constructions Pty Ltd for the construction of five Independent Living Units in Bremer Bay on Lot 3 Yandil Street, Bremer Bay for sum included in the attachments to this report as the most advantageous tender, in accordance with the specifications, terms and conditions specified in the tender documentation;**
2. **AUTHORISE the CEO to liaise with the successful tenderers to achieve design outcomes;**
3. **AUTHORISE the CEO, in accordance with section 9.49A(4) of the *Local Government Act 1995*, to execute the contract for Tender RFT 05/2019 to Pindan Constructions Pty Ltd for the construction of five Independent Living Units in Bremer Bay, in accordance with the specifications, terms and conditions specified in the tender documentation once the above matters are addressed;**
4. **In the event that the preferred contractor is unavailable to perform the works when required, AUTHORISE the CEO to accept the next best available offer from the tenders.**

12.3 CONFIDENTIAL – FOUR RESIDENTIAL DWELLINGS IN BREMER BAY AND JERRAMUNGUP TOWNSITES TENDER CONSIDERATION – RFT 04/19

Location/Address:	Lot 263 Collins Street, Jerramungup Lot 265 Collins Street, Jerramungup Lot 208 McGlade Close, Bremer Bay
Name of Applicant:	Shire of Jerramungup
File Reference:	A906, A907, A908, A909
Author:	Marisa Papalia, Project Officer Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 August 2019
Attachments:	a. Internal Tender Assessment
Authority/Discretion:	Executive

OFFICER RECOMMENDATION:

That Council:

- 1. AWARD Tender RFT 04/19 to Pindan Constructions Pty Ltd for the design and construction of four residential dwellings on Lot 208 Mc Glade Close, Bremer Bay and on Lots 263 and 265 Collins Street, Jerramungup for the sum included in the attachment as the most advantageous tender, in accordance with the specifications, terms and conditions specified in the tender documentation;**
- 2. AUTHORISE the CEO to liaise with the successful tenderers to achieve design outcomes;**
- 3. AUTHORISE the CEO, in accordance with section 9.49A(4) of the *Local Government Act 1995*, to execute the contract for Tender RFT 04/19 to Pindan Constructions Pty Ltd for the design and construction of four residential dwellings in Bremer Bay and Jerramungup, in accordance with the specifications, terms and conditions specified in the tender documentation once the above matters are addressed;**
- 4. In the event that the preferred contractor is unavailable to perform the works when required, AUTHORISE the CEO to accept the next best available offer from the tenders.**

13.0 CLOSURE

13.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 18 September 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

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Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: