



# **SHIRE OF JERRAMUNGUP**

## **ORDINARY COUNCIL MEETING**

**Held at the Council Chambers  
8 Vasey Street, Jerramungup  
Wednesday, 21 November 2018**

## **MINUTES**

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Wednesday, 21 November 2018**

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**ORDINARY COUNCIL MEETING****MINUTES****1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS**

The meeting was opened at 9.07am by the Shire President.

**2.0 RECORD OF ATTENDANCE****2.1 ATTENDANCE****ELECTED MEMBERS:**

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

**STAFF:**

Martin Cuthbert	Chief Executive Officer
Charmaine Solomon	Deputy Chief Executive Officer
Murray Flett	Manager of Works
Craig Pursey	Manager of Development

**VISITORS:**

Nil

**GALLERY:**

Nil

**2.2 APOLOGIES**

Nil

**2.3 APPROVED LEAVE OF ABSENCE**

Nil

**2.4 ABSENT**

Nil

**2.5 DISCLOSURE OF INTERESTS**

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

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

#### **2.5.1 DECLARATIONS OF FINANCIAL INTERESTS**

Mr Martin Cuthbert declared a financial interest in late item 12.1.1 – CEO Review Committee Meeting Minutes. The nature of the interest is that it relates to his employment.

#### **2.5.2 DECLARATIONS OF PROXIMITY INTERESTS**

Nil

#### **2.5.3 DECLARATIONS OF IMPARTIALITY INTEREST**

Cr Price declared an impartiality interest in item 9.2.3. – Lease, Jerramungup Community Resource Centre. The nature of the interest is that he is a member of the Jerramungup CRC Committee.

Cr Bailey declared an impartiality interest in item 9.2.3. – Lease, Jerramungup Community Resource Centre. The nature of the interest is that his wife is the Secretary of the Jerramungup CRC Committee.

### **3.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

### **4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

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

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

Nil

### **6.0 PUBLIC TIME**

#### **6.1 PUBLIC QUESTION TIME**

Nil

#### **6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS**

Nil

### **7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

#### **7.1.1 ORDINARY COUNCIL MEETING HELD 17 OCTOBER 2018.**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held at the Council Chambers, Jerramungup, on 17 October 2018 be CONFIRMED.

**7.1.2 BUSHFIRE ADVISORY COMMITTEE MEETING HELD 11 OCTOBER 2018.**

That the Minutes of the Bush Fire Advisory Committee Meeting held at the Council Chambers, Jerramungup, on 11 October 2018 be CONFIRMED.

**MOTION: OC011118****MOVED: Cr Bailey****SECONDED: Cr Price****That Council CONFIRMS;**

- 1. The Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held at the Council Chambers, Jerramungup, on 19 September 2018.**
- 2. The Minutes of the Bush Fire Advisory Committee Meeting held at the Council Chambers, Jerramungup, on 11 October 2018.**

**CARRIED: 7/0****8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES**

Nil

## **9.0 REPORTS**

### **9.1 TECHNICAL SERVICES**

#### **9.1.1 WORKS REPORT FOR OCTOBER 2018**

**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:** 31 October 2018  
**Attachments:** Road Construction Program Schedule  
**Authority/Discretion:** Information

#### **SUMMARY:**

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

#### **BACKGROUND:**

##### **Road Construction**

This month the Construction Crew commenced and completed forming and gravel sheeting another 3km section of Jerramungup North Road. These works also involved the removal of topsoil that had been blown into the road reserve from storm events of previous years. The sand had filled in the drain and reduced the road width considerably at this location. Once again, these works have been completed to a very high standard and the crew need to be commended on the great job they have done in such a short timeframe.

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

##### **Town Services**

The Town Services Crew in conjunction with students from the Great Southern Technical and Further Education (TAFE) campus have undertaken seed collection from the Meechi Road realignment section. These seeds will be propagated by the students in the TAFE nursery and then next year these students will plant out the tube stock at the old road alignment rehabilitation site as part of their Cert III training. This type of exposure to real time works will be invaluable training to these students undertaking their Cert III CLM units.

The crew have been undertaking general maintenance of the parks and gardens in both Bremer Bay and Jerramungup town sites. The weed germination has kept the crew busy in both town areas whilst also undertaking maintenance of sealed roads.

##### **Road Maintenance**

With these reasonably dry conditions, the Maintenance Crew have been 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.

Routine Maintenance grading and gravel patching has continued to rectify failures in the road pavement. The crews focus is still on gravel sheeting clay sections to improve the skid resistance of these areas which will be an ongoing commitment until all clay sections have been covered.

#### **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/BUDGET IMPLICATIONS:**

The works completed are included in the 2018/2019 Shire of Jerramungup budget.

**WORKFORCE IMPLICATIONS:**

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

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council RECEIVE the works report for October 2018.**

**MOTION: OC021118****MOVED: Cr Leenhouders****SECONDED: Cr Trevaskis****That Council RECEIVE the works report for October 2018.****CARRIED: 7/0**

9.27am – Murray Flett, Manager of Works, left the meeting

9.28am – Murray Flett, Manager of Works, returned to the meeting



**9.2 CORPORATE SERVICES****9.2.1 ACCOUNTS FOR PAYMENT – OCTOBER 2018**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Sarah Van Elden, Finance Officer
<b>Responsible Officer:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	2 November 2018
<b>Attachments:</b>	(a) List of accounts paid to 31 October 2018 (b) Credit card statement 27 September 2018 – 29 October 2018
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of October 2018.

**BACKGROUND:**

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

**CONSULTATION:**

Internal consultation within the Finance Department.

**COMMENT:**

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2018-19 Annual Budget as adopted by Council at its meeting held 23 July 2018 (Minute No. SC180701 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

The table below summarises the payments drawn on the funds during the month of October 2018. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
<b>Municipal Account</b>		
Last Cheque Used	28166	
EFT Payments	15324-15388	\$205,484.20
	15391-15456	\$320,136.09
Direct Deposits		\$39,119.39
<b>Municipal Account Total</b>		<b>\$564,739.68</b>
<b>Trust Account</b>		
EFT Payments	15389-15390	\$4,000.00
<b>Trust Account Total</b>		<b>\$4,000.00</b>
<b>Grand Total</b>		<b>\$568,739.68</b>

### CERTIFICATE

This schedule of accounts as presented, which was submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been paid.

### STATUTORY ENVIRONMENT:

*Local Government (Financial Management) Regulations 1996*

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

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

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

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

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

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

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

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

- (a) for each account which requires council authorisation in that month—*
  - (i) the payee's name; and*
  - (ii) the amount of the payment; and*

- (iii) sufficient information to identify the transaction; and*
    - (b) the date of the meeting of the council to which the list is to be presented.*
  - (3) A list prepared under subregulation (1) or (2) is to be—*
    - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
    - (b) recorded in the minutes of that meeting.*

**STRATEGIC IMPLICATIONS:**

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

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

Objectives:

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

**FINANCIAL IMPLICATIONS:**

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

**WORKFORCE IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**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 October 2018 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 27 September 2018 – 29 October 2018 as detailed in attachment 9.2.1(b).

**MOTION: OC031118**

**MOVED: Cr Parsons**

**SECONDED: Cr Bailey**

**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 October 2018 as detailed in Attachment 9.2.1(a).**
- b) The Credit Card Statement 27 September 2018 – 29 October 2018 as detailed in attachment 9.2.1(b).**

**CARRIED: 7/0**

**9.2.2 MONTHLY FINANCIAL REPORT**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	12 September 2018
<b>Attachments:</b>	Monthly Financial Report for the Period Ending 31 October 2018.
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the statement of financial activity for the period ended 31 October 2018 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 October 2018.

**BACKGROUND:**

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

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 31 October 2018 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

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

Additionally, and pursuant to regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 23 July 2018, the Council adopted (Minute No. SC180701 part 1.6 refers) the following material variance reporting threshold for the 2017-18 financial year:

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

*That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2018/2019 financial year for monthly reporting purposes.*

**CONSULTATION:**

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

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

**COMMENT:**

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

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

**STATUTORY ENVIRONMENT:**

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

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

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

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

*and*

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

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

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

- (3) *The information in a statement of financial activity may be shown—*
- (a) according to nature and type classification; or*
  - (b) by program; or*
  - (c) by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be—*
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
  - (b) recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

**STRATEGIC IMPLICATIONS:**

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

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

Objectives:

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for the period ending 31 October 2018 has been incurred in accordance with the 2018-19 budget parameters, which have been structured on financial viability and sustainability principles.

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

**WORKFORCE IMPLICATIONS:**

Nil

**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 October 2018 in accordance with section 6.4 of the *Local Government Act 1995*.**

**MOTION: OC041118**

**MOVED: Cr Price**

**SECONDED: Cr Parsons**

**That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 October 2018 in accordance with section 6.4 of the *Local Government Act 1995*.**

**CARRIED: 7/0**



Cr Price declared an Impartiality Interest in Item 9.2.3

### 9.2.3 LEASE, JERRAMUNGUP COMMUNITY RESOURCE CENTRE

<b>Location/Address:</b>	Lot 250 on Deposited Plan 55227
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	9 November 2018
<b>Attachments:</b>	Lease – Jerramungup CRC
<b>Authority/Discretion:</b>	Executive

#### SUMMARY:

This item addresses the draft lease agreement prepared between the Shire of Jerramungup and the Jerramungup Community Resource Centre Inc with a recommendation that it be accepted and that the President and CEO be authorised to execute the lease.

#### BACKGROUND:

The lease between the Shire of Jerramungup and the Jerramungup Community Resource Centre Inc expired on 31 May 2016, Council staff have been negotiating the renewal of the lease with the Jerramungup Community Centre Manager.

The Community Resource Centre has continued to lease the resource centre, reception, foyer, business centre, conference room, kitchen and two storerooms.

The Shire remains responsible to have all common areas of the facility cleaned including the foyer, hallways, conference room and toilets. The Shire will continue to have free use of the conference room 15 times per year.

#### CONSULTATION:

McLeod's Solicitors

Manager, Jerramungup Community Resource Centre

#### COMMENT:

A lease agreement is required to formalise the services provided by the Jerramungup Community Resource Centre. Under the Management Order the Shire has the power to lease the Land for any term not exceeding 21 years. The lease is now submitted to Council for approval.

The preparation of the lease was delayed due to the uncertainty of funding for Community Resource Centres across the State. In August 2018 the Government announced after extensive consultation and review of the CRC program to continue to fund Community Resource Centres to the original \$13 million per year.

#### STATUTORY ENVIRONMENT:

##### 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.*

*[Section 3.58 amended by No. 49 of 2004 s.27; No.17 of 2009 s.10.]*

#### **Land Administration Act 1997**

- 18. *Various transactions relating to Crown land to be approved by Minister*
- (1) *A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.*
- (2) *A person must not without authorisation under subsection (7) —*
  - (a) *grant a lease or licence under this Act, or a licence under the Local Government Act 1995, in respect of Crown land in a managed reserve; or*
  - (b) *being the holder of such a lease or licence, grant a sublease or sublicence in respect of the whole or any part of that Crown land.*
- (3) *A person must not without authorisation under subsection (7) mortgage a lease of Crown land.*
- (4) *A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.*

- (5) *The Minister may, before giving approval under this section, in writing require —*
- (a) *an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and*
  - (b) *information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.*
- (6) *An act done in contravention of subsection (1), (2), (3) or (4) is void.*
- (7) *A person or lessee may make a transaction under subsection (1), (2), (3) or (4) —*
- (a) *with the prior approval in writing of the Minister; or*
  - (b) *if the transaction is made in circumstances, and in accordance with any condition, prescribed for the purposes of this paragraph.*
- (8) *This section does not apply to a transaction relating to an interest in Crown land if —*
- (a) *that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act;*
  - (b) *that interest may be created, granted, transferred or otherwise dealt with under an Act other than —*
    - (i) *this Act; or*
    - (ii) *a prescribed Act;*
  - (c) *an agreement, ratified or approved by another Act, has the effect that consent to the transaction was not required under section 143 of the repealed Act; or*
  - (d) *the transaction is a lease, sublease or licence and the approval of the Minister is not required under section 46(3b).*

*[Section 18 amended by No. 59 of 2000 s.8 (1) – (5)<sup>5</sup>.]*

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

#### **30. Dispositions of property to which section 3.58 of the Act does not apply**

- (2) *A disposition of land is an exempt disposition if —*
- (a) *the land is disposed of to an owner of adjoining land (in this paragraph called **the transferee**) and —*
    - (i) *its market value is less than \$5 000; and*
    - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
  - (b) *the land is disposed of to a body, whether incorporated or not —*
    - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
    - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

#### **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.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

Lease preparation fees approximately \$500.

Lease income of \$1,603.54 per annum inclusive of GST. Rent review on the basis of the CPI on each anniversary of the Commencement Date during the Term, unless the Lessor in its sole discretion elects to waive its right of rent review in respect of any particular rent review date.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for this report.

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council;

1. **ACKNOWLEDGE** that the disposition is an exempt disposition in accordance with the *Local Government (Functions and General) Regulations 1996*, section 30 (2)(b)(i).
2. **AUTHORISE** the Shire President and Chief Executive Officer to sign and affix the Common Seal of the Shire of Jerramungup to execute the lease agreement for the Jerramungup Community Resource Centre Inc for Lot 250 on Deposited Plan 55227 and being the whole of Land comprised in Certificate of Title Volume 2660 Folio 971 for;
  - A lease term of 5 years expiring on 31 May 2021,
  - A further term of 5 years commencing 1 June 2021 and expiring on 31 May 2026 at the discretion of the Shire President and Chief Executive Officer.

**MOTION: OC051118****MOVED: Cr Trevaskis****SECONDED: Cr Leenhouders**

That Council;

1. **ACKNOWLEDGE** that the disposition is an exempt disposition in accordance with the *Local Government (Functions and General) Regulations 1996*, section 30 (2)(b)(i).
2. **AUTHORISE** the Shire President and Chief Executive Officer to sign and affix the Common Seal of the Shire of Jerramungup to execute the lease agreement for the Jerramungup Community Resource Centre Inc for Lot 250 on Deposited Plan 55227 and being the whole of Land comprised in Certificate of Title Volume 2660 Folio 971 for;
  - A lease term of 5 years expiring on 31 May 2021,
  - A further term of 5 years commencing 1 June 2021 and expiring on 31 May 2026 at the discretion of the Shire President and Chief Executive Officer.

**CARRIED: 7/0**

**9.3 DEVELOPMENT SERVICES**

**9.3.1 NIL**

## **9.4 EXECUTIVE SERVICES**

### **9.4.1 CHRISTMAS/NEW YEAR OPENING HOURS**

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	13 November 2018
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Review

#### **SUMMARY:**

The purpose of this report is for Council to consider the closure of Council facilities over the Christmas/New Year period.

#### **BACKGROUND:**

In previous years there has been a variation of the Shire's normal operating hours during the Christmas/New Year period to close between Christmas and New Year's Day. The following public holidays fall during this period:

Christmas Day	Tuesday	25 December 2018
Boxing Day	Wednesday	26 December 2018
New Year's Day	Tuesday	1 January 2019

#### **CONSULTATION:**

All Shire of Jerramungup staff.

#### **COMMENT:**

It is proposed that the Shire of Jerramungup Administration offices (including the Bremer Bay office) will close at 2.00pm on Monday, 24 December 2018 and re-open at 8.30am on Thursday, 3 January 2019. This will be a total of seven 7 days, made up of three public holidays (Christmas Day, Boxing Day and New Year's Day) and four annual leave or RDO days.

The Works Crew are proposing to finish work for 2018 on Thursday 20 December, with Friday 21 December being a scheduled RDO, and re-commencing work on Monday, 7 January 2019.

The closure will be advertised on the Shire website, Facebook, Council Buzz, Administration Notice Boards, local newspapers and a sign will be placed on the front door of the Administration Centres.

The Chief Executive Officer will compile a register of Works Crew and other staff who will be available for on-call duties throughout the closure. This information will be provided to Elected Members in case of emergency or urgent works are required.

#### **STATUTORY ENVIRONMENT:**

N/A

**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:

2.5.5 – Attract and retain a highly competent local workforce.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications for this report.

**WORKFORCE IMPLICATIONS:**

The Chief Executive Officer is the position tasked with the responsibility of overall workforce management and leadership for the Shire of Jerramungup.

**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 **NOTES** the closure of Council facilities as follows:

1. Shire's Administration Centre's at Jerramungup and Bremer Bay from 2.00pm Monday, 24 December 2018 to 8.30am on Thursday, 3 January 2019; and
2. Shire Depot's from Friday, 21 December 2018, to Monday, 7 January 2019.

**MOTION: OC061118****MOVED: Cr Price****SECONDED: Cr Parsons**

That Council **NOTES** the closure of Council facilities as follows:

1. Shire's Administration Centre's at Jerramungup and Bremer Bay from 2.00pm Monday, 24 December 2018 to 8.30am on Thursday, 3 January 2019; and
2. Shire Depot's from Friday, 21 December 2018, to Monday, 7 January 2019.

**CARRIED: 7/0**

**9.4.2 COUNCIL MEETING DATES 2019**

**Location/Address:** N/A  
**Name of Applicant:** Shire of Jerramungup  
**File Reference:**  
**Author:** Martin Cuthbert, Chief Executive Officer  
**Responsible Officer:** Martin Cuthbert, Chief Executive Officer  
**Disclosure of any Interest:** Nil  
**Date of Report:** 1 November 2018  
**Attachments:** Nil  
**Authority/Discretion:** Administrative

**SUMMARY:**

For Council to set the dates for the Ordinary Meetings of Council to be held in 2019. The *Local Government (Administration) Regulations 1996* requires a local government to give local public notice of the dates, times and place at which the Ordinary Meetings of Council are to be held for the next 12 months.

**BACKGROUND:**

At the Ordinary Meeting of Council held 20 December 2017, Council determined its meeting dates up to and including the 19 December 2018, and will now need to consider meeting dates for the next 12 months in accordance with the *Local Government (Administration) Regulations 1996*. It is recommended that Council continue holding its Ordinary Meetings of Council on the third Wednesday of each month (excluding January when Council is in recess).

Eight meetings were scheduled to be held in Jerramungup and three in Bremer Bay (April, August and December).

It is recommended that Council continue holding Ordinary Meetings of Council on the third Wednesday of each month and to advertise this information to the public by way of public notices as per statutory regulations, and to upload it on the Shire's website.

The Easter holiday period for 2019 commences Friday 19 April. Therefore, the Ordinary Council Meetings for both March and April can remain on the standard third Wednesday of the month.

**CONSULTATION:**

The dates have been discussed with the management team and it was agreed that these dates are the most suitable taking public holidays and other meetings into consideration.

Once dates are approved by Council they will be advertised throughout the Shire in accordance with legislation.

**COMMENT:**

Below are the annual events that need to be taken into consideration when adopting Council Meeting dates. It does not appear that any of them will interfere with Council's traditional meeting dates (i.e. third Wednesday of each month).

Easter is Friday 19 April 2019 – Monday 22 April 2019;

Anzac Day is Thursday 25 April 2019;

National General Assembly of Local Government in Canberra – Sunday 16 June 2019 – Wednesday 19 June 2019;

WA Local Government Convention and Trade Exhibition in Perth – Wednesday 7 August – Friday 9 August 2019.

The following is a list of public holidays for Western Australia in 2019:



**WESTERN AUSTRALIA PUBLIC HOLIDAYS 2019**

<b>Holiday</b>	<b>Date</b>	<b>Day</b>	<b>Holiday Type</b>	<b>Area</b>
New Year's Day	1 January	Tuesday	Public	WA Wide
Australia Day	28 January	Monday	Public	WA Wide
Labour Day	4 March	Monday	Public	WA Wide
Good Friday	19 April	Friday	Public	WA Wide
Easter Monday	22 April	Monday	Public	WA Wide
ANZAC Day	25 April	Thursday	Public	WA Wide
Western Australia Day	3 June	Monday	Public	WA Wide
Queen's Birthday *	30 September	Monday	Public	WA Most Areas
Christmas Day	25 December	Wednesday	Public	WA Wide
Boxing Day	26 December	Thursday	Public	WA Wide

\* Alternate dates for the Queen's Birthday Public Holiday are proclaimed in the following areas: Town of Port Hedland, City of Karratha, Shire of East Pilbara (Marble Bar, Nullagine and Newman).

**STATUTORY ENVIRONMENT:*****Division 2 — Council meetings, committees and their meetings and electors' meetings******Subdivision 1 — Council meetings******5.3. Ordinary and special council meetings***

- (1) *A council is to hold ordinary meetings and may hold special meetings.*
- (2) *Ordinary meetings are to be held not more than 3 months apart.*
- (3) *If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

***5.4. Calling council meetings***

*An ordinary or a special meeting of a council is to be held —*

*(a) if called for by either —*

- (i) the mayor or president; or*
- (ii) at least 1/3 of the councillors,*

*in a notice to the CEO setting out the date and purpose of the proposed meeting; or*

*(b) if so decided by the council.*

***5.5. Convening council meetings***

- (1) *The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.*
- (2) *The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.*

**Local Government (Administration) Regulations 1996–Regulation 12****12. Meetings, public notice of (Act S 5.25(1)(g))**

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
- (a) the ordinary council meetings; and*
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

**STRATEGIC IMPLICATIONS:**

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

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

Objectives:

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

**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 with respect to the 2019 Ordinary Meeting of Council Schedule, Council:

1. **APPROVE** the following Ordinary Meeting of Council dates, times and venues for the year ahead:
2.

DAY	DATE	TIME	VENUE
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	8.30am	Council Chambers, Jerramungup
Wednesday	20 November, 2019	8.30am	Council Chambers, Jerramungup
Wednesday	18 December, 2019	8.30am	Emergency Services Shed, Bremer Bay
3. **REQUEST** that the Chief Executive Officer or his authorised officer advertise the approved dates by Public Notice and on the Shire of Jerramungup website and social media sites.

**MOTION: OC071118****MOVED: Cr Bailey****SECONDED: Cr Leenhouders**

That with respect to the 2019 Ordinary Meeting of Council Schedule, Council:

1. **APPROVE** the following Ordinary Meeting of Council dates, times and venues for the year ahead:
2.

DAY	DATE	TIME	VENUE
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
3. **REQUEST** that the Chief Executive Officer or his authorised officer advertise the approved dates by Public Notice and on the Shire of Jerramungup website and social media sites.

**CARRIED: 7/0**

**9.4.3 INFORMATION BULLETIN OCTOBER 2018**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	12 November 2018
<b>Attachments:</b>	October 2018 Information Bulletin
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

To advise Council on the information items for October 2018 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 October 2018.

**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 Officer 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/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 RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of October 2018.**

**MOTION: OC081118****MOVED: Cr Price****SECONDED: Cr Bailey**

**That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of October 2018.**

**CARRIED: 7/0**

## **10.0 COUNCILLOR REPORTS**

### **Cr Parsons**

- Attended a WALGA Local Government Act Review Forum in Cranbrook
- Attended Regional Road Group meeting in Gnowangerup

### **Cr Price**

- Attended a South Coast Management Group in Bremer Bay
- Attended a Jerramungup CRC meeting
- Attended a community meeting in Jerramungup

### **Cr Iffla**

- Attended CEO review committee meetings and discussions
- Attended a function with the Governor of Western Australia, Mr Kim Beazley as a representative of the GSDC

### **Cr Trevaskis**

- Attended CEO review committee meetings and discussions
- Attended a WALGA Local Government Act Review Forum in Cranbrook

### **Cr Leenhouders**

- Attended CEO review committee meetings and discussions

### **Cr Lester**

- Attended CEO review committee meetings and discussions
- Attended a WALGA Local Government Act Review Forum in Cranbrook
- Attended a Bremer Bay Boat Harbour Working Group meeting
- Attended an afternoon tea with the Governor of Western Australia, Mr Kim Beazley

**11.0 NEW BUSINESS OF AN URGENT NATURE**

Mr Murray Flett to investigate Main Roads specifications to add Vasey Street and Memorial Road on the RAV network and report back to Council at the December meeting.

10.35am Mr Murray Flett and Mr Martin Cuthbert left the meeting.

10.36am Mr Murray Flett returned to the meeting.

10.37am Cr Price left the meeting

10.38am Mr Martin Cuthbert returned to the meeting.

10.40am Cr Price returned to the meeting.

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

(CONFIDENTIAL MATTERS)

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

(CONFIDENTIAL MATTERS)

**OFFICER RECOMMENDATION:**

That Council approve late item 12.1.1 – Minutes of the CEO Review Committee.

**MOTION: OC091118****MOVED: Cr Iffla****SECONDED: Cr Leenhouders**

That Council approve late item 12.1.1 – Minutes of the CEO Review Committee.

**CARRIED: 7/0**

10.51am Council adjourned for morning tea.

11.11am Council reconvened with the following in attendance Councillors; Lester, Iffla, Parsons, Price, Bailey, Trevaskis and Leenhouders.

11.39am Mr Martin Cuthbert returned to the meeting.

**OFFICER RECOMMENDATION:**

That the meeting be closed to the general public to discuss Agenda Item 12.1.1 pursuant to the *Local Government Act 1995* section 5.23 (2)(a) relating to a matter affecting an employee or employees.

**MOTION: OC101118****MOVED: Cr Leenhouders****SECONDED: Cr Parsons**

That the meeting be closed to the general public to discuss Agenda Item 12.1.1 pursuant to the *Local Government Act 1995* section 5.23 (2)(a) relating to a matter affecting an employee or employees.

**CARRIED: 7/0****12.1.1 MINUTES CEO REVIEW COMMITTEE****Location/Address:** N/A**Name of Applicant:** N/A**File Reference:** Personnel File**Author:** Martin Cuthbert, Chief Executive Officer**Responsible Officer:** Martin Cuthbert, Chief Executive Officer**Disclosure of any Interest:** Financial Interest – Relates to author's contact of employment**Date of Report:** 20 November 2018

**Attachments:** 1. Confidential – Minutes CEO Review Committee &  
Performance Review Documentation

**Authority/Discretion:** Executive**OFFICER RECOMMENDATION:**

That the Minutes and confidential attachments of the CEO Appointment and Review Committee held 21 November 2018 be confirmed.

**MOTION: OC111118****MOVED: Cr Parsons****SECONDED: Cr Bailey**

1. That the Minutes and confidential attachments of the CEO Appointment and Review Committee held 24 October and 21 November 2018 be confirmed.
2. That Council adopt the recommendations contained within the report.

**CARRIED: 7/0****OFFICER RECOMMENDATION:**

That the meeting be opened to the general public.

**MOTION: OC121118****MOVED: Cr Leenhouders****SECONDED: Cr Trevaskis**

That the meeting be opened to the general public.

**CARRIED: 7/0**



### **13.0 CLOSURE**

#### **13.1 DATE OF NEXT MEETING**

The next ordinary meeting of Council will be held Wednesday, 19 December 2018 commencing at 8:30am, in the Emergency Services Shed, Bremer Bay.

#### **13.2 CLOSURE OF MEETING**

The Presiding Member closed the meeting at 11.50am.

These minutes were confirmed at a meeting held .....  
by the Presiding Person at the meeting at which these minutes were confirmed.

Signed: .....

Date: .....