



# 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 November 2018  
At the Council Chambers  
8 Vasey Street, Jerramungup  
Commencing at 8:30am

### **Council Meeting Procedures**

- All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
- Members of the public may ask a question at an ordinary Council meeting under “public question time”.
- 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.
- All other arrangements are in accordance with the Council’s Code of Conduct, policies and decisions of the Shire.

Martin Cuthbert

CHIEF EXECUTIVE OFFICER

14 November 2018

## 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 forward 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.

### COPYRIGHT

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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.”

**2018 MEETING DATES**

At its Ordinary Meeting of Council on 20 December, 2017, Council adopted the following meeting dates for 2018:

January	-----	-----	Council in Recess
Wednesday	21 February 2018	2.00pm	Council Chambers, Jerramungup
Wednesday	21 March 2018	2.00pm	Council Chambers, Jerramungup
Wednesday	18 April 2018	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	16 May 2018	2.00pm	Council Chambers, Jerramungup
Wednesday	20 June 2018	2.00pm	Council Chambers, Jerramungup
Wednesday	18 July 2018	2.00pm	Council Chambers, Jerramungup
Wednesday	15 August 2018	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	19 September 2018	2.00pm	Council Chambers, Jerramungup
Wednesday	17 October 2018	8.30am	Council Chambers, Jerramungup
Wednesday	21 November 2018	8.30am	Council Chambers, Jerramungup
Wednesday	19 December 2018	8.30am	Emergency Services Shed, Bremer Bay

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

**MEETING ATTENDANCE**

The following table provides information on attendance at the 2018 Ordinary and Special Council Meetings:

Councillor	17 Jan	14 Feb	21 Feb	21 Mar	18 Apr	16 May	20 June	18 July	23 July	15 Aug	19 Sept	17 Oct	21 Nov	19 Dec
	SCM	SCM	OCM	OCM	OCM	OCM	OCM	OCM	SCM	OCM	OCM	OCM	OCM	OCM
R Lester	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
J Iffla	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	LoA		
W Bailey	✓	✓	✓	✓	✓	✓	✓	A	✓	✓	✓	✓		
J Leenhouders	✓	✓	✓	✓	✓	✓	✓	LoA	✓	✓	✓	✓		
R Parsons	✓	✓	✓	✓	✓	✓	✓	✓	LoA	LoA	✓	✓		
A Price	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
B Trevaskis	✓	✓	✓	✓	✓	✓	✓	✓	✓	A	✓	✓		

**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.

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## **ORDINARY COUNCIL MEETING**

### **AGENDA**

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

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

#### **2.0 RECORD OF ATTENDANCE**

##### **2.1 ATTENDANCE**

**ELECTED MEMBERS:**

**STAFF:**

**VISITORS:**

**GALLERY:**

##### **2.2 APOLOGIES**

##### **2.3 APPROVED LEAVE OF ABSENCE**

##### **2.4 ABSENT**

##### **2.5 DISCLOSURE OF INTERESTS**

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

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

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

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

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



### **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**

#### **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.

### **8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES**

Nil

## 9.0 REPORTS

### 9.1 TECHNICAL SERVICES

#### 9.1.1 WORKS REPORT FOR OCTOBER 2018

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Murray Flett, Manager of Works
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	31 October 2018
<b>Attachments:</b>	Road Construction Program Schedule
<b>Authority/Discretion:</b>	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.**

**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).**

## 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 IMPLCATIONS:**

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*.**

**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 sublicense 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.

**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.**



**9.4.2 COUNCIL MEETING DATES 2019**

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

<b>DAY</b>	<b>DATE</b>	<b>TIME</b>	<b>VENUE</b>
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.**

**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.**

## **10.0 COUNCILLOR REPORTS**

## **11.0 NEW BUSINESS OF AN URGENT NATURE**

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

(CONFIDENTIAL MATTERS)

## **13.0 CLOSURE**

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

The next ordinary meeting of Council will be held Wednesday, 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 .....

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

Signed: .....

Date: .....