



SHIRE OF JERRAMUNGUP

SPECIAL COUNCIL MEETING

**Held at the Town Hall
Bremer Bay
Wednesday, 3 February 2021**

MINUTES

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Shire of Jerramungup
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Special Meeting of Council
Wednesday 3 February 2021

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ORDINARY COUNCIL MEETING MINUTES

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 10:32am 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 Rex Parsons	Councillor
Cr Julie Leenhouders	Councillor
Cr Andrew Price	Councillor
Cr Drew Dawson	Councillor

STAFF:

Charmaine Solomon	Acting Chief Executive Officer
Noel Myers	Manager of Development
Rachel Smith	Executive Officer

VISITORS:

Nil

GALLERY:

Bob Van Den Berg

Anne Van Den Berg

Jeni Dawson entered at 10:36am

2.2 APOLOGIES

Cr Bill Bailey, Councillor

Martin Cuthbert, Chief Executive Officer

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

Nil

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

Nil

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

Nil

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

Bob Van Den Berg addressed Council in regards to the Minutes from Ordinary Council Meeting held 16 December 2020. Bob Van Den Berg raised concerns that the minutes did not reflect what he and other visitors believed occurred at the meeting occurred, Bob Van Den Berg commented on the process being unclear.

Cr Robert Lester affirmed to Mr Van Den Berg that no alternative motion was moved, and Council voted on the Officer Recommendation. The Motion was Moved by Cr Leenhouwers and Seconded by Cr Parsons as per the Officer Recommendation without any alteration being made.

Bob Van Den Berg requested that the Item come before Council at the next Ordinary Council Meeting and would like support from Council for the reissue of the Doubtful Island Lease from Department of Lands.

Manager of Development Noel Myers advised that a request can be submitted to Council to reconsider the report at the next Ordinary Council Meeting being held on 24 February 2021.

Jeni Dawson entered the meeting at 10:36am.

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting held 16 December 2020.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Emergency Services Shed, Bremer Bay, on 16 December 2020 be CONFIRMED

MOTION: SCM210101

MOVED: Cr Leenhouders

SECONDED: Cr Iffla

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Emergency Services Shed, Bremer Bay, on 16 December 2020 be CONFIRMED

CARRIED: 6/0

8.0 REPORTS

8.1 DEVELOPMENT AGREEMENT FOR JERRAMUNGUP SWIMMING POOL

Location/Address:	2 Lancaster Road, Jerramungup, WA, 6337
Name of Applicant:	N/A
File Reference:	
Author:	Janna Cheshire, Project Officer/Building Surveyor
Responsible Officer:	Charmaine Solomon, Acting Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	1 February 2021
Attachments:	a) Draft Development Agreement b) Independent Certifier Deed
Authority/Discretion:	Executive

SUMMARY:

This item seeks Council's endorsement of the Development Agreement between the Minister of Education and the Shire of Jerramungup for the management of the project works associated with the Jerramungup Swimming Pool redevelopment.

BACKGROUND:

The Shire is currently delivering works associated with the redevelopment of the Jerramungup Swimming Pool at 2 Lancaster Road in Jerramungup. The tenure of the project site is with the Department of Education, notwithstanding the current lease agreement extends the management of the site to the Shire of Jerramungup.

As a condition of the Department of Education agreeing to the redevelopment of the site, they require a development agreement between the Minister of Education and the Shire of Jerramungup to be in place prior to the commencement of any construction works.

The Minister has agreed to permit the Shire to undertake the Development on the Land in accordance with the provisions of this Agreement, including the:

- (a) grant of the Development Licence to permit construction of the Development; and
- (b) the Minister granting the Shire the Licence.

The draft Development Agreement and Independent Certifiers Deed has been developed by the Department of Education and is attached for Council's review.

CONSULTATION:

Department of Education

H + H Architects (Project Managers)

COMMENT:

The Development Agreement sets out procedures to which Council is expected to manage and deliver the project and associated works.

The nature and structure of the agreement has been reviewed by the administration and other key stakeholders and presents reasonable and practical.

The Independent Certifier Deed stipulates the terms and conditions under which the Independent Certifier will perform its services and is executed by the Minister, the Shire and the Independent Certifier. The Shire has engaged Statewide Building Certification WA to fulfil this role as part of the consultancy team that was engaged at the beginning of the project and costs for this service are accounted for in the existing budget.

The Independent Certifier's role is to:

- independently certify in accordance with the Independent Certifier Deed that:
- the design documentation for the final design for the Development is appropriate for construction purposes and complies with the Development Plans and Specifications;
- the Works comply with the requirements of the final design and the Specifications;
- Practical Completion has been achieved; and
- all defects have been rectified within the Defects Liability Period;
- provide the State's Representative with a written report on any matter required by the State's Representative in relation to any compliance certificate; and
- perform all other functions in accordance with the Independent Certifier Deed.

The Independent Certifier is obliged to act independently of the Minister, the Shire, the Contractor and any of the Contractor's subcontractors.

The review has not identified any contentious matters that impart undue risk or burden on Council beyond what is reasonably expected when undertaking management of a project of this nature.

STATUTORY ENVIRONMENT:

Nil

STRATEGIC IMPLICATIONS:

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

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

Objective 2.1.2 - Lobby for redevelopment of the Jerramungup School Pool

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

FINANCIAL/BUDGET IMPLCATIONS:

There are no further additional financial/ budget implications expected on the Swimming Pool Upgrade project.

WORKFORCE IMPLICATIONS:

There are no additional workforce implications as a result of this item.

POLICY IMPLICATIONS:

There are no policy implications as a result of this item.

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION:**That COUNCIL;**

1. Endorse the Development Agreement for the Jerramungup District High School Swimming Pool between the Minister of Education and the Shire of Jerramungup; and
2. That Council delegate authority to the CEO and Shire President to execute the Development Agreement and the Independent Certifier Deed and affix the common seal subject to there being no material variations in the final document.

MOTION: SCM210102**MOVED: Cr Dawson****SECONDED: Cr Iffla**

That COUNCIL rescind officer recommendation and accept alternative motion proposed by Officer.

CARRIED: 6/0**ALTERNATIVE MOTION: SCM210103****MOVED: Cr Dawson****SECONDED: Cr Leenhouders**

That COUNCIL by ABSOLUTE MAJORITY;

1. Endorse the Development Agreement for the Jerramungup District High School Swimming Pool between the Minister of Education and the Shire of Jerramungup with the amendments proposed by the Shire's Solicitors; and
2. That Council delegate authority to the CEO and Shire President to execute the Development Agreement and the Independent Certifier Deed and affix the common seal subject to there being no material variations in the final document.

CARRIED BY ABSOLUTE MAJORITY: 6/0

Reason for variation: Officer had received legal advice on proposed amendments to be included in the Development Agreement.

9.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

(CONFIDENTIAL MATTERS)

Nil

10.0 CLOSURE

10.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 24 February 2021, commencing at 2.00pm, in the Council Chambers, 8 Vasey Street, Jerramungup.

10.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at 11:04am

These minutes were confirmed at a meeting held

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Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: