

SHIRE OF JERRAMUNGUP



MINUTES

COUNCIL ORDINARY MEETING

18th MARCH 2015

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SHIRE OF JERRAMUNGUP

ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, JERRAMUNGUP ON WEDNESDAY 18th MARCH 2015, COMMENCING AT 2.05PM.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 2.05pm.

2. RECORD OF ATTENDANCE

Cr R Lester	President
Cr J Iffla	Deputy President
Cr B Trevaskis	Member
Cr C Daniel	Member
Cr R Parsons	Member
Cr J Leenhouders	Member
Mr B Bailey	Chief Executive Officer
Mr C Pursey	Planning Officer
Mrs C Solomon	Acting Deputy Chief Executive Officer
Dr I Weir	Public Member

3. APOLOGIES

Cr W Bailey Member

4. LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

Dr Weir presented to Council on the application for Lot 103 Point Henry Road, Bremer Bay. This highlighted Dr Weir's views on rigid Building Protection Zones and the DFES referral process, particularly for development proposals in Kwongkan Shrubland and heath vegetation communities.

2.40pm Dr Weir and Mr Pursey left the meeting.

8. DECLARATIONS OF FINANCIAL INTEREST

Cr Parsons declared an proximity interest in Item 10.3.1 – Proposed Roadside Sign – Lot 1276 South Coast Highway, Jacup. The nature of the interest is the road sign is located on his property however it has no relationship to his property.

Cr Parsons declared a financial interest in Item 10.4.5 – Waste Management Fees & Charges. The nature of the interest is he is a Director and Partner of Megatime Pty Ltd which is the lessee of the Bremer Bay Caravan Park to which the fees and charges will directly impact.

Cr Parsons declared a financial interest in Item 10.4.6 – Lease – Bremer Bay Caravan Park. The nature of the interest is he is a Director and Partner of Megatime Pty Ltd which is the lessee of the Bremer Bay Caravan Park.

Cr Daniel declared a financial interest Item 10.4.6 – Lease - Bremer Bay Caravan Park. The nature of the interest is she owns a caravan in the park.

Mr Bailey declared an impartial interest Item 10.4.6 – Lease - Bremer Bay Caravan Park. The nature of the interest is his parents own a caravan in the park of which he is a regular user.

Mr Bailey declared a financial interest Item 10.4.7 – Setting of Key Performance Indicators for the CEO. The nature of the interest is it relates to his employment.

9. CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting held 18th February 2015

OC150301 Moved Cr Daniel / Seconded Cr Trevaskis

That the Minutes of the Ordinary Meeting of Council held 18th February 2015 be confirmed.

Carried 6-0

W O R K S

SUBMISSION TO:	Works
AGENDA REFERENCE:	10.1.1
SUBJECT:	Works Report
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Chris Miller
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	4th March 2015

ATTACHMENT

Attachment 10.1.1(a) – Road maintenance report
Attachment 10.1.1(b) – Road construction program schedule

ROAD CONSTRUCTION

Works on Rabbit Proof Fence Road are progressing well with the crew widening, upgrading drainage, forming and re-sheeting from Jerramungup North, 3km west.

Extensive regrowth & overburden removal has meant that the generic 4 week re-sheet has turned into a six week job to open up the road corridor and re-establish the formation widths.

The job is on track to be complete by the 13th March and then the crew will mobilise to Jerramungup North Road to complete re-sheeting works from the Jerramungup Gnowangerup Highway to the airstrip.

The remaining gravel requirements for the rest of the construction program has also been sourced and stockpiled to carry out works before the end of the financial year.

ROAD MAINTENANCE

The Road Maintenance team has been completing maintenance grading activities around Needilup and moving east towards Jacup.

The road formations have been significantly dry due to no late summer rains which have meant that the team has just been able to do a single cut, trying to remove corrugations and any loose material.

The team will continue on their cycle, mobilising out to Fitzgerald to complete works on Mallee and Lake Magenta roads and then work their way west through Jacup.

Road spraying and weed control is also ongoing on various roads throughout the Shire.

TOWN SERVICES

The Town Services team has been working on various jobs throughout the Shire. The Bremer Bay tree dump is almost complete which is a significant upgrade from the former arrangements and now allows more controlled burns as required with three separate cells.

The team has also started the earthworks for the Gairdner ambulance shed ready for the installation of the new building

Over the coming months the team will be focusing on street drainage and verge maintenance in both Jerramungup and Bremer Bay as well as fixing up troubled areas of footpath.

FURTHER COMMENTS

After a recent review of the 2014/2015 infrastructure program we have noted a cost overrun with the re-sheeting works on Rabbit Proof Fence Road. The additional costs are associated with internal wages and plant costs and accordingly have no significant impact on Council's end of year financial position. Instead it reflects a reduction in the construction crew's capacity to complete all budgeted re-sheeting projects.

A significant amount of regrowth vegetation clearing and removal of unsuitable material needed to be undertaken to open up the road corridor to the new formation widths. These extra works added an additional 2 weeks to the original program which resulted in a cost and time overrun. The additional cost is also associated with increasing plant operating rates as a result of higher than usual expenditure on plant maintenance and repairs.

It is our recommendation that Council recognise that the Boxwood Ongerup Road re-sheeting job will carry forward to 2015/2016 financial year given the remaining timeframe in the road construction team. Subsequently the workforce and plant costs will be diverted to the remaining gravel sheeting projects and offset the additional plant and labour required to complete Rabbit Proof Fence Road.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

This item relates to the following component from the Shire of Jerramungup Strategic Community Plan 2012 – 2025;

Aspiration 10: A community where transport infrastructure is constructed and maintained using best practice principals.

FINANCIAL IMPLICATIONS

Over-expenditure on Rabbit Proof Fence Road is discussed above.

POLICY IMPLICATIONS

Nil

WORKFORCE IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Adopt the February works report.
2. Recognise that the Boxwood Ongerup Road Re-sheeting project will carry forward to the 2015/2016 financial year.

OC150302 Moved Cr Leenhouwers / Seconded Cr Iffla

That Council;

- 1. Adopt the February works report.**
- 2. Recognise that the Boxwood Ongerup Road Re-sheeting project will carry forward to the 2015/2016 financial year.**

Carried 6-0

FINANCE

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.1
SUBJECT:	Accounts Payable
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	
AUTHOR:	Mel Aitchison
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	9 th March 2015

ATTACHMENT

Attachment 10.2.1 - List of Accounts Paid to 28th February 2015

BACKGROUND

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	27838	
	EFT 10112 - 10114	\$9,217.95
	EFT 10115 – 10115	Cancelled
	EFT 10116 – 10148	\$61,663.22
	EFT 10149 – 10149	Cancelled
	EFT 10150 – 10185	\$181,625.10
	EFT 10187 - 10259	\$368,225.29
	Cheque 27839 - 27845	\$18,548.12
	Cheque 27846 – 27846	Cancelled
	Cheque 27847 - 27850	\$5,069.78
	Direct Debits	\$189.65
Municipal Account Total		\$644,539.11
Trust Account		
	EFT 10111 - 10111	\$32,988.93
	EFT 10186 - 10186	\$2,500.00
Trust Account Total		\$35,488.93
<u>Grand Total</u>		<u>\$680,028.04</u>

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.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the schedule of direct debits and accounts payable, totalling submitted \$680,028.04 to the Full Council on 18th March 2015 be endorsed.

SIGNATURES

Author

Chief Executive Officer

OC150303 Moved Cr Iffla / Seconded Cr Parsons

That the schedule of direct debits and accounts payable, totalling submitted \$680,028.04 to the Full Council on 18th March 2015 be endorsed.

SIGNATURES

Author

Chief Executive Officer

Carried 6-0

3.05pm Mr Pursey returned to the meeting.

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.2
SUBJECT:	Monthly Financial Report
LOCATION/ADDRESS:	Shire of Jerramungup
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	9 th March 2015

SUMMARY

This report presents the monthly financial report to Council which is provided as an attachment to the agenda. The recommendation is to receive the monthly financial report.

ATTACHMENT

Attachment 10.2.2 - Monthly Financial Report – Period Ending 28th February 2015

BACKGROUND

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month with the following detail

- 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, and
- Any other required supporting notes.

CONSULTATION

Council financial records.

COMMENT

This 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.

STATUTORY REQUIREMENTS

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that financial activity statement reports are provided each month reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month.

The report is to be presented at either the next ordinary meeting after the end of the month, or if not prepared in time to the next ordinary meeting after that meeting.

STRATEGIC IMPLICATIONS

This item relates to the following component from the Shire of Jerramungup Strategic Community Plan 2012 – 2025;

Aspiration 11: A community where revenue is maximised and rating methodology is fair, equitable and transparent.

FINANCIAL IMPLICATIONS

As detailed within the Monthly Financial Report

POLICY IMPLICATIONS

Accounting policies as detailed within the Monthly Financial Report

WORKFORCE IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council receive the Monthly Financial Report for the period ending 28th February 2015 in accordance with Section 6.4 of the Local Government Act 1995.

OC150304 Moved Cr Trevaskis / Seconded Cr Daniel

That Council receive the Monthly Financial Report for the period ending 28th February 2015 in accordance with Section 6.4 of the Local Government Act 1995.

Carried 6-0

3.12pm Cr Parsons declared a proximity interest Item 10.3.1 – Proposed Roadside Sign – Lot 1276 South Coast Highway Jacup and left the meeting.

OC150305 Moved Cr Trevaskis / Seconded Cr Iffla

That Cr Parsons interest in the item is of trivial nature and is unlikely to influence his conduct and that he be allowed to participate and vote on the matter.

Carried 5-0

3:14pm Cr Parsons returned to the meeting

**HEALTH,
BUILDING
&
TOWN PLANNING**

SUBMISSION TO:	Health, Building & Town Planning
AGENDA REFERENCE:	10.3.1
SUBJECT:	Proposed roadside sign
LOCATION/ADDRESS:	Lot 1276 South Coast Highway, Jerramungup
NAME OF APPLICANT:	Yongergnow Australian Malleefowl Centre
FILE REFERENCE:	TT.SC.1
AUTHOR:	Craig Pursey, Planning Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 th March 2014

SUMMARY

A review of all roadside signage has been underway for a number of months now, the latest stage is the removal of all roadside signage on the approaches to the Shire's town sites.

Yongergnow Australian Malleefowl Centre (Yongergnow) has a sign on Lot 1276 South Coast Highway, Jerramungup that was requested to be removed as part of this process. Yongergnow have requested Council consider permitting their road side sign.

This report recommends refusal.

ATTACHMENT

Attachment 10.3.1 - Letter from Yongergnow Australian Malleefowl Centre

BACKGROUND

A review of all roadside signage has been underway for a number of months now. This process has included the following steps:

1. Review and refresh of all directional signs;
2. Refreshing and updating of information bays; and
3. Removal of all roadside signage; both in the road reserve and in paddocks adjacent to the road reserve.

All of these steps are moving toward completion.

The reasons for the review of directional signage and removal of roadside signage include:

- Billboards and other signs located at the entrance to town sites can affect the amenity of a townsite for visitors and locals interrupting the views of the rural landscape;
- Often these signs can end up in a poor state and they reflect badly on the town they are seeking to advertise in;
- Businesses located in town sites are generally found in legible commercial or industrial areas and can be located through the use of adequate signage at their place of business and approved directional signage.

- It is questionable how effective roadside signs are in getting people to stop in a town when compared to the generic signage. More often than not tourists are looking for goods and services rather than an individual business and locals know where the business is already. Roadside signs allow business to start competing well beyond the town and this can lead to a proliferation of signs.
- The Shire has now upgraded all directional signage throughout Jerramungup and Bremer Bay and is in the process of upgrading the Information Bays. There will be places to advertise within the Information Bays (in a controlled fashion) and this is seen as the most practical way of effectively advertising the location of business to tourists.

The tidy up of all roadside signs is seen as another positive step in improving the approaches to our town sites.

Previous Approvals

There were a limited number of planning approvals issued by Council back around 2004 for some roadside signs. Clause 11.2 of the Local Planning Scheme allows for the rescission of approval for a sign.

However the majority of roadside signs do not have approval; the Yongergnow sign included.

Approval Process

Main Roads WA have an approval role in all roadside signs, both in the highway reserve and those seen in paddocks adjacent to the highway. However, the Shire of Jerramungup accepted delegation of this role and the Shire is currently the sole decision maker for roadside signs.

The Shire's Advertising Signs policy recommends only considering 'hoardings' in exceptional circumstances.

Main Roads WA has a draft policy, awaiting sign off by the Minister for Transport that will rescind all delegation for roadside signs and not permit most roadside signs outside of a townsite.

CONSULTATION

Letters have been sent to all owners of existing signs and landowners with signs on their properties requiring removal of the sign by the 6th February 2015 or the Shire will remove the sign.

COMMENT

The Proposal

Yongergnow have requested that Council consider permitting the sign on Lot 1276 South Coast Highway, Jerramungup for the following reasons:

1. The sign is now in a good state of repair, looks professional and they have committed to keeping in a good state;
2. Yongergnow is a not-for-profit, community run organisation that is totally dependent on tourists, and relies heavily on road signage to bring visitors to the centre; and
3. Indirectly all visitors attracted to the Centre benefit the local community too.

A copy of the letter is included in the attachments (10.3.1).



Note: The sign information remains the same; the sign has been fixed since this photo was taken.

Assessment

The request to retain the Yongergnow Sign is effectively a planning application for a roadside sign and should be assessed against Local Planning Policy 4 – Advertising Signs (LPP4).

The proposed sign would be assessed as a ‘hoarding’ under LPP4, the relevant portion of this policy states:

7.2.8 Hoarding Sign

Hoarding Signs are generally discouraged within townsites and should not be displayed in any residential area or in a location visible from any residential area, beach, tourist area or significant tourist route/ destination.

Hoardings should not be located any closer than its own height to a thoroughfare or public place.

Council will only consider hoardings in exceptional circumstances having regard for the following;

- (i) The location, visual prominence and impact on the amenity of the area;*
- (ii) The purpose of the advertisement and any promotions that may benefit the wider community or local businesses;*
- (iii) The impact on the surrounding landscape, environment or rural environment;*
- (iv) Any precedent that may be undesirable.*

Council has the ability to approve or refuse the sign. Points in favour of approving the sign include:

- It advertises a tourist orientated not for profit business that relies on tourist traffic;
- It raises awareness of the facility to the travelling public; and
- The sign is of a good quality.

Points against the proposed sign include:

- The sign is located 47kms away from the facility;
- Supporting any exceptions to road side signage weakens the current signs compliance action and creates some precedent for further applications for exceptional circumstances (i.e. sets a precedent);
- Supporting signage to a facility in another town whilst requiring removal of all signage relating to Jerramungup may be seen as inequitable; and
- The sign has some potential to distract drivers travelling at speed from a road safety point of view.

On balance refusal is recommended largely based on the need for consistency.

Jerramungup has a new consolidated brown and white tourist sign listing the attractions of the town for visitors.

As a tourist destination, the Yongergnow sign may be replaced by standard brown and white directional signage at an agreed location with Main Roads WA.

STATUTORY REQUIREMENTS

The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the WAPC.

STRATEGIC IMPLICATIONS

The officer recommendation aligns with the following aspiration of the Strategic Community Plan:

Aspiration 2: A growing community that embraces well designed and sustainable development.

FINANCIAL IMPLICATIONS

There will be some cost to Council in removing all roadside signage.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council adopted Local Planning Policy 4 – Advertising Signage on the 16th December 2008. Assessment of the proposal against this policy is detailed elsewhere in the report.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council refuse the application for a roadside sign from Yongergnow Australian Malleefowl Centre at Lot 1276 South Coast Highway, Jerramungup for the following reasons:

1. The proposed sign will set an undesirable precedent for other roadside signage in a manner inconsistent with Local Planning Policy 4;
2. The sign does not relate to a business or activity on the property on which it is located; and
3. The accumulative impact of this sign with other roadside signs will have an undesirable impact on the surrounding landscape, rural environment and approach to the Jerramungup townsite.

OC150306 Moved Cr Leenhouders / Seconded Cr Iffla

That Council refuse the application for a roadside sign from Yongergnow Australian Malleefowl Centre at Lot 1276 South Coast Highway, Jerramungup for the following reasons:

- 1. The proposed sign will set an undesirable precedent for other roadside signage in a manner inconsistent with Local Planning Policy 4;**
- 2. The sign does not relate to a business or activity on the property on which it is located; and**
- 3. The accumulative impact of this sign with other roadside signs will have an undesirable impact on the surrounding landscape, rural environment and approach to the Jerramungup townsite.**

Carried 6-0

A D M I N

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.1
SUBJECT:	Administration Status Report
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Shire of Jerramungup
FILE REFERENCE:	
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	10 th March 2015

SUMMARY

This status report provides Council with an update on current projects of interest being addressed by administration.

ATTACHMENT

Nil

PROJECT UPDATE

1) Bremer Bay Medical Centre

The Shire understands that two business cases are currently being finalised by the Department of Health for the Bremer Bay and Jerramungup Health Facilities.

The business cases will be used by the Department of Health to make budget submissions and to apply for funding programs such as Royalties for Regions.

2) Strategic Waste Management

The Shire has received advice that the Regional Waste Facilities project has received approximately \$3.12M which will be used to implement the business case for developing Regional Waste Sites in Ravensthorpe and Katanning and upgrading local transfer stations and waste facilities within the other participating Shires.

3) Fisheries Beach Marina

In response to many community complaints in relation to sand accumulation at the boat ramp, an application under the Recreation Boating and Facilities Funding program was submitted and was funded by the Department of Transport. The Shire expects the Department of Transport to commence the project of constructing two sandbag style groynes towards the latter half of 2015.

4) RAV Network Within Jerramungup Town Site

Shire staff members have met with representatives from MRWA to review the existing RAV network within the Jerramungup town site. Subsequently an application to review the existing limitations on Memorial Road has been submitted which may extend the northern section into a RAV 7 nominated road.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.2
SUBJECT:	Audit Committee Meeting Minutes
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	Nil
AUTHOR:	Charmaine Solomon
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	9 th March 2015

ATTACHMENT

Attachment 10.4.2 – Audit Committee Meeting Minutes

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Minutes of the Audit Committee meeting held 18th February 2015 (copy contained within agenda attachments) be received and the following recommendations be adopted;

1. That the Audit Committee recommend that Council adopt the Compliance Audit Return for 2014.
2. That the Audit Committee approves the use of telecommunications and holds a teleconference with Council's auditor Russell Harrison to discuss 13/14 financial year performance and audit reports.
3. That the Audit Committee resolves to recommend that Council receives the Chief Executive Officer's biennial review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal controls, and legislative compliance as detailed in the attachment.

OC150307 Moved Cr Daniel / Seconded Cr Leenhouders

That the Minutes of the Audit Committee meeting held 18th February 2015 (copy contained within agenda attachments) be received and the following recommendations be adopted;

- 1. That the Audit Committee recommend that Council adopt the Compliance Audit Return for 2014.**
- 2. That the Audit Committee approves the use of telecommunications and holds a teleconference with Council's auditor Russell Harrison to discuss 13/14 financial year performance and audit reports.**
- 3. That the Audit Committee resolves to recommend that Council receives the Chief Executive Officer's biennial review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal controls, and legislative compliance as detailed in the attachment.**

Carried 6-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.3
SUBJECT:	Lease Renewal – Telstra’s Telecommunications Facility
LOCATION/ADDRESS:	Lot 2135 Tooreburrup Road, Bremer Bay
NAME OF APPLICANT:	Telstra Corporation Limited
FILE REFERENCE:	
AUTHOR:	Charmaine Solomon
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	9 th March 2015

SUMMARY

Telstra Corporation Limited has requested a renewed lease be executed for Telstra’s Telecommunications facility located at Lot 2135 Tooreburrup Road, Bremer Bay.

The recommendation supports the lease for a portion only of Lot 2135 Tooreburrup Road, Bremer Bay.

ATTACHMENT

Attachment 10.4.3 – Telstra Lease

BACKGROUND

The original lease H516376 between the Shire of Jerramungup and Telstra Corporation Limited for the Telecommunications facility was registered with Landgate dated 12th July 2000. The lease expired 28th February 2010, Telstra Corporation Limited then requested a Deed of Renewal for a second further term of 5 years expiring 28th February 2015.

A new lease is now required between the Shire of Jerramungup and Telstra Corporation Limited.

CONSULTATION

Telstra Corporation Limited, Senior Staff and McLeods Solicitors.

COMMENT

The lease proposed will be for a portion of Lot 2135 on Diagram 84299 a sketch of the premises is attached to the lease.

The agreed terms are;

- Term: Ten (10) years plus two (2) further terms of five (5) years each
- Rent: \$2,500 per annum
- Review of rent: The rent is to be increased on each review date by 3% per annum during the term and any further term
- Telstra will arrange for Ministerial consent and attend to the registration of the lease.

STATUTORY REQUIREMENTS

Requirements of Section 3.58 of the Local Government Act 1995 will need to be satisfied as this proposal recommends disposing of a portion of the property via lease.

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)⁵.]

STRATEGIC IMPLICATIONS

The policy relates to the following component from the Shire of Jerramungup Strategic Community Plan 2012 – 2025;

Aspiration 6: An engaged and informed community, defined by strong civic leadership, sound governance and transparent decision making.

FINANCIAL IMPLICATIONS

The proposed annual lease on the telecommunications facility is \$2,500 per annum. The lease fee is to be increased on each review date by 3% per annum during the term and any further term.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Dispose of a portion of Lot 2135 Tooreburrup Hill Road via lease to Telstra Corporation Limited for a telecommunications facility subject to the following conditions:
 - a. All requirements of Section 3.58 (3) and (4) being carried out.
 - b. Lease term to be ten years commencing 1st March 2015 and expiring 28th February 2025 with two further five year options.
 - c. Annual lease fee to be \$2,500 indexed by 3% annually.
2. Subject to their being no adverse submissions within the advertising period, authorise the Shire President and Chief Executive Officer to execute the lease agreement and register the lease with the Minister for Lands.

That Council;

- 1. Dispose of a portion of Lot 2135 Tooreburrup Hill Road via lease to Telstra Corporation Limited for a telecommunications facility subject to the following conditions:
 - a. All requirements of Section 3.58 (3) and (4) being carried out.**
 - b. Lease term to be ten years commencing 1st March 2015 and expiring 28th February 2025 with two further five year options.**
 - c. Annual lease fee to be \$2,500 indexed by 3% annually.****
- 2. Subject to their being no adverse submissions within the advertising period, authorise the Shire President and Chief Executive Officer to execute the lease agreement and register the lease with the Minister for Lands.**

Carried 6-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.4
SUBJECT:	Local Emergency Management Committee Meeting Minutes
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	Nil
AUTHOR:	Charmaine Solomon
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	9 th March 2015

ATTACHMENT

Attachment 10.4.4 – LEMC Committee Meeting Minutes 9th March 2015

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Minutes of the Local Emergency Management Committee held on 9th March 2015 (copy contained within agenda attachments) be received.

OC150309 Moved Cr Daniel / Seconded Cr Iffla

That the Minutes of the Local Emergency Management Committee held on 9th March 2015 (copy contained within agenda attachments) be received.

Carried 6-0

3.22pm Cr Parsons left the meeting after declaring a financial interest Item 10.4.5 – Waste Management Fees and Charges and Item 10.4.6 Lease – Bremer Bay Caravan Park.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.5
SUBJECT:	Waste Management Fees and Charges
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	11 th March 2015

SUMMARY

This item addresses a review of the Shire's waste management fees and charges with the aim of simplifying the schedule and providing for a consistent cubic metre rate for the disposal of general waste.

ATTACHMENT

Nil

BACKGROUND

Over the past five years the Shire of Jerramungup has been reviewing and changing the way in which waste services are delivered to the community. During this period and in response to increasing compliance requirements three waste facilities have been closed and the remaining facilities and Bremer Bay and Jerramungup are now manned and subject to restricted opening hours.

Inevitably operating the waste sites as manned facilities has resulted in significantly increased costs with each site costing around \$100,000 per annum. Additionally compliance requirements from the Department of Environment Regulation continue to evolve and require further financial investment to maintain license conditions.

Within the Shire there are currently three methods whereby residents or businesses interact with the Shire's waste management services.

- 1) Domestic residents, commercial businesses with regular volumes of waste within town sites and some rural residents on rubbish truck routes have their waste picked up by Council's contractor and pay for this service through their rate notice.
- 2) Domestic and commercial rubbish users can take loads of rubbish direct to the landfill facilities during opening hours and pay the fee at the tip site based on the quantity and type of waste.
- 3) Some commercial users with inconsistent rubbish volumes are charged via sundry debtors when the Shire is advised quantities from the rubbish contractor.

The current pricing structure for each service is discussed as follows:

1. **Residential and Commercial Rubbish Bins charged via the rate notice**
 - a. At present the Shire of Jerramungup charges **\$295.00** per bin service on the annual rate notice.
 - b. Under the existing contract the Shire incurs a pickup fee of **\$1.80** per bin amounting to **\$93.60** per annum per bin.

- c. The remaining **\$201.40** is put towards the costs of operating the Shire's waste sites.
- d. The bin/s is supplied by the owner of the property and has recently been audited (November 2014 and January 2015) to confirm bin numbers around the Shire.
- e. On an annual basis this equates to \$5.67 per pickup @ **\$23.62 per cubic metre** based on a 240L bin being filled to capacity.

2. Commercial waste charged via sundry debtors

- a. The arrangement has been in place for a number of years for commercial properties with widely varying bin pickups – e.g. Caravan Parks during peak holiday season.
- b. This arrangement also applies to Sporting Clubs and alike properties which are not issued and annual rate notice.
- c. This arrangement has been in place for some years prior to the manning and new licensing arrangements being set for waste facilities.
- d. In line with prior arrangements the Shire is currently only recouping the cost to pick up the rubbish (**\$1.80 per bin**) and does not recoup any of the waste dumping costs. This equates to **\$7.50 per cubic metre**.
- e. Accordingly this has encouraged the larger businesses to opt to have all their waste costs charged in this manner. As an example the Bremer Bay Caravan Park can have up to 130 bins picked up at the peak times.

3. Tip gate pricing

- a. A large portion of the tip gate deliveries are done utilising tip passes provided with Council rate notices allowing property owners with 2 trailer deliveries per annum.
- b. At present there is a wide range of charges which has been in place since the tip sites were manned. The original listing was developed from similar systems in other Councils.
- c. At present a standard 1.8m x 1.2m trailer delivery costs \$12.50 however there is no height specified on the charge to restrict the total volume being delivered at this cost. Assuming the waste delivered was up to 40-50cm high this equates to around **\$12.50 per cubic metre** however if the delivery is in a caged trailer it may be as little as **\$2.50 per cubic metre**.
- d. The minimum charge is \$3.00 and a 240L bin equivalent delivery is \$5.00 which is comparative to the domestic kerbside cost.
- e. There is no charge for the delivery of recyclable products or green waste.

CONSULTATION

Public consultation will occur through the advertising of the proposed changes of fees and charges.

COMMENT

Under the fees and charges implemented for each of the three methods of use above there is a wide disparity in the standard charge per volume of waste. A review of these arrangements has been undertaken and recommends implementing a standard cubic metre charge for waste wherever possible in Council's fees and charges. This will provide equity in pricing for all methods of waste disposal.

The proposed new schedule of fees and charges for waste services is noted below and centres on Council adopting a standard \$24 per cubic metre charge for the disposal of rubbish. As there is no current measure of total volume of waste handled by the Shire at present the most equitable benchmark is seen as the residential pickup rate adjusted to \$24.00 to commence in 2015/2016. Under these fees and charges all methods of landfill destined waste disposal are priced equitably.

Inflationary adjustments have been forecast into these charges to account for increases to rates within the Shire's rubbish removal contract.

Waste Fees and Charges	Ex GST	GST indicator	GST Inc
<i>Cubic Metre Rate - Waste Disposal</i>	\$24		
Annual Domestic Rubbish Bin Fee	\$300	NO	\$300
Annual Recycling Charge	\$150	NO	\$150
Commercial Sundry Debtor Extra Waste – Per 240L Bin pickup	\$5.77	YES	\$6.35
Commercial Sundry Debtor Extra Recycling – Per 240L Bin pickup	\$3.90	YES	\$4.30
Waste Transfer Stations - General Waste per cubic metre	\$21.82	YES	\$24.00
Car Body	\$68.18	YES	\$75.00
Truck Body/Large equipment	\$90.91	YES	\$100.00
White Goods (per cubic metre)	\$21.82	YES	\$24.00
Car Tyres (per tyre)	\$4.55	YES	\$5.00
Truck Tyres (per tyre)	\$9.09	YES	\$10.00
Clean uncontaminated Construction and Demolition Waste (C&D) waste that is suitable for cover material. (eg Soil, Rubble)	\$0.00	YES	\$0.00
Green waste and clean plant material	\$0.00	YES	\$0.00
Used Oil per Litre (to be deposited in the Oil Recycling Facility)	\$0.45	YES	\$0.50
Recyclable materials, glass, aluminium, plastics, batteries, cardboard	\$0.00	YES	\$0.00
Opening Tip site outside of advertised hours (per hour - minimum 3 hours if cover material required - \$198.00)	\$60.00	YES	\$66.00

Research has been undertaken into other Great Southern Council's to evaluate comparative cubic metre rates. These are displayed in the following table for reference.

Shire of Ravensthorpe	\$12.50
Shire of Plantagenet	\$13.40
Shire of Katanning	\$22.00

Shire of Manjimup	\$24.00
Shire of Esperance	\$40.00
Shire of Denmark	\$50.00

It should be noted that Ravensthorpe's cubic metre rate has not been recently reviewed and was adapted from the Jerramungup Shire fees and charges.

It is recommended that these fees and charges be advertised to come into force from 1st July 2015. This will provide adequate time for administration to liaise with the customers likely to be affected most by the price increase. It will also provide time for businesses to change their quantity of bins if they decide to change their disposal methods.

STATUTORY REQUIREMENTS

Local Government Act 1995

Subdivision 2 — Fees and charges

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed. * *Absolute majority required.*
- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year. * *Absolute majority required.*

6.17. Setting the level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors
 - (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.

- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96;
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
 - (a) determine an amount that is inconsistent with the amount determined under the other written law; or
 - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

- If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —
- (a) its intention to do so; and
 - (b) the date from which it is proposed the fees or charges will be imposed.

STRATEGIC IMPLICATIONS

This item aligns with Aspiration 3: An environmentally conscious community where reduced waste to landfill is supported by best practice facilities.

FINANCIAL IMPLICATIONS

The modelling of this increase in charges indicates that around \$12,000 - \$15,000 additional funds will be generated through waste management charges. This increase will still not however bring waste management to a cost neutral business unit and the service will continue to be subsidised by general rates.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council adopt and advertise the following fees and charges for waste management to commence from 1st July 2015.

Waste Fees and Charges	Ex GST	GST indicator	GST Inc
<i>Cubic Metre Rate - Waste Disposal</i>	\$24		
Annual Domestic Rubbish Bin Fee	\$300	NO	\$300
Annual Recycling Charge	\$150	NO	\$150
Commercial Sundry Debtor Extra Waste – Per 240L Bin pickup	\$5.77	YES	\$6.35
Commercial Sundry Debtor Extra Recycling – Per 240L Bin pickup	\$3.90	YES	\$4.30
Waste Transfer Stations - General Waste per cubic metre	\$21.82	YES	\$24.00
Car Body	\$68.18	YES	\$75.00
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Car Tyres (per tyre)	\$4.55	YES	\$5.00
Truck Tyres (per tyre)	\$9.09	YES	\$10.00
Clean uncontaminated Construction and Demolition Waste (C&D) waste that is suitable for cover material. (eg Soil, Rubble)	\$0.00	YES	\$0.00
Green waste and clean plant material	\$0.00	YES	\$0.00
Used Oil per Litre (to be deposited in the Oil Recycling Facility)	\$0.45	YES	\$0.50
Recyclable materials, glass, aluminium, plastics, batteries, cardboard	\$0.00	YES	\$0.00
Opening Tip site outside of advertised hours (per hour - minimum 3 hours if cover material required - \$198.00)	\$60.00	YES	\$66.00

OC150310 Moved Cr Iffla / Seconded Cr Trevaskis

That Council adopt and advertise the following fees and charges for waste management to commence from 1st July 2015.

Waste Fees and Charges	Ex GST	GST indicator	GST Inc
<i>Cubic Metre Rate - Waste Disposal</i>	\$24		
Annual Domestic Rubbish Bin Fee	\$300	NO	\$300
Annual Recycling Charge	\$150	NO	\$150
Commercial Sundry Debtor Extra Waste – Per 240L Bin pickup	\$5.77	YES	\$6.35
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Clean uncontaminated Construction and Demolition Waste (C&D) waste that is suitable for cover material. (eg Soil, Rubble)	\$0.00	YES	\$0.00
Green waste and clean plant material	\$0.00	YES	\$0.00
Used Oil per Litre (to be deposited in the Oil Recycling Facility)	\$0.45	YES	\$0.50
Recyclable materials, glass, aluminium, plastics, batteries, cardboard	\$0.00	YES	\$0.00
Opening Tip site outside of advertised hours (per hour - minimum 3 hours if cover material required - \$198.00)	\$60.00	YES	\$66.00

Carried by Absolute Majority 5-0

3.25pm Cr Daniel left the meeting after declaring a financial interest Item 10.4.6 – Lease Bremer Bay Caravan Park.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.6
SUBJECT:	Lease – Bremer Bay Caravan Park
LOCATION/ADDRESS:	Lot 155 Bremer Bay Road Bremer Bay
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	The author declared an impartiality interest
DATE OF REPORT:	9 th March 2015

SUMMARY

In May 2010, Council approved the leasing of lot 155 Bremer Bay Road Bremer Bay to Megatime Pty Ltd. The 5 year lease term is nearing completion and Megatime Pty Ltd has requested a new lease over the land. This item seeks to commence the disposal of land process in accordance with the Local Government Act 1995.

ATTACHMENT

Nil

BACKGROUND

The Bremer Bay Youth Camp was established by the Shire of Gnowangerup in approximately 1971. Following the removal of dilapidated amenities from the site in 2010 the Shire entered into a lease arrangement with Megatime Pty Ltd for the land and since that time it has been used as a camping ground extension to the main caravan park facility.

The original lease term was 5 years which will conclude in September 2015. Megatime Pty Ltd has approached the Shire formally requesting a further lease term of 5 years with a 5 year option.

CONSULTATION

Megatime Pty Ltd

COMMENT

The Council has a number of options when considering the short-medium term future of this area of land which are consistent with previous activity on the site.

- 1) Undertake the further lease period with Megatime Pty Ltd (5 years plus 5 year option) and dispose of the property by Private Treaty under Section 3.58 of the Local Government Act 1995.
- 2) Undertake a further lease period with Megatime Pty Ltd of a different duration and dispose of the property by Private Treaty under Section 3.58 of the Local Government Act 1995.
- 3) Call for public tenders for the lease of the site.
- 4) Advise Megatime Pty Ltd that no further lease term will be provided and take back management and responsibility for the site.

Alternatively should Council seek to dispose of the site in a longer term arrangement the land could be amalgamated with the existing caravan park lease or converted to freehold land and sold. The process for both of these options would take longer to implement provide less flexibility and require more extensive legal or administrative resources.

The officer recommendation is to dispose of the land via lease to Megatime Pty Ltd for a period of 5 years with a 5 year option at full market value. In formulating the recommendation the following items have been taken into consideration:

- 1) Most appropriate and compatible land use of the site.
- 2) Current Infrastructure requirements and demands of the site.
- 3) Demonstrated capability of proposed management.
- 4) Financial return of the site at full market lease.

STATUTORY REQUIREMENTS

The Local Government Act 1995 applies to this proposed land transaction. Section 3.58 of the Act requires a local government to perform certain functions prior to disposing of land.

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;
 - (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;
- (b) the consideration to be received by the local government for the disposition; and
- (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

STRATEGIC IMPLICATIONS

This item largely relates to the tourism industry which is covered by Aspiration 9: An economically diverse community where primary industry is supported by a strong secondary and service industry.

FINANCIAL IMPLICATIONS

The Shire of Jerramungup currently receives approximately \$11,000 for the lease of this site. If Council provide a further lease term it should be at full market rate which is likely to be greater than this amount. It is also recommended that this be indexed annually by 3% to account for CPI.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Dispose of a portion of Reserve 24619 via lease to Megatime Pty Ltd subject to the following conditions:
 - a. All requirements of Section 3.58 (3) and (4) being carried out.
 - b. Lease term to be 5 years with one 5 year option commencing 1st October 2015 and expiring 30th September 2025.
 - c. The initial consideration to be received by the Shire for this disposition being equivalent to the assessed market value as determined by qualified independent valuation and indexed annually by 3%.
 - d. The lessee is to provide a detailed development plan, for inclusion into the lease document that indicates the proponent's development intentions during the combined 10 year term of the proposed lease.
 - e. All legal costs associated with the lease to be borne by the applicant.
2. Subject to their being no adverse submissions within the advertising period, authorise the Shire President and Chief Executive Officer to execute the lease agreement and register the lease with the Minister for Lands.

Alternative Motion

OC150311 Moved Cr Iffla / Seconded Cr Trevaskis

That Council;

- 1. Dispose of a portion of Reserve 24619 via lease to Megatime Pty Ltd subject to the following conditions:**
 - a. All requirements of Section 3.58 (3) and (4) being carried out.**
 - b. Lease term to be 5 years commencing 1st October 2015 and expiring 30th September 2020.**
 - c. The initial consideration to be received by the Shire for this disposition being equivalent to the assessed market value as determined by qualified independent valuation and indexed annually by 3%.**
 - d. The lessee is to provide a detailed development plan, for inclusion into the lease document that indicates the proponent's development intentions during the 5 year term of the proposed lease.**
 - e. All legal costs associated with the lease to be borne by the applicant.**

- 2. Subject to their being no adverse submissions within the advertising period, authorise the Shire President and Chief Executive Officer to execute the lease agreement and register the lease with the Minister for Lands.**

Carried 4-0

Reason for variation: Council wanted the opportunity to review their assets utilisation and determine its best economic and community function after the 5 year term rather than a 10 year time period.

3.36pm Cr Parsons and Cr Daniel returned to the meeting

3.36pm Mr Bailey left the meeting after declaring a financial interest Item 10.4.7 – Setting of Key Performance Indicators for the CEO.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.7
SUBJECT:	Setting of Key Performance Indicators for the CEO
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	This item relates to the authors contract of employment.
DATE OF REPORT:	11 th March 2015

SUMMARY

This item addresses the requirement to establish a set of key performance indicators for the Chief Executive Officer.

ATTACHMENT

Nil

BACKGROUND

Contained within the CEO's contract is a requirement to establish a set of Key Performance Indicators (KPI's) which are evaluated on an annual basis through the performance review process. To facilitate the development of these KPI's a review of projects and objectives within Council's Strategic documents has been undertaken and provided to Councillors to undertake a ranking profile of each item. The list below provides a recommended list of KPI's based on this process.

CONSULTATION

Councillors have been provided with a survey of existing projects and items for consideration. The proposed list has been developed using feedback from this survey.

COMMENT

The following list provides an overview of the suggested KPI's for the Chief Executive Officer.

1	Establish regional landfill site in Ravensthorpe	June 2016
2	Building Maintenance Strategy	January 2016
3	Seal road to Bremer Bay Airstrip	March 2016
4	Seal road to Jerramungup Airstrip	March 2016
5	Identify and initiate rezoning for industrial land development in Bremer Bay	June 2016

6	Develop Economic Development Strategy	August 2015
7	Rehabilitate former waste sites	January 2016
8	Aviation master plan	June 2016
9	Upgrade transfer stations	June 2016
10	Establish oil recycling area at landfill sites	June 2016
11	Refurbish health facility in Jerramungup	June 2016
12	Upgrade car park at main beach and include toilets, showers BBQs	December 2016
13	Improve road drainage within the town sites	June 2016
14	Develop NRM Plan/Strategy or adopt existing NRM Plan	March 2016
15	Review Municipal Inventory	December 2016

Many of these KPI's will require funding allocations either through the budget or external parties to facilitate completion. It is therefore contingent on funding being available to the CEO to be able to adequately demonstrate completion of these KPI's. Some of the KPI's note a June 2016 finish to allow projects sufficient time to be completed in next financial year's budget. The progress of these projects will need to be taken into account when reviewing the CEO's performance after 12 months.

STATUTORY REQUIREMENTS

Section 5.38 of the Local Government Act 1995 applies to this item;

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

STRATEGIC IMPLICATIONS

This item relates to the following aspirations contained within the Shire of Jerramungup Strategic Community Plan;

Aspiration 6: An engaged and informed community, defined by strong civic leadership, sound governance and transparent decision making.

FINANCIAL IMPLICATIONS

Items addressed in this list of KPI's will require a financial commitment from Council through the budget process to complete.

WORKFORCE IMPLICATIONS

Items addressed through the CEO's KPI's have a direct work load impact on Council's workforce. Where applicable, external resources may be required to facilitate completion.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council endorse the following set of KPI's for the Chief Executive Officer for the coming review period.

1	Establish the regional landfill site in Ravensthorpe	June 2016
2	Establish a Building Maintenance Strategy	January 2016
3	Seal road to Bremer Bay Airstrip	March 2016
4	Seal road to Jerramungup Airstrip	March 2016
5	Identify and initiate rezoning for industrial land development in Bremer Bay	June 2016
6	Develop Economic Development Strategy	August 2015
7	Rehabilitate former waste sites	January 2016
8	Aviation master plan	June 2016
9	Upgrade transfer stations	June 2016
10	Establish oil recycling area at landfill sites	June 2016
11	Refurbish the health facility in Jerramungup	June 2016
12	Upgrade the car park at main beach and include toilets, showers BBQs	December 2016
13	Improve road drainage within the town sites	June 2016
14	Develop NRM Plan/Strategy or adopt existing NRM Plan	March 2016
15	Review Municipal Inventory	December 2016

OC150312 Moved Cr Leenhouwers / Seconded Cr Trevaskis

That Council endorse the following set of KPI's for the Chief Executive Officer for the coming review period.

1	Establish the regional landfill site in Ravensthorpe	June 2016
2	Establish a Building Maintenance Strategy	January 2016
3	Seal road to Bremer Bay Airstrip	March 2016
4	Seal road to Jerramungup Airstrip	March 2016
5	Identify and initiate rezoning for industrial land development in Bremer Bay	June 2016
6	Develop Economic Development Strategy	June 2016
7	Rehabilitate former waste sites	January 2016
8	Aviation master plan	June 2016
9	Upgrade transfer stations	June 2016
10	Establish oil recycling area at landfill sites	June 2016
12	Upgrade the car park at main beach and include toilets, showers BBQs	December 2016
13	Improve road drainage within the town sites	June 2016
14	Develop NRM Plan/Strategy or adopt existing NRM Plan	March 2016
15	Review Municipal Inventory	December 2016

Carried 6-0

3:46pm Mr Bailey returned to the meeting

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.8
SUBJECT:	Conduct of the 2015 Council Elections
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	10 th March 2015

SUMMARY

This report deals with the Council elections to be held in October 2015 and recommends that Council declare the Electoral Commissioner to be responsible for the conduct of the elections as a postal election.

ATTACHMENT

Nil

BACKGROUND

The previous Council election held in October 2013 was conducted by the Electoral Commissioner as a postal election. The Electoral Commissioner has written to Council requesting that Council consider whether it wishes to conduct the next election in a similar manner.

At this stage it appears that the next local government election will be conducted on 17 October 2015 and there will be four (4) vacancies as Cr Lester's, Cr Trevaskis', Cr Parsons' and Cr Daniel's terms expire.

CONSULTATION

Councillors have been provided with a survey of existing projects and items for consideration. The proposed list has been developed using feedback from this survey.

COMMENT

The Electoral Commissioner is the person authorised to undertake a postal election. Council has essentially two options for the conduct of the election:

1. Council hold an "in person" election.
2. Nominate the Electoral Commissioner to conduct a postal election

If Council decides that the October 2015 election is to be conducted by the Electoral Commissioner as a postal election, it is necessary to pass two motions by "absolute majority", namely:

1. Declare, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may also be required;

2. Decide, in accordance with Section 4.61(2) of the Local Government Act 1995, that the method of conducting the election will be as a postal election.

The above motions have no effect if they are made after the 80th day before the election day (i.e. 29 July 2015) and also such motions cannot be rescinded after that date.

Section 4.20(4) of the Act requires that Council is not able to declare the Electoral Commissioner to be responsible for the conduct of the election unless it first obtains the written agreement of the Electoral Commissioner. The Electoral Commissioner has provided this agreement in the quotation provided.

The total cost of the Electoral Commissioner undertaking the postal election in 2013 was \$7,559 excluding GST however there was no need for a full election as Cr Bailey and Cr Iffla were elected unopposed. Cr Leenhouders was later elected unopposed in the December Extraordinary Election. The quotation provided by the Electoral Commissioner for the 2015 election is \$12,500 including GST.

The quotation does not include the cost of one Council staff member assisting with the count on Election Day or the cost of non-statutory additional advertising and promotion. This amount will be provided in the 2015/16 budget.

The Local Government Act provides that postal elections are conducted on the basis of cost recovery and therefore the actual cost of the election may vary from the estimate provided by the Electoral Commissioner. The Shire's current staffing structure is unlikely to be able to conduct "In person" elections and it is unlikely to yield a significant cost saving.

The advantages of a "postal election" conducted by the Electoral Commissioner are –

- It is seen as being independent from Council and therefore the integrity of the electoral process is free from any perceived local influence;
- Council staff are only involved in a minor way and are therefore able to concentrate on other duties;
- Postal elections tend to increase voter participation in Local Government Elections.

STATUTORY REQUIREMENTS

Sections 4.20 and 4.61 of the Local Government Act 1995.

STRATEGIC IMPLICATIONS

This item aligns with Aspiration 6: An engaged and informed community defined by strong civic leadership, sound governance and transparent decision making.

FINANCIAL IMPLICATIONS

As itemised above the costs of undertaking a postal election are approximately \$12,500.

WORKFORCE IMPLICATIONS

Undertaking an In Person election run by Council staff is beyond the current workforce capacity and additional staff would need to be employed to carry this out. As such the recommendation seeks to have this process undertaken by the WA Electoral Commission.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

1. Declare, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may also be required; and
2. Decide, in accordance with Section 4.61(2) of the Local Government Act 1995, that the method of conducting the election will be as a postal election.

OC150313 Moved Cr Iffla / Seconded Cr Daniel

That Council:

1. **Declare, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may also be required; and**
2. **Decide, in accordance with Section 4.61(2) of the Local Government Act 1995, that the method of conducting the election will be as a postal election.**

Carried by Absolute Majority 6-0

COUNCILLOR REPORTS

11. COUNCILLOR REPORTS

Cr Parsons

Attended a Regional Road Group meeting

Cr Daniel

Attended a South Coast Management Group meeting

Attended a WALGA Zone meeting

Attended a Economic Development Workshop

Cr Iffla

Attended a Deputy CEO interview

Attended a Economic Development Workshop

Attended a radio interview

Attended a GSDC meeting

Cr Trevaskis

Attended a Economic Development Workshop

Cr Leenhouwers

Attended a Economic Development Workshop

Cr Lester

Attended the Deputy CEO interviews

Attended a Economic Development Workshop

Attended a WALGA Zone meeting

Attended a meeting with District Superintendent Catherine Bullen and OIC, Jerramungup Police Sergeant Steve Evans

Attended a Regional Road Group meeting

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY LEAVE OF THE PRESIDING MEMBER

12.1 From Officers

Nil

12.2 From Elected Members

Cr Leenhouwers raised concerns of street lighting in Bremer Bay, some street lights remain off during the night or remain on all day.

Mr Bailey advised street lighting is the responsibility of Western Power their website has an online fault form to report street lighting faults or you can contact Western Power on 13 13 51.

13. NEXT MEETING/S

13.1 Ordinary Meeting – to be held Wednesday 15th April 2015 commencing 2.00pm at the Town Hall, Bremer Bay.

14. CLOSURE

The President declared the meeting closed at 4.10pm.