

SHIRE OF JERRAMUNGUP



MINUTES

COUNCIL ORDINARY MEETING

19th JUNE 2013

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SHIRE OF JERRAMUNGUP

ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, JERRAMUNGUP ON WEDNESDAY 19th JUNE 2013, COMMENCING AT 2.10PM.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 2.10pm.

2. RECORD OF ATTENDANCE

Cr R Lester	President
Cr J Iffla	Deputy President
Cr B Trevaskis	Member
Cr W Bailey	Member
Cr R Parsons	Member
Cr C Daniel	Member
Cr B Atkin	Member
Mr W Parker	Chief Executive Officer
Mr B Bailey	Deputy Chief Executive Officer
Mr C Pursey	Planning Officer
Mrs C Solomon	Coordinator of Governance & Land Administration

3. APOLOGIES

Nil

4. LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

OC130601 Moved Cr Daniel / Seconded Cr Bailey

Cr Lester be granted a leave of absence for the July 2013 Council meeting.

Carried 7-0

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8. DECLARATIONS OF FINANCIAL INTEREST

Mr Parker declared a financial interest in Item 10.4.9 – CEO Performance Review. The nature of the interest is that the item relates to the performance review process of his contract.

9. CONFIRMATION OF MINUTES

- 9.1 Ordinary Council Meeting held 15th May 2013
- 9.2 Special Meeting of Council held 31st May 2013

OC130602 Moved Cr Trevaskis / Seconded Cr Bailey

That the Minutes of the Ordinary Meeting of Council held 15th May 2013 be confirmed.

That the Minutes of the Special Meeting of Council held 31st May 2013 be confirmed.

Carried 7-0

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:	1 st June 2013

ATTACHMENT

Attachment 10.2.1 - List of Accounts Paid to 31st May 2013

BACKGROUND

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	27486	
	EFT 7114 - 7237	\$290,314.32
	Cheque 27487 – 27496	\$12,531.54
	Cheque 27497 – 27498	Cancelled
	Cheque 27499 - 27505	\$5,488.61
	Direct Debits	\$37.60
Municipal Account Total		\$308,372.07
Trust Account		
	Cheque 00199 - 00226	\$560.00
Trust Account Total		\$560.00
<u>Grand Total</u>		<u>\$308,932.07</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 \$308,932.07 to the Full Council on 19th June 2013 be endorsed.

SIGNATURES

Author

Chief Executive Officer

OC130603 Moved Cr Bailey / Seconded Cr Parsons

That the schedule of direct debits and accounts payable, totalling submitted \$308,932.07 to the Full Council on 19th June 2013 be endorsed.

SIGNATURES

Author

Chief Executive Officer

Carried 7-0

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:	5 th June 2013

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 31st May 2013

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

Key Focus Area One: Ongoing social, economic and financial viability.

FINANCIAL IMPLICATIONS

As detailed within the Monthly Financial Report

POLICY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

- 1) That Council receive the Monthly Financial Report for the period ending 31st May 2013 in accordance with Section 6.4 of the Local Government Act 1995.

OC130604 Moved Cr Parsons / Seconded Cr Bailey

- 1) **That Council receive the Monthly Financial Report for the period ending 31st May 2013 in accordance with Section 6.4 of the Local Government Act 1995.**

Carried 7-0

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.3
SUBJECT:	Fees and Charges – 2013/2014
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	10 th June 2013

SUMMARY

This item addresses setting Council's fees and charges for the 2013/2014 financial year. The proposed fees and charges are provided as an attachment and the recommendation seeks to adopt the fees and charges for advertising.

ATTACHMENT

Attachment 10.2.3 - Proposed Fees and Charges 2013/2014

BACKGROUND

In preparation for the 2013/2014 budget period the attached fees and charges are submitted for Council adoption. By adopting the fees and charges prior to the budget any applicable advertising can be undertaken and the new charges can be incorporated into the draft budget workings.

The attachment provides a listing of Council's fees and charges and comparatives to the current financial year. Items highlighted in yellow have been proposed to be increased or amended.

At present there has not been any formal notification from the statutory authorities associated with building fees however Council's fees and charges contain clauses that allow fees set by external bodies to override those advertised and published by Council.

CONSULTATION

Fees and Charges as set by external statutory bodies

COMMENT

The 2013/2014 schedule of fees and charges has been formulated using the 2012/2013 year as a basis and incorporating new charges, CPI increases and input from external statutory bodies that Council collects fees on behalf of.

There have not been any significant increases proposed throughout the schedule. A decrease in the fee for supervised visitors to the swimming pool from \$5 to \$3 has been proposed to encourage better utilisation of the honesty box at the pool. A minimum charge has also been factored into the waste management fees and charges in an attempt to simplify charging arrangements at the tip gate.

In the annual budget item, Council will still set additional fees and charges for kerbside collections and rates for rural and townsite properties.

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

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

FINANCIAL IMPLICATIONS

Fees and Charges make up approximately \$865,000 of annual income.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council adopt the attached schedule of fees and charges for the 2013/2014 financial year effective as of 1st July 2013.

OC130605 Moved Cr Iffla / Seconded Cr Daniel

That Council adopt the attached schedule of fees and charges for the 2013/2014 financial year effective as of 1st July 2013.

Carried by Absolute Majority 7-0

HEALTH, BUILDING & TOWN PLANNING

SUBMISSION TO:	Health, Building & Town Planning
AGENDA REFERENCE:	10.3.1
SUBJECT:	Proposed review of Local Planning Policy 16 - Outbuildings
LOCATION/ADDRESS:	Whole of Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Craig Pursey, Planning Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	7 June 2013

SUMMARY

Council is to consider final adoption of the revised Local Planning Policy No. 16 Outbuildings (LPP16).

The Policy has been advertised for public comment, and modifications are recommended in response to the only submission.

The modification proposed is to increase the maximum wall height from 3.5m to 3.6m.

Adoption of the Local Planning Policy (with modifications) is recommended.

ATTACHMENT

Attachment 10.3.1 - Final version of Local Planning Policy 16 - Outbuildings

BACKGROUND

Council adopted a revised Local Planning Policy 16 (LPP16) at their meeting of 20th March 2013. The revised policy proposes to make the following changes to Local Planning Policy 16 Outbuildings (LPP 16):

1. Clearly state that an outbuilding that complies with LPP16 does not require planning approval;
2. Remove requirements already stated in the Scheme, Residential Design Codes or the Building Code of Australia.
3. Add a clause regarding ablutions in outbuildings, permitting them only where a house exists on the same site to discourage habitation of outbuildings, even temporarily.
4. Raise the maximum wall height to 3.5m to allow for the storage of larger boats, caravans and other recreational vehicles. Retain existing maximum roof height and floor areas.

CONSULTATION

The revised policy was advertised for 21 days for public comment. This consisted of letters to local builders and designers who operate regularly in the Shire and advertisements in local papers and the Albany Advertiser.

One submission was received during this time from Bremer Bay builder Malcolm Poett. Mr Poett's concerns were as follows:

"It is good to see the Shire moving forward with the height restrictions of out buildings.

From a personal point of view though from past dealings with clients I have found 85 - 90% of these require 3.6 metres to the gutter line, as by the time we fit top door tracks and hood flashings we lose 29cm in clearance height to the concrete floor which in turn is also 10cm above natural ground level.

This extra 10cm can easily be acquired and still keep the maximum roof height to 4.2 metres."

COMMENT

The role of Council at this point is to review the submissions received and decide whether to modify the draft policy.

The submission received is from an experienced local builder who has constructed many outbuildings over time in the Bremer Bay area and surrounds. Adding an additional 10cm to the maximum wall height whilst retaining the maximum roof height of 4.2m is a minor change to the policy. This should not affect the original objective to retain the residential scale of outbuildings whilst accommodating the usual needs of residents and it is supported.

STATUTORY REQUIREMENTS

Part 2 'Local Planning Policy Framework' of the Scheme controls local planning policies.

Clause 2.4.1 requires upon adoption of a draft policy, Council is required to:

- a) Publish a notice of the proposed Policy for 2 consecutive weeks in a local newspaper giving details of the policy and inviting submissions for a minimum of 21 days; and
- b) May publish the notice in other manners and consult with others.

Council is then required to consider any submissions received from the advertising of the draft policy and resolve to modify or not proceed with the policy.

STRATEGIC IMPLICATIONS

The proposal aligns with a variety of the aspirations of the Strategic Community Plan:

Aspiration 2:

A growing community that embraces well designed and sustainable development

Aspiration 4:

An environmentally astute community where human needs are met while conserving our natural and built environment.

FINANCIAL IMPLICATIONS

Nil

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

If adopted by Council the Policy will become an adopted Local Planning Policy under Local Planning Scheme No.2 and will apply to all proposals for outbuildings within the Shire

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. Adopt the revised Local Planning Policy No. 16 pursuant to Clause 2.2 of the Shire of Jerramungup Town Planning Scheme No.2 subject to a modification to increase the maximum wall height to 3.6m.
2. Authorise the Chief Executive Officer to, publish a public notice in an official newspaper circulating in the area to notify the public that Council has adopted Local Planning Policy No 16 with modifications (in accordance with Clause 2.4.3 (a) of the Shire of Jerramungup Local Planning Scheme No 2).

OC130606 Moved Cr Iffla / Seconded Cr Daniel

That Council:

- 1. Adopt the revised Local Planning Policy No. 16 pursuant to Clause 2.2 of the Shire of Jerramungup Town Planning Scheme No.2 subject to a modification to increase the maximum wall height to 3.6m.**
- 2. Authorise the Chief Executive Officer to, publish a public notice in an official newspaper circulating in the area to notify the public that Council has adopted Local Planning Policy No 16 with modifications (in accordance with Clause 2.4.3 (a) of the Shire of Jerramungup Local Planning Scheme No 2).**

Carried 7-0

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:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	7 th June 2013

SUMMARY

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

ATTACHMENT

Nil

PROJECT UPDATE

1) Farmland Water Response Planning

The Shire has received an additional \$30,000 to complete the project. Given the successful application, the Shire will commence works as soon as possible.

2) Bremer Bay Medical Centre

The Health Services Plan for the Shire of Jerramungup has been delivered. In terms of the Bremer Bay Medical Centre, a building condition audit has been recommended.

Efforts will now be directed towards political lobbying for the project to be included in future State Government budgets.

3) Bremer Bay Town Centre

Tenders for the construction closed on 14 May 2013 at 2.00pm. A contract has been awarded to Griffin Civil for the Bremer Bay Town Centre project at a cost of \$1,851,276.

4) Town Site Revitalisation – Jerramungup

The interpretative signs have been installed.

This project is now complete and will be removed for the status report.

5) Strategic Waste Management

The final business case has been received by the Shire. Funding has been approved by the Department for Regional Development and Lands.

The Katanning site has progressed significantly with the commencement of detailed design.

The Regional Group has received its second round of Country Local Government Funds towards the overall project.

Detailed design and engineering of the Ravensthorpe site is currently underway.

6) Doctor Recruitment

A Special Council Meeting was held on Friday 31 May 2013 to authorise the Chief Executive Officer to enter into negotiations with the prospective supplier for the provision of general practice services and management to the Jerramungup and Bremer Bay Medical Centres.

A draft service level agreement has been formulated and negotiations continue in terms of finding a replacement.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.2
SUBJECT:	Adoption of Investment Policy
LOCATION/ADDRESS:	
NAME OF APPLICANT:	
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	30 th May 2013

SUMMARY

This item addresses the adoption of a revised investment policy to formalise Council's direction on the investment of reserve and surplus funds during a financial year.

ATTACHMENT

Attachment 10.4.2 (a) - Proposed Investment Policy
Attachment 10.4.2 (b) – Current Investment Policy

BACKGROUND

The proposed policy provides a framework for the investment of funds surplus to immediate Council cash flow requirements. The policy proposed has been formulated in accordance with statutory requirements and existing practices at the Shire of Jerramungup.

The changes from the previous policy are largely driven by amendments to the Financial Management Regulations which excluded certain types of investments. These are highlighted in the statutory requirements section below but were generally practices which were not undertaken at the Shire of Jerramungup. Overall the policy has also been updated to include information about the "Prudent Person" rule and to provide reference to the delegations register.

CONSULTATION

Nil

COMMENT

At present cash which is surplus to immediate requirements is invested in two financial streams as either a Term Deposit with Bankwest or through a short term high yielding interest account. Both product types are very low risk devices and the combination has maintained adequate liquidity while still providing sound interest earnings compared to other market products.

STATUTORY REQUIREMENTS

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —
authorised institution means —

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
 - (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;
- foreign currency** means a currency except the currency of Australia.
- (2) When investing money under section 6.14(1), a local government may not do any of the following —
- (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 12 months;
 - (c) Invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) Invest in bonds with a term to maturity of more than 3 years;
 - (e) Invest in a foreign currency.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The investment of funds surplus to cash flow requirements is undertaken to maximise interest earnings at a low risk level.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

The proposed policy will provide guidance for cash management.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council adopt the attached revised Finance Policy 3 – Investments.

OC130607 Moved Cr Bailey / Seconded Cr Iffla

That Council adopt the attached revised Finance Policy 3 – Investments.

Carried 7-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.3
SUBJECT:	Informing Documents for the Corporate Business Plan
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
AUTHOR:	Bill Parker / Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	7 th June 2013

SUMMARY

This agenda report provides an overview of the informing documents to the Corporate Business Plan. The recommendation is to receive the documents.

ATTACHMENT

Attachment 10.4.3 (a) - Shire of Jerramungup Long Term Financial Plan

Attachment 10.4.3 (b) - Workforce Plan

Attachment 10.4.3 (c) - Asset Management Plan

BACKGROUND

Long Term Financial Plan

Long term financial planning is a key element of the Integrated Planning and Reporting Framework. It is the mechanism that enables local governments to determine their capability to sustainably deliver the assets and services required by the community. It allows the local government to set priorities, within its resourcing capabilities, to deliver short, medium and long term community aspirations.

The Long Term Financial Plan (LTFP) is a 15 year rolling plan that informs the Shire of Jerramungup's Corporate Business Plan to activate the Strategic Community Plan priorities. From these planning processes, annual budgets that are aligned with strategic objectives can be developed.

A LTFP indicates a local government's long term financial sustainability, allows early identification of financial issues and their longer term impacts and enhances the transparency and accountability of the Council to the community.

Workforce Plan

Workforce planning is one of the core components of the Integrated Planning and Reporting Framework and is defined as "a continuous process of shaping the workforce to ensure that it is capable of delivering organisational objectives now and in the future."

At the strategic level the Workforce Plan takes into account the community aspirations, priorities and objectives identified in the Strategic Community Plan. The Strategic Community Plan sets out the longer term vision for the Shire which highlights workforce requirements. The Workforce Plan then becomes a component of the Corporate

Business Plan where it reflects workforce requirements and strategies for current and future operations.

Asset Management Strategy

The Asset Management Strategy is the final component of the Integrated Planning and Reporting Framework.

The Asset Management Strategy identifies the Shire's assets within various asset classes and establishes service levels determined through the Strategic Community Planning Process.

The expenditure required to achieve these service levels, renewals, new assets and the disposal of assets is incorporated into the Long Term Financial Plan and appears in the Corporate Business Plan.

An Asset Management Plan for road maintenance is contained as an appendix to the Asset Management Plan.

The Shire needs to complete more work to finalise the asset management plan for roads, footpaths, parks and garden renewals.

CONSULTATION

Shire of Jerramungup Strategic Community Plan
Shire Financial History
UHY Haines Norton Chartered Accountants

COMMENT

The Shire of Jerramungup has undertaken long term financial planning in the past which has guided decision making and annual budget processes. These new informing documents are the underlying detail of Corporate Business Plan and seek to deliver the strategies, projects and aspirations of the Community Strategic Plan.

Currently the plans and documents have been built on existing service levels and demonstrate an ongoing ability for the Shire of Jerramungup to carry on business as usual. The major strategic projects identified in the plans are heavily reliant on grant funding or alternatively by leveraging Council's loan capacity. The longer term planning process provides Council staff the opportunity to be project planning and sourcing funding well in advance of project delivery.

In future years each document will be reviewed and updated to improve the content, layout and evolve as community aspirations do. The Shire of Jerramungup's integrated planning documents are required to be lodged with the Department of Local Government by June 30 2013.

STATUTORY REQUIREMENTS

Local Government Act 1995 - Section 5.56(1) and (2)

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government Administration Regulations 1996

Division 3 – Planning for the future

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
 *Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.

*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

19DB. Transitional provisions for plans for the future until 30 June 2013

- (1) In this regulation —

former regulation 19C means regulation 19C as in force immediately before 26 August 2011 and continued under subregulation (2);

former regulation 19D means regulation 19D as in force immediately before 26 August 2011;

plan for the future means a plan for the future of its district made by a local government in accordance with former regulation 19C.
- (2) Except as stated in this regulation, former regulation 19C continues to have effect on and after 26 August 2011 until this regulation expires under subregulation (7).
- (3) A local government is to ensure that a plan for the future applies in respect of each financial year before the financial year ending 30 June 2014.
- (4) A local government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.

- (5) If, for the purposes of complying with subregulation (3), a local government makes a new plan for the future, local public notice of the adoption of the plan is to be given in accordance with former regulation 19D.
- (6) If a local government modifies a plan for the future under former regulation 19C(4), whether for the purposes of complying with subregulation (3) or otherwise —
 - (a) the local government is not required to comply with former regulation 19C(7) or (8) in relation to the modifications of the plan; and
 - (b) local public notice of the adoption of the modifications of the plan is to be given in accordance with former regulation 19D.
- (7) This regulation expires at the end of 30 June 2013.

19D. Adoption of plan, public notice of to be given

- (1) After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).
- (2) The local public notice is to contain —
 - (a) notification that —
 - (i) a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and
 - (ii) details of where and when the plan may be inspected;
 - or
 - (b) where a strategic community plan for the district has been modified —
 - (i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and
 - (ii) details of where and when the modified plan may be inspected.

STRATEGIC IMPLICATIONS

The documents attached are informing documents to Council's Corporate Business Plan and driven by the Strategic Community Plan.

FINANCIAL IMPLICATIONS

Attached to this agenda is the proposed Long Term Financial Plan which will guide financial resourcing in future years.

WORKFORCE IMPLICATIONS

Attached to this agenda is the proposed workforce plan which will guide workforce resourcing in future years.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council receive the Long Term Financial Plan, Workforce Plan and the Asset Management Strategy.

OC130608 Moved Cr Daniel / Seconded Cr Atkin

That Council receive the Long Term Financial Plan, Workforce Plan and the Asset Management Strategy.

Carried 7-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.4
SUBJECT:	Termination of lease
LOCATION/ADDRESS:	Lot 250 on Deposited Plan 55227 Cameron Business Centre
NAME OF APPLICANT:	Western Australian Agricultural Authority
FILE REFERENCE:	
AUTHOR:	Bill Parker (Chief Executive Officer)
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	10 June 2013

SUMMARY

In April 2007, the Shire of Jerramungup (Lessor) executed a lease with the Western Australian Agricultural Authority (Lessee) for land and buildings located at lot 250 on Deposited Plan 55227, being the land comprised in Certificate of Title Volume 2660 Folio 971.

The lease is for a period of 60 years and expires on 1 April 2067.

The Shire has received an offer from the Western Australian Agricultural Authority to terminate the lease from 30 June 2013.

ATTACHMENT

Attachment 10.4.4 (a) - Lease agreement

Attachment 10.4.4 (b) - Legal advice

BACKGROUND

In April 2007, the Shire of Jerramungup executed a lease with the Western Australian Agricultural Authority for a portion of the Cameron Business Centre. At the time, the Agricultural Authority had a number of staff working from the facility and living in the town of Jerramungup.

In recent years, the Department has scaled back its Jerramungup operations and now services the Jerramungup region from Katanning. Currently, no staff work from the facility in Jerramungup.

The Agricultural Authority has sublet the facility to the Fitzgerald Biosphere Group for a nominal rate.

In June 2013, the Agricultural Authority formally approached the Shire seeking to terminate the lease from 30 June 2013. The Authority has made a formal offer for Council to consider.

CONSULTATION

A number of meetings have occurred between the Shire of Jerramungup and the Agricultural Authority.

COMMENT

Council has expressed its previous disappointment at the Agricultural Authority's decision to pull all resources from Jerramungup. The Shire has been advised that it is unlikely that staff will ever be based in Jerramungup again.

The lease does provide a legitimate break date well within the 60 year lease term. The lease outlines that if the Lessee gives to the Lessor at any time not later than 6 months prior to the break date a notice to the effect that from the break date it wishes to terminate the lease upon the break date, then the lease will come to an end on the break date.

The break date is specified as the tenth anniversary of the commencement date or 2 April 2017.

STATUTORY REQUIREMENTS

The termination requirements are clearly outlined within the lease document.

STRATEGIC IMPLICATIONS

This item relates to the following components from the Shire's Strategic Community Plan;

Aspiration 11:

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

FINANCIAL IMPLICATIONS

The Shire receives income from the Agricultural Authority in two ways under the lease. Each is outlined below and the implications if the lease is terminated.

Centre costs

The lease provides for the Shire to receive \$24,200 per annum indexed to CPI in centre costs.

Given the provision contained in cl. 3.9, it is arguable that the Shire as Lessor would be entitled to payment of the Centre Costs Sum, less any Centre Costs already paid by the Lessee to the Lessor up to the date of termination.

The Centre Costs Sum is defined in clause 1.1 to mean "\$290,547.79, being a sum comprised of the amount specified in Item 13 increased annually by 4% on each anniversary of the Commencement Date for the first 10 years of this Lease". This amount, minus any Centre Costs already paid by the Lessee, would be the amount of the Shire is arguably entitled to by reason of the early termination of the Lease.

Variable outgoings

Additionally, the Agricultural Authority is required to pay 33.15% of variable outgoings. As these are payments for costs incurred by reason of the Lessee's occupation of the premises, there is no justification to require payment in respect of those items for the unexpired residue of the term subsequent to the early termination.

Taking the above into consideration the Agricultural Authority has offered \$138,897.79.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council;

1. Consents to the early termination of the lease over lot 250 on Deposited Plan 55227 at 30 June 2013.
2. Accepts the Western Australian Agricultural Authority's settlement of \$138,897.79 as recompense for early termination, recognising the Centre Costs Sum less the Centre Costs paid by the Lessee to the Shire of Jerramungup up to the date of the termination.

OC130609 Moved Cr Trevaskis / Seconded Cr Bailey

That Council;

1. **Consents to the early termination of the lease over lot 250 on Deposited Plan 55227 at 30 June 2013.**
2. **Delegate authority to the Chief Executive Officer to negotiate a settlement with Western Australian Agricultural Authority for an amount not less than \$144,189.00 as recompense for early termination, recognising the Centre Costs Sum less the Centre Costs paid by the Lessee to the Shire of Jerramungup up to the date of the termination.**

Carried by Absolute Majority 7-0

Reason for variation: Council delegated authority to the Chief Executive Officer to negotiate a settlement amount with the Western Australian Agricultural Authority that was reconciled to the actual amounts paid.

3.15pm Cr Daniel left the meeting

3.18pm Cr Daniel returned to the meeting

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.5
SUBJECT:	Corporate Business Plan
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	5 June 2013

SUMMARY

The introduction of regulations under section 5.56(2) of the Local Government Act 1995 resulted in the Shire's strategic planning framework only partly complying. In response, the Shire initiated a new Strategic Community Planning process based on the Department for Local Government's Integrated Strategic Planning Framework.

The minimum requirement to meet the intent of section 5.56(2) is the development of:

- Strategic Community Plan; and
- Corporate Business Plan

The purpose of this item is for Council to consider the Corporate Business Plan submitted to it and determine whether or not to adopt the plan.

ATTACHMENT

Attachment 10.4.5 - Corporate Business Plan

BACKGROUND

A draft Strategic Community Plan was prepared for Council consideration in September 2012. The draft plan was endorsed by Council and advertised for a period of two weeks.

A number of submissions on the draft plan were received. The comments contained within the submissions were assessed and incorporated into the revised document where possible.

The final Strategic Community Plan was adopted by Council in November 2012. This document contains the vision, aspirations and objectives of the community.

Since the adoption of this document, the Shire of Jerramungup has been fulfilling the other compliance requirements as defined under section 5.56(2) of the Local Government Act 1995 and associated regulations.

More specifically, the Shire has prepared a Workforce Plan, Long Range Financial Plan and Asset Management Strategy. These documents and other associated strategies have been used to assess the Shire's resource capacity and have been used as the basis in establishing the Corporate Business Plan.

The Shire's Corporate Business Plan covers 4 financial years and details the services, operations and projects the Shire will deliver over the defined period to achieve the

community's priorities and aspirations as contained within the Strategic Community Plan.

CONSULTATION

In developing the Strategic Community Plan, the Shire invited all residents (1,171 households) and various stakeholders to attend a series of community workshops and stakeholder meetings.

COMMENT

Nil

STATUTORY REQUIREMENTS

Section 19DA of the *Local Government (Administration) Regulations 1996* relate to this item.

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

STRATEGIC IMPLICATIONS

The Corporate Business Plan has been developed based on the priority areas and aspirations expressed by the community as contained within the Strategic Community Plan.

FINANCIAL IMPLICATIONS

The Corporate Business Plan was developed in house with no external assistance.

The Corporate Business Plan incorporates data contained within the 10 year financial plan and fully costs improvements to service levels and capital projects as espoused by the community in developing the Strategic Community Plan.

It must be noted that a majority of capital projects outlined within then Corporate Business Plan are reliant on significant external funding. If external funding is not forthcoming, projects could be delayed or will not be completed.

WORKFORCE IMPLICATIONS

To achieve the strategic priorities set by the Council and community, the Shire's organisational structure will need to increase by two (2) full time equivalent employees over the next 4 years.

1. Grants officer: Given the Shire's dependence on gaining external funding to achieve the capital works program, it has been identified that a Grants Officer will be required. This position could either be filled by a full time staff member or a suite of consultants.
2. Asset Manager: The management of the Shire's assets has been an area of deficiency for a number of years. This position will be responsible for the management of data and the programming of works across road construction, road maintenance, parks and gardens and the Shire's building portfolio.

In addition to the above positions, the Shire will need to increase its focus on records management. An analysis has confirmed that capacity exists within the existing budget and workforce to satisfy this increased focus.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council adopt the Corporate Business Plan as presented within the agenda attachments.

OC130610 Moved Cr Bailey / Seconded Cr Iffla

That Council adopt the Corporate Business Plan as presented within the agenda attachments.

Carried by Absolute Majority 7-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.6
SUBJECT:	Lease: DFES Facilities
LOCATION/ADDRESS:	Lot 403 Kokoda Road Lot 802 John Street
NAME OF APPLICANT:	Dept Fire and Emergency Services
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	5 June 2013

SUMMARY

On 8 December 2011, the Shire received correspondence from a company that was assisting the Department of Fire and Emergency Services with their real estate and property related matters.

VSA Property has requested that the Shire negotiate leases or licences over the facilities used for emergency services in Jerramungup and Bremer Bay.

This item seeks to transfer the land tenure arrangement over the subject facilities to the Department of Fire and Emergency Services in preference to establishing leases.

ATTACHMENT

Attachment 10.4.6 (a) - Crown Land Title: Lot 403 Kokoda Road Jerramungup

Attachment 10.4.6 (b) - Crown Land Title: Lot 802 John Street Bremer Bay

BACKGROUND

The Shire of Jerramungup has two facilities that are occupied by the Department of Fire and Emergency Services;

1. Lot 403 Kokoda Road Jerramungup; and
2. Lot 802 John Street Bremer Bay

Lot 403 Kokoda Road Jerramungup is under a management order in favour of the Shire of Jerramungup. The management order contains conditions to be observed including the power to lease for any term not exceeding 21 years subject to receiving consent from the Minister for Lands.

Lot 403 has a number of improvements including a main building in fair condition and an ancillary shed in good condition that accommodates the fire and emergency vehicles and equipment. The insurance value of the main building and sheds combined has been assessed at \$310,000. The Shire currently insures the building and shed at a cost of approximately \$600.00 per annum.

Although the Shire manages the reserve, a Memorandum of Understanding (MOU) did exist over the building that essentially assigns responsibility for the infrastructure to the Department of Fire and Emergency Services. This MOU has expired.

Lot 802 John Street Bremer Bay is under a management order in favour of the Shire of Jerramungup. The management order contains conditions to be observed with the power to lease for any term not exceeding 21 years subject to receiving consent from the Minister for Lands.

Lot 403 has a number of improvements including a main building in excellent condition and an attached shed also in excellent condition that accommodates the fire and emergency vehicles and equipment, marine rescue boat and an ambulance. The insurance value of the main building and shed combined was assessed at \$580,000. The Shire currently insures the building and shed at a cost of approximately \$1160.00 per annum.

Although the Shire manages the reserve, a MOU exists over the building that essentially assigns responsibility for the infrastructure to the Department of Fire and Emergency Services.

In response to this ongoing frustration over the tenure arrangements, the Shire received correspondence from a company that was assisting the Department of Fire and Emergency Services with their real estate and property related matters.

The company suggested that leases were established over both facilities to formalise the tenure arrangements. In response to this request, the Shire questioned if a lease was the most appropriate land tenure instrument and suggested that perhaps the management orders over the subject sites should be transferred to the Department of Fire and Emergency Services.

The property consultants responded on 19 December 2011 indicating that “FESA is often keen to have “ownership” of these facilities, particularly in cases when they have contributed towards much of the costs of establishing them”.

In April 2013, the Shire received further correspondence proposing that leases are established and that a transfer of management orders was not the Department’s preferred outcome.

CONSULTATION

The Shire has consulted with both the Bremer Bay and Jerramungup Fire and Emergency Service Units.

The Shire has consulted with the Department of Regional Development and Lands in terms of the process to transfer the management orders.

COMMENT

In applying the Integrated Strategic Planning Framework as required by the Department for Local Government, the Shire has realised its limited capacity to adequately manage existing assets when considering whole of life costs.

The ownership of the fire and emergency facilities is a further example of how all assets need to be rationalised and considered from a community perspective. There is no reason or benefit with the Shire owning these facilities as opposed to the Department of Fire and Emergency Services owning the facilities.

STATUTORY REQUIREMENTS

A statutory process is required for the Shire to surrender the two Management Orders and execute statutory declarations in relation to interests in the land.

STRATEGIC IMPLICATIONS

The rationalisation and disposal of these two assets is aligned to Aspiration 10 as contained within the Shire Community Strategic Plan.

Aspiration 10:

A community where transport infrastructure is constructed and maintained using best practice principles.

Activity

Develop Asset Management strategy

FINANCIAL IMPLICATIONS

By removing these two assets from the Shire's building insurance schedule, the immediate cost saving would be approximately \$1,760.

From a strategic perspective, the total asset value provides the Shire with an ongoing replacement and maintenance liability. This liability of \$890,000 far outweighs the community benefits in the Shire continuing own both facilities.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Agree to surrender the two Management Orders over Lot 403 Kokoda Road Jerramungup and Lot 802 John Street Bremer Bay.
2. Authorises the Shire President and Chief Executive Officer to execute statutory declarations to the requirement of the Department of Regional Development and Lands waiving any interests in the subject properties.

That Council;

- 1. Agree to surrender the two Management Orders over Lot 403 Kokoda Road Jerramungup and Lot 802 John Street Bremer Bay.**
- 2. Authorises the Shire President and Chief Executive Officer to execute statutory declarations to the requirement of the Department of Regional Development and Lands waiving any interests in the subject properties.**

Carried 7-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.7
SUBJECT:	Intention to dispose of property 2012 Holden Caprice
LOCATION/ADDRESS:	
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 June 2013

SUMMARY

In March 2013, Dr. Nicholas Dorai-Raj resigned as the Jerramungup and Bremer Bay Community Doctor.

For a number of years, the Shire has provided Dr. Nicholas Dorai-Raj with an executive vehicle. In leaving his position, the Doctor has requested to purchase the vehicle.

This item seeks to initiate this request taking into consideration the disposal requirements as defined under the *Local Government Act 1995*.

ATTACHMENT

Attachment 10.4.7 (a) - Local Public Notice

Attachment 10.4.7 (b) - Appraisal

BACKGROUND

The Shire has received a request from Dr. Nicholas Dorai-Raj to purchase the Shire supplied vehicle that he has been using in his capacity as the Community Doctor.

The subject vehicle is a Holden Caprice purchased in September 2012. The vehicle was purchased for \$48,850 (GST inc) and has been assessed as having an appraised value of \$37,000 taking current condition and kilometres into consideration.

In such circumstances, the Shire 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.

The only other way that a local government can dispose of property is if it gives local public notice of the proposed disposition.

As both an auction and tender process are not appropriate in this situation, it is requested that Council gives local public notice of the proposed disposition and delegate authority to the Chief Executive Officer to finalise and execute the disposition subject to conditions.

CONSULTATION

This process requires the Shire to advertise the disposition and consider any submissions made.

COMMENT

Nil

STATUTORY REQUIREMENTS

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

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 relates to the following components from the Shire of Jerramungup's Strategic Community Plan;

Aspiration 6:

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

FINANCIAL IMPLICATIONS

Income of \$37,000 for the sale of an asset would be recognised.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

1. In accordance with s 3.28 (3) of the *Local Government Act 1995*, authorise the Chief Executive Officer to give local public notice of the Shire's intention to dispose of a 2012 Holden Caprice to Dr. Nicholas Dorai-Raj for \$37,000.
2. Invites submissions to be made to the Shire of Jerramungup on the proposed disposition before 8 July 2013.
3. Delegate authority to the Chief Executive Officer to finalise and execute the disposition on the condition that no adverse public submissions are received in response to public advertising.

OC130612 Moved Cr Bailey / Seconded Cr Atkin

That Council:

1. In accordance with s 3.28 (3) of the *Local Government Act 1995*, authorise the Chief Executive Officer to give local public notice of the Shire's intention to dispose of a 2012 Holden Caprice to Mary Dorai-Raj for \$37,000.
2. Invites submissions to be made to the Shire of Jerramungup on the proposed disposition before 8 July 2013.
3. Delegate authority to the Chief Executive Officer to finalise and execute the disposition on the condition that no adverse public submissions are received in response to public advertising.

Carried by Absolute Majority 7-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.8
SUBJECT:	Proposal: General Practice Services
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	11 June 2013

SUMMARY

In March 2013, Dr. Nicholas Dorai-Raj formally resigned as the Jerramungup and Bremer Bay Community Doctor. Dr. Nicholas Dorai-Raj has been the Community Doctor for 24 years.

The practice has been advertised on Rural Health West.

This item seeks to endorse the proposal that has been developed for the provision of general practice services and management to the Jerramungup and Bremer Bay Medical Centres.

ATTACHMENT

Attachment 10.4.8 - Proposal: Provision of Medical Services

BACKGROUND

For 23 years, Dr Nicolas Dorai-Raj was the Jerramungup and Bremer Bay Community Doctor. The Doctor was self-employed and ran the business in its entirety. The Shire provided accommodation, transport and communications to support the Doctor.

In March 2013, Dr. Nicholas Dorai-Raj announced his resignation with his last day being 23rd May 2013.

The practice has been advertised with Rural Health West. Rural Health West is the leading workforce agency for health professionals looking to work in rural and remote Western Australia.

The Shire of Jerramungup is seeking a part time, solo general practitioner to provide all aspects of general practice services and management. The provision of services must include employment of all clinical and administrative staff for the practice and the continuation of dispensing services from the practice pharmacy.

In recruiting a new Doctor, the Shire will need to provide accommodation, transport, office facilities and communications. Additionally, the Shire may be required to underwrite or provide a salary guarantee to attract and retain an appropriately qualified professional.

To progress the recruitment of a Doctor, a Special Meeting was held on Friday 31 May 2013. At this meeting it was resolved;

That Council;

1. *Declares under section 11(2)(f) of the Local Government (Functions and General) Regulations 1996, that tenders do not have to be publicly invited for the provision of all aspects of general practice services and management to the Jerramungup and Bremer Bay Medical Centres given that it is unlikely that there is more than one potential supplier.*
2. *Authorise the Chief Executive Officer to enter into negotiations with the prospective supplier for the provision of general practice services and management to the Jerramungup and Bremer Bay Medical Centres.*
3. *Authorise the Chief Executive Officer to develop and submit a proposal for Council consideration for the provision of general practice services and management to the Jerramungup and Bremer Bay Medical Centres.*

This item responds to part three of the resolution above and seeks Council endorsement of the proposal for general practice services and management to the Jerramungup and Bremer Bay Medical Centres.

CONSULTATION

The elected group has been consulted extensively on this matter.

COMMENT

The agreement that was in place with the former Doctor was very informal and has developed over a number of years. In order for the Shire to negotiate with service providers, the range of incentives and services required needed to be consolidated and included into a formal proposal.

The key components contained within the proposal include;

- (1) The Medical Services Provider during the Term and to the reasonable satisfaction of the Shire, must –
 - (a) provide all aspects of general practice services and management of the Medical Centres;
 - (b) employ all clinical and administrative staff required to conduct the Medical Services and to dispense services from the practice pharmacy;
 - (c) provide medical services from the Medical Centres for a minimum of one day each week at each centre; and
 - (d) comply with all applicable obligations under the Health Practitioner Regulation National Law (WA) Act and any standard, code or guideline made by the Medical Board of Australia established under that Act, and any other written law relevant to the provision of the Medical Services.
- (2) The Shire undertakes to underwrite the Gross Annual Income from the provision of the Medical Services to the Guaranteed Amount of \$150,000. If

- the Gross Annual Income is less than the Guaranteed Amount at the date of calculation, the Medical Services Provider may claim from the Shire the difference between the Gross Annual Income and the Guaranteed Amount.
- (3) The Shire must provide the Medical Services Provider with the use of consulting rooms and provide the Medical Services Provider with the use of the fixtures, fittings, furniture and equipment located in the consulting rooms.
 - (4) The Shire must provide and maintain computer hardware and the software specified in Item 6 of the Schedule and provides and maintain a telephone system.
 - (5) The Shire must provide a 4 x 4 vehicle and residential accommodation.
 - (6) The Shire will provide a limited range of medical equipment and a stock of pharmaceuticals at the commencement.

STATUTORY REQUIREMENTS

Once executed, the contract will provide very clear expectations in the delivery of medical services within the Shire of Jerramungup.

STRATEGIC IMPLICATIONS

This item relates to the following components from the Shire of Jerramungup Strategic Community Plan.

Aspiration 7: A healthy community where residents feel safe, secure and self-assured.

Activity: Implement Medical Services and Infrastructure Strategy

Key components: Retain local health professionals.

FINANCIAL IMPLICATIONS

The Shire has historically provided the Doctor with an executive vehicle, accommodation, leased office space and a telecommunications allowance.

In addition to the above, the proposal includes a Guaranteed Annual Income Amount of \$150,000. If the Gross Annual Income is less than the Guaranteed Amount at the date of calculation, the Medical Services Provider may claim from the Shire the difference between the Gross Annual Income and the Guaranteed Amount.

In setting this amount at \$150,000, the Shire feels that it is high enough to provide an element of security for potential service providers but low enough so that it would be unlikely that the Guarantee would need to be called upon.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council endorse the proposal for the provision of general practice services and management to the Jerramungup and Bremer Bay Medical Centres.

OC130613 Moved Cr Bailey / Seconded Cr Parsons

That Council endorse the proposal for the provision of general practice services and management to the Jerramungup and Bremer Bay Medical Centres.

Carried 7-0

3.35pm Mr Parker left the meeting after declaring an interest 10.4.9 – CEO Performance Review.

OC130614 Moved Cr Trevaskis / Seconded Cr Bailey

That the Chief Executive Officer be invited back to the meeting to participate in discussions.

Carried 7-0

3.40pm Mr Parker returned to the meeting.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.9
SUBJECT:	CEO Performance Review
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	The author has an interest in the matter as it relates to his conditions of employment.
DATE OF REPORT:	11 June 2013

SUMMARY

Under the conditions contained within the CEO's Contract of Employment, a performance appraisal is required at least annually.

This report seeks Council approval to appoint DL Consulting to facilitate the 12/13 performance review process.

ATTACHMENT

Nil

BACKGROUND

Under Section 4.2 (b) of the CEO's Employment Contract, Council are to ensure that a review of the CEO's performance is conducted annually.

Council, in consultation with the CEO, is to select a reviewer. The reviewer may be;

- (a) the Council;
- (b) a committee to which the conduct of the performance review has been delegated by the Council under section 5.16 of the Act; or
- (c) a person or body who has been authorised by the Council to conduct the performance review.

To ensure continuity, it is recommended that Council reappoint DL Consulting to facilitate this process.

This process provides the CEO with feedback from the year under review from a technical, management and behavioural perspective. This process will also deliver key performance indicators that align with the Shire's Strategic Community Plan for the forthcoming 12 months.

The commencement of this process facilitates the annual performance review process for all staff at the Shire of Jerramungup.

CONSULTATION

N/A

COMMENT

DL Consulting has facilitated three CEO reviews in Jerramungup and achieved a mutually beneficial outcome for both the CEO and the Council. To ensure continuity, it is recommended that DL Consulting is reappointed to facilitate the 2013 review.

Section 7 of the CEO's Contract of Employment specifies that the CEO's remuneration package shall be reviewed annually. It is anticipated that DL Consulting can undertake this component of the review before making a recommendation to Council.

STATUTORY REQUIREMENTS

The following sections of the Local Government Act have application;

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.

5.39. Contracts for CEO's and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (1a) Despite subsection (1) —
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
 - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
 - (a) the expiry date is specified in the contract;
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A report made by the Salaries and Allowances Tribunal, under section 7A of the *Salaries and Allowances Act 1975*, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

[Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3).]

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity;
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage;
- (c) employees are to be treated fairly and consistently;
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground;
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

STRATEGIC IMPLICATIONS

This item relates to the following components from the Shire of Jerramungup's Strategic Community Plan;

Aspiration 6:

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

Activity:

Develop Workforce Plan (new)

FINANCIAL IMPLICATIONS

Each year \$5,000 is allocated towards the CEO performance appraisal process.

DL Consulting has indicated that the same fee applied last year will be sufficient for this years review (\$4,240).

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council;

- i) Delegate the task of conducting the 2012/13 CEO performance review to the CEO Review and Senior Staff Interview Committee.
- ii) Authorise the Shire President to engage the professional services of DL Consulting for \$4,240 as the consultant to assist the committee facilitate this process.
- iii) That the final report in relation to the CEO's performance appraisal is presented to Council prior to the September 2013 Ordinary Council Meeting for consideration.

OC130615 Moved Cr Trevaskis / Seconded Cr Iffla

That Council;

- i) **Delegate the task of conducting the 2012/13 CEO performance review to the CEO Review and Senior Staff Interview Committee.**
- ii) **Authorise the Shire President to engage the professional services of DL Consulting for \$4,240 as the consultant to assist the committee facilitate this process.**
- iii) **That the final report in relation to the CEO's performance appraisal is presented to Council prior to the September 2013 Ordinary Council Meeting for consideration.**

Carried by Absolute Majority 7-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.10
SUBJECT:	Bremer Bay Community Development 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:	10 th June 2013

ATTACHMENT

Attachment 10.4.10 – BBCDC Committee Meeting Minutes

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Minutes of the Bremer Bay Community Development Committee held on 7th June 2013 (copy contained within agenda attachments) be received and the following recommendation be adopted;

- That the committee formally congratulate Dr Ian Weir and his students for their outstanding work in responding to the design brief.
- That the Committee formally congratulates Priscilla Broadbent on her efforts in coordinating the 2013 Tidy Town Application for Bremer Bay.

OC130616 Moved Cr Atkin / Seconded Cr Bailey

That the Minutes of the Bremer Bay Community Development Committee held on 7th June 2013 (copy contained within agenda attachments) be received and the following recommendation be adopted;

- **That the committee formally congratulate Dr Ian Weir and his students for their outstanding work in responding to the design brief.**
- **That the Committee formally congratulates Priscilla Broadbent on her efforts in coordinating the 2013 Tidy Town Application for Bremer Bay.**

Carried 7-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.11
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:	10 th June 2013

ATTACHMENT

Attachment 10.4.11 – LEMC Committee Meeting Minutes

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Minutes of the Local Emergency Management Committee held on 10th June 2013 (copy contained within agenda attachments) be received.

OC130617 Moved Cr Daniel / Seconded Cr Bailey

That the Minutes of the Local Emergency Management Committee held on 10th June 2013 (copy contained within agenda attachments) be received.

Carried 7-0

COUNCILLOR REPORTS

11. COUNCILLOR REPORTS

Cr Parsons

Attended a Special Meeting of Council

Attended a farewell for Dr Nicholas & Mary farewell

Cr Daniel

Attended a Special Meeting of Council

Attended a farewell for Dr Nicholas & Mary farewell

Has applied for a Scholarship to complete a Diploma in Local Government

Cr Iffla

Attended a meeting with Minister Waldron regarding the Bremer Bay Health Centre

Attended a BBCDC meeting

Cr Bailey

Attended a Special Meeting of Council

Attended a farewell for Dr Nicholas & Mary farewell

Cr Trevaskis

Attended a Special Meeting of Council

Attended a farewell for Dr Nicholas & Mary farewell

Cr Atkin

Attended a Jerramungup Community Resource Centre meeting

Attended a farewell for Dr Nicholas & Mary farewell

Attended a LEMC meeting

Cr Lester

Attended a Special Meeting of Council

Attended a farewell for Dr Nicholas & Mary farewell

Attended a meeting with Minister Waldron regarding the Bremer Bay Health Centre

Attended a BBCDC meeting

Radio interview with John Cecil on ABC Radio

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

12.1 From Officers

Nil

12.2 From Elected Members

Nil

13. NEXT MEETING/S

13.1 Ordinary Meeting – to be held Wednesday 17th July 2013 commencing 2.00pm at the Town Hall, Bremer Bay.

14. CLOSURE

The President declared the meeting closed at 4.20pm.