



Date: 21 May 2015

**To: Shire President
All Councillors**

**Copy: Directors
Staff**

ORDINARY COUNCIL MEETING NOTICE AND AGENDA

An Ordinary Council meeting of the Shire of Waroona will be held at the Waroona Shire Offices on 26 May 2015 at 4.00pm to consider and resolve the matters set out in the attached Agenda.

A handwritten signature in cursive script, appearing to read 'Ian Curley', is centered on a light-colored rectangular background.

**Ian Curley
CHIEF EXECUTIVE OFFICER**

PUBLIC QUESTION TIME

AND

PUBLIC STATEMENT TIME

1. The order of business allows for a Public Question time and a Public Statement time at the beginning of the Meeting. The Presiding Member will announce these times.
2. If you wish to ask a Question or make a Statement about an Agenda Item BEFORE it is considered then it should be made at the Public Question and Public Statement Time at Item 4 on the Agenda Notice Paper in accordance with Council's Procedures and Guidelines for Public Question Time and Receiving Public Statements.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited, unless the prior approval of the Council has been given.

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AGENDA

1. **DECLARATION OF OPENING/ANNOUNCEMENTS**
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5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

(Disclosure of interest **MUST ALSO** be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)
7. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
 - 7.1 **PRESENTATION – SAMUEL GREEN – ASK WASTE MANAGEMENT (ITEM 9.1.2 REFERS)**
8. **CONFIRMATION OF MINUTES**
 - 8.1 **ORDINARY COUNCIL MEETING – 28 April 2015**

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 28 April 2015 be confirmed as being a true and correct record of proceedings.

- 9.0 **REPORTS OF OFFICERS AND COMMITTEES**

9.1 DIRECTOR TECHNICAL SERVICES

9.1.1 OUTSIDE STAFF COLLECTIVE ENTERPRISE AGREEMENT	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, DTS; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, DTS; No Interest
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 18/5/15	File No.: 54/2
Previous Reference:	Nil
Policy Implications:	See heading below
Statutory Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): objective number 5	

PROPOSAL SUMMARY

To present to Council the draft Shire of Waroona Outside Staff Collective Enterprise Agreement for endorsement.

BACKGROUND/INITIAL COMMENTS

To date, the 'outside' works crew under the supervision of the Technical Services Directorate have never had a collective enterprise agreement, more commonly known as an enterprise bargaining agreement or EBA, in place. Instead, the auspices of the prevailing Award have applied with little structure in place as to which worker is on which level and what the over award component of each workers' pay is. Over time this has resulted in an inequitable mismatch of levels and over Award payments and therefore total pay with no clear determination.

This has also meant that other than the descriptions in the Award, there has been insufficient consideration given to the existing skillsets held by each worker and how that relates to where the worker sits in terms of level within their own work area i.e. construction, parks and gardens etc. Additionally, while certain areas of training are required to be undertaken, currently there are no tangible mechanisms and incentives for workers to 'train up' and undertake more discretionary training which might result in their rising up the level ladder with increasing skills to offer the employer and increasing pay for them.

Council's outside works crew is an ageing one with an average age of 54 years which suggests a level of attrition through retirement alone of possibly 50% in the next 5 to 10 years. This represents a substantial loss of skills and experience and due to various factors it is increasingly difficult to source 'ready-made' experienced and skilled workers as replacements. The training framework in the draft EBA assists in this regard by allowing the building up of a future workforce.

From the Shire's point of view as an employer, this also means that it is difficult to increase skills in its existing workforce as well as attract new employees who may not hold all of the required skills upon commencement but are motivated to become more skilled and therefore contribute to the workforce to a greater extent. There is also an increased demand under contemporary occupational health and safety requirements



for employers to ensure that their employees are properly trained and assessed to be able to carry out the tasks subject to their employment.

The process to address these issues began in early 2014/15 with a discussion with Council's Industrial Relations consultant and the decision was made to commence the EBA process.

An EBA can be a simple document that addresses issues that are particular to that workplace with remaining matters deferring to the underpinning Award, or they can be comprehensive documents that supersede the Award altogether with no need to refer to the Award provided that the EBA conditions are equal to or greater than that of the underpinning Award. The decision was taken to draft a comprehensive EBA so that the one document would apply rather than two.

The draft EBA was written with reference to other existing documents of a similar nature, so as to avoid the need to 'reinvent the wheel' as well as to take advantage of EBAs currently in existence that are proven and which work well.

Most of the EBA document deals with conditions very similar to that found in the Award so that it can replace the Award as is the intention. Additionally it also introduces a new level structure to deal with the inequities and anomalies of the current system.

As mentioned earlier, at present there are basically no two workers on the same rate of pay, with rates evolving based on disparate factors such as what was the status quo when the particular worker commenced employment, how long they may have been employed, what level was seen as more or less equal to theirs when they commenced and therefore they were paid commensurately, etc. To address this, the new EBA proposes a new structure of levels with detailed descriptions of each level. These levels remain constant across the crew regardless of work area, with descriptions tailored to each to take into account the different nature of the work of the construction crew when compared to parks and gardens, for instance, while also acknowledging that some aspects of work are the same regardless of work area.

The EBA structure also sets out the skills required to sit in each level and the training required to gain these skills.

Separate to the EBA document, officers have drawn up a transition plan showing how the current workforce will move from the current system into the new level structure. All employees will receive an increase as soon as the EBA takes effect, which at this stage will be 1 July 2015. In most cases, employees are already in effect paid more than their level of training and skills suggest, so in these cases, there will be some necessary training (in particular training that addresses high risk work areas such as traffic management, dogging and rigging etc) – that would be required in any case – that the employee will need to complete to comply with the requirements of their new level under the EBA.

With these complete, the employee can either decide to remain at that level or undertake additional training to allow them to move to a higher level, subject to approval, availability and budget constraints. Some discretionary training will be subsidised by Council with the employee meeting the remaining costs.

It is recognised that older members of the works crew who may be closer to retirement than others may not wish to complete discretionary training as they may

question the relevance of new training with regards to their circumstances. This is understandable and can be justified by recognising their skill sets and experience gained via their working lives as a form of recognition of prior learning.

In arriving at the new pay levels, the industry allowance and various other allowances applicable to the workforce has been annualised into the hourly rate instead of being lump sum payments.

The new EBA has advantages to both the Shire as the employer and the employee. The Shire will over time have a works crew with greater skills offering more flexibility and therefore better value for money, while the employee has access to and is motivated to undertake training and up skilling in return for a higher level and more pay while employed at the Shire and perhaps greater opportunities in the longer term. It offers opportunities to source untrained employees and enter them into a training framework that ensures the viability of future workforces which may be an opportunity for younger members of the local community to enter into the workforce and become trained and experienced in the types of work carried out by the Shire crew.

Negotiations have been ongoing with the applicable Unions as their support needs to be evidenced before an EBA can be lodged with the Industrial Relations Commission. In this scenario, the agreement is between the Council and the applicable Unions. However, because of limited membership levels, at least one Union has indicated that it would be unlikely to support the EBA without having members in the Shire crew. To overcome this hurdle the other option is to enter into a Common Law agreement which uses the same EBA with the same protection for all parties however it is an agreement solely between each individual employee and Council directly. The employees have voted unanimously to take up the Common Law option.

The EBA has an end date of 20 June 2018 with clauses in place that deal with the commencement of negotiations for a subsequent agreement.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

The draft EBA has been referred to Council's Industrial Relations consultant as well as the applicable Unions at various times for their advice and comments.

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

Theme 5 "Assets, Resources, Financial Management and Sustainability"; sub item 5.19 "Regularly review all Human Resources Procedures, Performance Targets, & Staff Training"

FINANCIAL ISSUES/IMPLICATIONS

The initial pay rises have been allowed for in the current 2014/15 budget as it was not envisaged that the preparation of the EBA would extend for as long as it has. The pay rises that will now take place as of the commencement of the EBA and in subsequent years will be incorporated into the draft 2015/16 budget and subsequent budgets as per the EBA which are to be CPI or 3% per annum, whichever is the greater.



Individual pay rises as a result of an employee achieving a higher level are also a financial implication which will be dealt with as they occur and in any case will not be excessive in relation to the total wages across the crew.

Training costs may increase if the employees do take up the option to increase their training however the EBA allows for management discretion in the approval of training. The training needs of the crew will be assessed during the preparation of each budget which will include any discretionary training requested.

POLICY ISSUES/IMPLICATIONS

The EBA does refer to various Policies (grave digging allowance, superannuation, salary sacrifice) as these Policies currently guide the outcomes in relation to these matters. Therefore there was no need to double up and redraft similar clauses to them in the EBA. There may be instances occur where the matters dealt with by the Policies are raised by the workings of the EBA, however if there are any implications for the Policies by this, they can be dealt with either at Policy review time or at any stage throughout the year.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

The EBA and the process to compile it has been regularly referred to Council's Industrial Relations consultant to ensure it complies with all statutory matters.

LEGAL ISSUES/IMPLICATIONS

Once signed, the EBA will become a legally binding employment contract between the employee and the Shire with each current employer required to sign up. The Common Law agreement status means that each new outside employee taken on will need to sign the agreement rather than it being an automatic overarching agreement, however this is seen as a minor detail.

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The preparation of the EBA has been a challenging and at times difficult task, however the outcomes will be of benefit to both the Shire and the outside employees. As a result of the exhaustive process, officers are confident that the EBA document and the processes it contains are robust, equitable and sustainable.

The Manager Works and Services, Depot Administration Officer and the outside staff should be commended for the quality of the draft document and for their dedication to the process.

Appendices Attached:	No	Appendices Numbers:	N/A
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VOTING REQUIREMENTS

Simple Majority



OFFICER RECOMMENDATION

That Council endorse the Shire of Waroona Outside Staff Collective Enterprise Agreement and authorise the CEO to execute the document as required.

9.1.2 REVIEW OF BULLER ROAD REFUSE DISPOSAL SITE OPERATIONS	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, DTS; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, DTS; No Interest
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 7 May 2015	File No.: 77/3
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	See heading below
Strategic Implications:	See heading below
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 "<u>Assets, Resources, Financial Management & Sustainability</u>"	

PROPOSAL SUMMARY

The Technical Services Department took over the Waste Management operations following the restructure that was implemented upon the departure in late 2014 of the Director Community Services whose directorate previously covered Waste Management. The operation of the Buller Road Refuse and Disposal Site (BRRDS) makes up a large component of the Waste Management operations, and in order to better understand the operations and implications of the management of the BRRDS a consultant was engaged to review previous reports and make recommendations as to its future direction as well as current issues and implications.

This item underpins the presentation to the Waste Management Advisory Committee to be given by Giles Perryman of ASK Waste Management at the Committee meeting and provides an opportunity for the Committee to make recommendations to Council based on the outcomes of the findings of the review, which were summarised during the presentation.

BACKGROUND/INITIAL COMMENTS

The Waste Management Advisory Committee needs to discuss and recommend on several key issues, firstly those arising from the April Ordinary Council Meeting (OCM 15/04/037):

1. *The Waste Management Advisory Committee investigates the potential to release more space to be available for rubbish disposal at the Buller Road Refuse site to improve income for the site*
2. *That Council request the Waste Management Advisory Committee to consider the recommendation of the Finance and Audit Committee, to approve a transfer of \$60,000 from the municipal fund to the waste reserve fund to be reduced to \$30,000 to offset the reduced income at the Buller Road refuse site projected for 2014/15.*

The presentation presented various options open to Council for the future as well as the current situation of the BRDDS, which may have a bearing on the recommendations that will stem from the two resolutions above as well as other



recommendations that stem from the presentation itself. Officers have made recommendations pertaining to the points raised by the review and that will be discussed during the presentation by ASK. However, it is recognised that until such time as the Committee is given the presentation it cannot be fully informed and therefore the Committee may wish to make alternative recommendation or amend the officers' recommendations.

In any case, the specific issues that require a determination and recommendation, other than the two above, are:

3. Based on the findings of the review subject to the presentation, several options are open to Council with regards to the future direction of the BRRDS. These options, or a certain number of these options, need to be further investigated and assessed so that a preferred option can be identified. Based on the presentation and further advice from ASK, the Committee may wish to identify which options to pursue.
4. Based on the findings of the investigations and assessments carried out in point four, complete a financial review of the waste costs, fees and charges and develop a 10 year cash flow projection. These will likely need to occur initially on more than one future option in order to compare costs to assist in a determination and then a more detailed analysis carried out on the final option.

The waste costs, fees and charges need a thorough review to ensure the BRRDS is economically viable, appropriate reserves are being accumulated to cover closure costs and the charges to residents and customers are correct. The 10 year projection can be modelled for the different preferred options to determine the financial impacts of each option.

5. Produce a Landfill Closure Management Plan (LCMP) for the BRRDS, including the capping design and cost estimate for rehabilitation / closure

A LCMP is needed at the BRRDS to ensure waste is filled to the correct levels and the site is filled and rehabilitated progressively. The LCMP will include an accurate estimate of rehabilitation and closure cost, thus enabling the Shire to plan and accrue the funds required from the fees and charges.

The review carried out by ASK also identified the need for an Operational Plan for the BRRDS however this has been completed in house by Council's Environmental Technical Officer.

PLANNING – STRATEGIC IMPLICATIONS

Any long term determination will need to be integrated in Council's strategic planning as for any other operation of Council. This will be carried out once a decision has been made.

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

This issue comes under the SCP No 5 “Assets, Resources, Financial Management & Sustainability”

FINANCIAL ISSUES/IMPLICATIONS

The financial implications of the transfer to the waste reserve are clear; either remaining at \$60,000 or falling to \$30,000. A reduction in the total of the waste reserve account at this time will affect future spending capacity from that reserve.

It is difficult to determine with certainty the costs involved in the next stage of investigation. ASK has indicated that to outsource each of the items listed against points three and four and five above would cost in the order of:

3. \$15,00 - \$25,000
4. \$8,000 - \$12,000
5. \$12,000 - \$18,000

It is likely that Council’s Environmental Technical Officer would be able to complete some of the work required under each item, therefore actual outsourced costs will be less.

These costs can be collated and included in the total operating cost of the BRRDS which then forms the basis of Council’s waste fees and charges therefore there are no direct financial demands on municipal funds.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

With reference to the five points listed above:

1. The capacity to sell more landfill space ideally should be examined holistically with the investigations and assessments required to address point three. These investigations can certainly be structured to take into account a desire to sell more space however to do so carries with it implications such as landfill life and may accelerate the need to close the current landfill and enter into alternative treatments. Therefore it is recommended that the decision to make available more landfill space for sale is deferred until a determination is arrived at through the investigations required to address point three.

However, the review to address points 3 and 4 will not take place in time for the compiling of the 2015/16 budget therefore the Committee may wish to determine a short term position with regards to the sale of landfill space based on advice presented at the meeting so that an income figure may be derived for inclusion in the draft 2015/16 budget.



2. The proposed reduction in the total transfer to the waste reserve was prompted by a reduction in the income returned from the BRRDS operations in 2014/15. In consultation with Finance staff it is difficult to know at this stage whether the original transfer amount is still viable or whether the reduction is warranted. Ideally, if possible it would be preferable for the sake of the waste reserve that the full amount be transferred given that one of the limiting factors identified by the review is a lower than ideal level of funds currently in the waste reserve.

Following discussion with Finance staff it is recommended that the level of transfer be determined later in the year and an item brought to the June OCM to deal with the final level of transfer.

3. It is recommended that further investigations and assessments take place to determine a future direction for the BRRDS.
4. It is recommended that following, or in conjunction with, the investigations subject to point 3, that a financial review and projections be carried out to assist in the determination of a future option.
5. It is recommended that a Landfill Closure Management Plan be drafted.

Appendices Attached:	No	Appendices Numbers:	N/A
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VOTING REQUIREMENTS

Simple Majority

<p><u>COMMITTEE RESOLUTION</u> MOVED: CR WRIGHT SECONDED: CR SALERIAN</p> <p>That the Committee recommends to Council to:</p> <ol style="list-style-type: none"> 1. Defer the decision to sell more landfill space at the Buller Road Refuse and Disposal site until such time as further determinations into the future of the site which examine the implications are completed. 2. Bring an item to the June 2015 OCM that deals with the level of transfer to the waste reserve closer to the end of the financial year. 3. Instigate further investigations into the future direction of the Buller Road Refuse and Disposal Site along the lines of that indicated by recommendation three of the ASK Waste Management Presentation i.e. extend the operational life of the site to a projected 15 years based on the principles of ‘best practice’ for a small landfill while investing revenue back into the facility so that future reserve funds are able to fund closure and post closure operations. 4. Instigate further investigations into the financial implications of the future direction(s) of the Buller Road Refuse and Disposal Site and compile a 10 year financial projection of the preferred direction. 5. Instigate further investigations into the preparation of a Landfill Closure Management Plan for the Buller Road Refuse and Disposal Site. <p style="text-align: right;">CARRIED 3/0</p>
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COMMITTEE RECOMMENDATION**That the Council:**

- 1. Defer the decision to sell more landfill space at the Buller Road Refuse and Disposal site until such time as further determinations into the future of the site which examine the implications are completed.**
- 2. Bring an item to the June 2015 OCM that deals with the level of transfer to the waste reserve closer to the end of the financial year.**
- 3. Instigate further investigations into the future direction of the Buller Road Refuse and Disposal Site along the lines of that indicated by recommendation three of the ASK Waste Management Presentation i.e. extend the operational life of the site to a projected 15 years based on the principles of ‘best practice’ for a small landfill while investing revenue back into the facility so that future reserve funds are able to fund closure and post closure operations.**
- 4. Instigate further investigations into the financial implications of the future direction(s) of the Buller Road Refuse and Disposal Site and compile a 10 year financial projection of the preferred direction.**
- 5. Instigate further investigations into the preparation of a Landfill Closure Management Plan for the Buller Road Refuse and Disposal Site.**

9.1.3 REVIEW OF BIENNIAL BULK RUBBISH COLLECTION	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, DTS; No Interest
Responsible Officer / Officer's Interest	Patrick Steinbacher, DTS; No Interest
Proponent:	Shire of Waroona
Landowner:	Shire of Waroona
Date of Report: 7 May 2015	File No.: 77/3
Previous Reference:	Nil
Policy Implications:	Nil
Statutory Implications:	Nil
Strategic Implications:	See heading below
Financial Implications:	See heading below
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 5 "<u>Assets, Resources, Financial Management & Sustainability</u>"	

PROPOSAL SUMMARY

Council's Finance and Audit Committee recommended to Council who resolved at their April OCM to request that the Waste Management Advisory Committee review the biennial bulk rubbish (verge side) collection.

BACKGROUND/INITIAL COMMENTS

The Council resolution is as follows (OCM 15/04/037):

"The Waste Advisory Committee investigates refinements to the bi-annual [biennial] bulk rubbish collection and report to Council prior to forming the 2015/16 budget. Refinements to consider the appropriateness and cost effectiveness of the current delivery of this program and potential improvements that may better target the program to areas of need. Eg only accessible to pensioners; pre-booked collections instead of all out on the verge etc."

Until 2014/15, Council offered an annual bulk waste (verge side) collection to the various town sites within the Shire. As of 2014/15 the collection changed from an annual to a biennial collection in order to conserve resources.

The collection is carried out by Council staff using Council plant and traffic control contractors. Waste collected is deposited at the Buller Road Refuse and Disposal Site and sorted into various waste streams (scrap metal, inert waste etc). The collection is a mixture of manual labour with heavy items being manhandled into the bucket of the loader or backhoe so they may be lifted into the waiting truck.

The collection takes about two to three weeks and is carried out in August to take advantage of a relatively quiet time for the works crew.

The Council resolution specifically mentions 'refinements' to the service and any refinements should be designed to save costs therefore any changes or alternatives have to be carefully considered to ensure they do not result in increased costs to Council.

Officers can offer the following suggestions:



1. Cessation of the service completely.

The origins of the verge side bulk collection are unclear, officers can only assume that they were perhaps introduced at the same time as the user pays system for rubbish tips which, prior to this, were free to use and mostly open at all times. Certainly, they are fairly common throughout the Local Government industry.

The community has grown more accustomed to the concept of user pays rubbish disposal and, assuming the introduction of user pays had a hand in the instigation of verge side collections, it may be reasonable to consider stopping the service completely.

2. Provision of strategically located 'skip' bins throughout the townsites.

Rather than collect from verges, it may be possible for Council to hire bulk skip bins and place them in strategic locations throughout the townsites for a certain period so that residents may deposit their waste items themselves.

This would be mostly unmonitored and it would be very difficult to police. It is likely that widespread dumping would occur from people beyond the shire boundaries and that once the bin was removed, people may be tempted to dump their waste where the bin was or in other locations rather than return home with it or make alternative arrangements.

3. A gate fee moratorium at the Buller Road Refuse and Disposal Site

Free tipping for residents only at the waste site, perhaps four weekends over a month period, for instance. This would be a viable solution for those who could physically get their waste to Buller Road, and would not be a huge financial impost given that the increase in waste volumes triggered by this alternative would be in line with the increase caused by the traditional verge collection.

However, the verge collection is helpful for residents who lack the means or capacity to make their way to the waste site with bulk waste, therefore this alternative would likely not be popular for this reason and for the fact that residents would be responsible for the transport of their waste to site rather than collected at their verges.

4. Procurement of a contractor

Many Councils who offer verge side collections utilise the services of a contractor. In the case of the Shire of Murray for instance their contractor sorts the waste and retains any salvageable material before depositing waste items in a compactor truck which improves efficiency and lessens landfill volumes. The Shire of Murray has indicated that this service costs between \$70,000 and \$100,000 per annum however given the size differential between Murray and Waroona Shires it could be expected that the cost to collect waste in the Waroona Shire would be substantially less, however this cost would be additional not directly replace the 'in house' costs as Council is still liable for employee and plant costs as mentioned in the financial implications heading.

PLANNING – STRATEGIC IMPLICATIONS

Nil

REFERRALS

Nil

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

This issue comes under the SCP No 5 “Assets, Resources, Financial Management & Sustainability”

FINANCIAL ISSUES/IMPLICATIONS

The current method of collection costs in the order of \$50,000. However a large component of these costs are labour and overheads for which Council is liable regardless of the activities of the crews. Similarly, if the collections were not carried out then the plant used would likely be used on some other activity therefore plant costs would remain relatively equal.

Additionally, there is a cost to Council in the disposal of the waste once it gets to the refuse site both in terms of cost to physically deal with the waste and cost in loss of landfill space. Currently, both of these costs are not being recovered and therefore Council is effectively subsidising the cost of depositing ratepayer waste at the refuse site. Ideally the cost of the collection and disposal should be included in the overall waste expenditure figure which forms the basis of Council’s waste fees and charges.

With regards to the four possibilities outlined above:

1. Cessation of the service would result in a direct saving of the cost of traffic control (approx. \$20,000) and a reduction in landfill space used
2. Skip bins present a hire cost however until numbers and levels of service were determined it is impossible to accurately estimate a total cost. Waste sourced through this option would likely be more than collected due to unscrupulous dumpers, which represents a slight increase in waste site costs and a reduction in landfill space, however given this would be a cost above and beyond current expenditure it is not viable if savings are the goal of this exercise
3. Very little cost implications – residents use a tip pass system rather than cash and the waste sourced through a moratorium would be in line with that sourced through collections or possibly slightly less
4. A contractor’s costs are difficult to estimate however using the Shire of Murray’s costs as a guide perhaps \$40,000-\$50,000 may be reasonable, however given this would be a cost above and beyond current expenditure it is not viable if savings are the goal of this exercise.

POLICY ISSUES/IMPLICATIONS

Nil

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

OFFICER'S FINAL COMMENTS/CONCLUSIONS

There are no simple solutions to this issue particularly if the goal is to reduce expenditure while maintaining some form of service. The committee may have additional ideas which can be investigated however it may prove difficult to provide a service while reducing costs. If the Committee can determine a method that is viable or one that requires more investigation the Committee may change the officer recommendation.

The option of pushing the biennial service out to every three years has not been examined, while this would be an obvious saving it is probably not viable in terms of level of service.

Therefore, with no clear outcomes at the time of writing the officer recommendation to the Committee is to retain the current service as a biennial service. It should be examined regularly however as the prevailing situation may change in the future and other options may become viable.

Appendices Attached:	No	Appendices Numbers:	N/A
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VOTING REQUIREMENTS

Simple Majority

COMMITTEE RESOLUTION

MOVED: CR WRIGHT
 SECONDED: CR SALERIAN

1. That Council retain the bulk rubbish collection for 2015/16 as indicated in the original decision to revert to a biennial service.
2. Instigate further investigations into the service as part of the ongoing overall waste management and service level investigations so that a more considered position may be determined to assist future determination.

CARRIED 3/0

COMMITTEE RECOMMENDATION

1. That Council retain the bulk rubbish collection for 2015/16 as indicated in the original decision to revert to a biennial service.
2. Instigate further investigations into the service as part of the ongoing overall waste management and service level investigations so that a more considered position may be determined to assist future determination.



9.2 DIRECTOR DEVELOPMENT SERVICES

9.2.1 LOT 8 (NO. 3), MCDOWELL STREET, WAROONA – APPLICATION FOR PLANNING CONSENT FOR STORAGE UNITS	
Reporting Officer / Officer's Interest:	Jeremy Durston – Town Planner / No Interest
Responsible Officer / Officer's Interest:	Louis Fouché – Director Development Services / No Interest
Proponent:	Alan Glenn Hewett & Jean Lorrain Hewett
Landowner:	Alan Glenn Hewett & Jean Lorrain Hewett
Date of Report: 18/5/15	File No.: TP1750
Previous Reference:	TP345, TP839, TP1530, OCM06/030
Policy Implications:	Local Planning Policy 1 – Community Consultation Local Planning Policy 14 – Industrial / Commercial Land-Use & Development
Statutory Implications:	Shire of Waroona Town Planning Scheme No. 7 of 1996
Strategic Implications:	Local Planning Strategy 2009 Shire of Waroona Strategic Community Plan 2014/15-2023/24 Waroona Town Centre Strategy 2003
Financial Implications:	Nil
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land	

PROPOSAL SUMMARY

Council is requested to consider an application for Planning Consent for the development of additional Storage Units at Lot 8 (No. 3) McDowell Street, Waroona.

The proposal includes the addition of 61 new storage units to the site. The new units are proposed to be constructed in five separate buildings each containing between 7 and 20 units, to be distributed at both the western and eastern ends of the lot.

The proposed construction materials are steel framework, steel sheet cladding to walls and roof, steel roller-doors, with some unit blocks to have brick construction of outward facing walls.

The new storage unit buildings are proposed to be developed in stages. Initially the eastern end of the lot will be used as hardstand prior to the construction of the storage units proposed for that area. The existing eastern vehicle crossover will be used for construction equipment access and large vehicle access, but once the proposed development is complete, regular access to the site will be via the existing western crossover.

The site plan incorporates the proposal for Hotmix seal to ground areas adjacent to the new storage units, and includes the sealing of the eastern vehicle crossover. Additionally, 9 car parking bays are proposed to be designated and sealed, to be situated along the northern lot boundary.

A location and site plan can be seen in **APPENDIX 9.2.1A**, and the elevation plans can be seen at **APPENDIX 9.2.1B**.



A landscaping plan has been lodged incorporating additional plantings of vegetation at the western end of the lot. The landscaping plan can be seen at **APPENDIX 9.2.1C**.

A storm water management plan has been lodged incorporating proposed soakwells with trafficable gratings, and a storage pond to be located at the western end of the lot. The stormwater plan can be seen at **APPENDIX 9.2.1D**.

BACKGROUND/INITIAL COMMENTS

Lot size	0.4646 Ha
Existing improvements	Storage Units

The subject site, 0.4646 Ha, is located on McDowell Street at the corner of South Western Highway. The current use of the site is Storage Units and the construction of the three existing storage unit buildings is steel frame with steel cladding to walls and roof and brick construction of outward facing walls.

Vehicle access to the site is via two entrances from McDowell Street, with an 11m sealed crossover at the western entrance and 17m unsealed crossover at the eastern entrance. There is no vehicle access from South Western Highway.

Previous Applications

Council records indicate that Planning Consent (TP345) for three storage buildings and associated advertising signage was initially issued 1 September 1998. A Building Permit (BA1998107) was subsequently approved on 7 September 1998. Only one of the three proposed buildings was constructed under this permit.

Planning Consent (TP839) for one additional storage unit building was issued on 24 May 2005. A Building Permit (BA2005061) was subsequently approved on 20 April 2007.

Planning Consent (TP1530) for one new storage unit building and the extension of one existing storage unit building was issued on 18 January 2013. A Building Permit (BA2013006) was subsequently approved on 31 January 2013.

STATUTORY IMPLICATIONS

Shire of Waroona Town Planning Scheme No. 7 1996 (TPS)

The subject lot is located within the 'Urban 3 – Service Commercial' zone under the Shire of Waroona Town Planning Scheme No. 7 (TPS) and is therefore subject to Clause 4.7 of the Scheme, which relates specifically to that zoning.

Clause 4.7.1 states that Council's objective is to provide areas additional to those in the Town Centre for commercial and service industry uses which might not be appropriately located in the Town Centre Zone for reasons of the type of use or spatial requirements.

Council's policies will therefore include permitting a wide range of uses which will achieve this objective, while also requiring that development by its design, construction and materials contributes satisfactorily to the streetscape of the zone, particularly to the frontage of South Western Highway.

Council's Policies will therefore be to:

- ensure that development is functionally and visually appropriate to the location adjoining the Town Centre and abutting the South Western Highway;
- minimise access to the Highway from establishments by requiring, wherever possible, controlled access points;
- ensure adequate on-site car parking provision and setbacks from the road frontages;
- require appropriate landscaping in the setback area abutting the Highway.

Clause 4.2.1 The Zoning Table (Table 1) indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme area in the various zones, such uses being determined by cross reference between the list of use classes of the zoning table and the list of zones. "Warehouse" is identified as a "P" use in the Urban 3 –Service Commercial zone, meaning that the use is permitted provided that it complies with the relevant standards and conditions laid down in the Scheme and any Town Planning Scheme Policy adopted in accordance with Clause 2.4 and all conditions imposed by the Council in granting Planning Consent.

Clause 8.2 outlines the requirements for advertising of applications. While a proposed "P" use does not require compulsory advertising, Clause 8.2.3 outlines the advertising procedures for when Council is either required or decides to give notice of an application for Planning Consent. Advertising may incorporate notice to owners and occupiers of potentially effected properties, newspaper advertising or the display of a sign on the subject land.

According to the TPS No.7 Scheme definitions, Warehouse "means a building wherein goods are stored and may be offered for sale by wholesale." The storage of goods is sufficient to classify the land use as a Warehouse, whether or not goods are offered for sale from the premises.

Clause 4.7.3 outlines the setback requirements of the zone, specifying:

- South Western Highway Frontage: 9 metres on the east side of the highway.
- Other road frontages; 9 metres.
- Other lot boundaries: 3 metres from one side boundary and rear boundary, with other side boundary nil setback for a masonry parapet wall.

Clause 6.8 Vehicle Parking and 6.8.1 Table 2 specify that for Other Uses, parking requirements are at Council's discretion. The site will ultimately include a total of 1881m² of storage unit floor space, including the current proposal. However the storage units are expected to attract low-frequency custom with a relatively low associated requirement for designated vehicle parking bays.

STRATEGIC PLANNING IMPLICATIONS

Shire of Waroona Strategic Community Plan 2014/15-2023/24

This item contributes towards achieving Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.



Local Planning Strategy 2009 (LPS)

The subject land is located within the Town Precinct under the LPS and identified as Mixed Use. The objective of the Mixed Use classification is to provide for a mix of residential and compatible service industries, including opportunities for live/work lots.

The specific planning considerations for Mixed Use are:

- All development is to face and interact with road frontages in the zone.
- The front setbacks to contain a high percentage and standard of landscaping.
- Adequate on-site parking is to be provided for new developments.
- The Shire will seek to minimise the number of crossovers to South Western Highway, including requiring the exclusive use of a secondary street or reciprocal rights of access, where possible.
- The Shire has the right to impose conditions relating to the hours of operation of a business.

POLICY IMPLICATIONS

Local Planning Policy 1 – Community Consultation (LPP1)

The objective of this policy is to ensure that an appropriate level of community consultation is undertaken to keep any potentially affected ratepayer aware of a development proposal and to allow them ample opportunity to make a submission to allow their concerns to be considered by Council prior to making a decision on the subject proposal.

LPP1 stipulates that for an application for a use designated “P” with a local impact and non-compliance, consultation is required. The policy stipulates advertising of the proposal to owners and occupiers of affected neighbour properties.

Local Planning Policy 14 – Industrial / Commercial Land-Use (LPP14)

The objective of this policy is for industrial and commercial uses to meet minimum standards in terms of design and presentation.

Policy Statement 2 of LPP14 requires that a landscaping plan be included as a condition of approval.

Policy Statement 3 of LPP 14 requires that vehicles enter and exit the site in a forward gear, and that parking and circulation areas be drained and sealed.

Policy Statement 7 of LPP14 states that where further development is being made to an existing building, progressive upgrading of the site to the standard of new development is required.

Local Planning Policy 23 – Landscaping

The objective of this policy is to promote effective landscaping in the townsite for a range of amenity purposes including screening, shelter, shade, ornamental and other issues, and to encourage retention of existing trees in that landscaping wherever practicable. A recommended species list is provided to aid appropriate landscaping, and the policy is also designed to ensure minimum standards of landscaping maintenance are applied.

General principle 5.1(i) of the policy states that landscaping will generally be required in association with all developments of a commercial or industrial nature, with particular emphasis on the entrances to towns and key arterial roads such as the South Western Highway. For industrial development screening vegetation of a suitable height and thickness should aim to mask development that is not aesthetically pleasing.

General principle 5.1(ii) of the policy states landscaping will be required to conform to an approved landscape plan for the site. That plan is to be submitted and approved by the Manager of Planning Services prior to the issue of building licences.

General principle 5.1(iii) of the policy states all landscaping required as a condition of approval is required to be maintained for the life of the approval. Moribund trees and shrubs must be replaced as soon as practicable.

General principle 5.1(iv) of the policy states that Council supports use of endemic native species where appropriate.

COMMUNITY CONSULTATION

In accordance with the TPS and LPP1, the application was advertised to adjoining neighbours and neighbours directly opposite the road frontage of the site for a period of 21 days. Advertising highlighted the proposed reduction in the McDowell Street setback to 5.3m in lieu of 9m. No submissions were received.

INTERNAL REFERRAL

The Director of Technical Services has the following requirements for the proposal:

- All stormwater and drainage run-off to be contained on site or connected to a Council stormwater legal point of discharge to the specification and satisfaction of the Director Technical Services / Manager Works.
- One cubic metre of stormwater storage is to be provided for every 65 m² of impervious surface on site.
- All parking associated with the storage units shall be contained wholly on site. No verge parking is permitted.
- A footpath and kerbing bond of \$840 is to be deposited with council for the temporary access proposed for the eastern crossover.

The Manager of Environmental Health and Building Services stated the proposed development would require a certified application for a building permit.

FINANCIAL ISSUES/IMPLICATIONS

Nil.

OFFICER COMMENTS

TPS

Given that the application is for a use listed as “P”, it is permitted provided that it complies with the relevant standards and conditions laid down in the Scheme and any



Town Planning Scheme Policy adopted in accordance with Clause 2.4 and all conditions imposed by the Council in granting Planning Consent.

Council, therefore, needs to be satisfied that the relevant standards and conditions will be met by the proposal. Further, any conditions imposed by Council for the current application will need to reinforce the various conditions imposed by previous planning consents that remain relevant to the development.

Clause 4.7.1 of the TPS lists the objectives and policies for The Urban 3 Service Commercial zone and the proposed land use can be assessed against the objectives of the zone.

Council's objective is to provide areas additional to those in the Town Centre for commercial and service industry uses which might not be appropriately located in the Town Centre Zone for reasons of the type of use or spatial requirements.

The proposal meets the TPS No.7 Scheme definition for Warehouse, which is a building in which goods are stored.

The storage unit building includes 1881m² of floor space and the parking requirements may be assessed against those for Other Usage under Clause 6.8 Vehicle Parking and 6.8.1 Table 2, which stipulates suitable parking spaces subject to council's discretion. Through the provision of sealed parking areas adjacent to all storage units proposed for the site, plus an additional 9 designated parking spaces included in the proposal, the total parking area available on site is considered to meet the requirements for the expected low frequency custom associated with the storage units.

The proposal complies with the Clause 4.7.3 street and side boundary setback requirements of the zone, as follows:

- 9m from the South Western Highway Frontage boundary.
- 3m from the rear boundary.
- Nil setback masonry parapet wall for the side boundary.

The McDowell Street boundary does not comply with setback requirements of the zone, as follows:

- 5.3m setback from the McDowell Street boundary in lieu of the required 9m.

The setback variation applies to two storage unit buildings to be located on the western portion of the site, while the remaining buildings meet the setback requirements. Upon advertising of the proposal, no submissions were received. Provided the site is appropriately landscaped in future, the setback variation is not considered to have a significant detrimental impact on the amenity of the streetscape.

Shire of Waroona Strategic Community Plan 2014/15 - 2023/24

The proposed Storage Unit development is consistent with the aims and principles towards achieving Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

Local Planning Strategy (LPS)

The proposed land use is not listed as a primary or discretionary use within the LPS, however Storage Units are considered to be consistent with the objective of the Mixed Use precinct.

The considerations of the LPS objectives for Mixed Use include:

- All development is to face and interact with road frontages in the zone.
- The front setbacks to contain a high percentage and standard of landscaping.
- Adequate on-site parking is to be provided for new developments.
- The Shire will seek to minimise the number of crossovers to South Western Highway, including requiring the exclusive use of a secondary street or reciprocal rights of access, where possible.
- The Shire has the right to impose conditions relating to the hours of operation of a business.

Local Planning Policies

In accordance with LPP14 Policy Statement 2 a landscaping plan is recommended as a condition of approval. A landscaping plan was lodged with the application, however it requires modification to comply with LPP23 Landscaping. These requirements include more detailed plans of the proposed plant varieties, numbers of each variety to be planted and the location of the proposed plantings. Further, in addition to the proposed landscaping on the South West Highway boundary the landscaping plan should also address the amenity and screening of the McDowell Street boundary.

A condition is also recommended to ensure parking and vehicle movement areas meet the required standards according to LPP14 Policy Statement 3.

Internal Referral

No objections were raised by internal departments, however there are a number of Technical Services issues to be addressed, as follows:

- A condition is necessary to enforce implementation of the drainage management plan to ensure effective stormwater disposal.
- A condition is required to ensure vehicle parking for the storage units is contained wholly on site.
- A condition is required to enforce implementation of the landscaping plan to reduce the amenity impact of the development from the aspect of the South Western Highway and McDowell Street.
- A condition is required to apply a \$840 bond for footpaths and kerbing adjacent to the eastern crossover.
- Advice notes are necessary to advise MRWA's jurisdiction over the South Western Highway road reserve, and also regarding Australian Standards for vehicle parking bays.

In addition to the above matters, an advice note is necessary regarding the requirement for a certified building permit to be obtained for the proposed development.

Conclusion

The proposed development is considered to be generally in accordance with the requirements of the TPS, LPS and local planning policies. The proposal provides the opportunity for the upgrading of the existing facilities on the site. The proposal is not deemed to detrimentally impact any surrounding lots.

The application is therefore recommended for approval subject to appropriate conditions and advice notes.

Appendices Attached: Yes	Appendices Numbers: 9.2.1A-D
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in relation to the proposed Storage Units at Lot 8 (No. 3), McDowell Street, Waroona, Council resolves to approve the application subject to the following conditions;

- 1. The development shall be carried out and fully implemented in accordance with the details indicated on the application and stamped approved plans, unless otherwise required or agreed in writing by the Shire of Waroona.**
- 2. All stormwater and drainage run-off to be contained on site or connected to a Council stormwater legal point of discharge to the specification and satisfaction of the Shire of Waroona.**
- 3. The approved Drainage Management Plan is to be implemented in full and thereafter maintained to the satisfaction of the Shire of Waroona.**
- 4. Prior to the commencement of site works, a detailed Landscape Plan shall be submitted to and approved by the Shire of Waroona. Two copies of the landscape plan/s shall be submitted at a scale of 1:200 or 1:100 and shall detail the following:**
 - i. Proposed trees and shrubs to be planted including species and number. Trees and plants are to be shown in exact location using clear symbols;**
 - ii. Site layout and context including property boundaries, street names, building/s, parking areas, paved areas, adjacent verges, existing trees and vegetation;**
 - iii. A coded planting legend listing proposed plants by botanical names and details of pot/bag sizes, spacing and quantity.**

The approved Landscaping Plan is to be implemented in full prior to the commencement of the use and the landscaping thereafter maintained to the satisfaction of the Shire.

- 5. All parking associated with the storage units shall be contained wholly on site. No verge parking is permitted.**
- 6. Prior to the commencement of the use, vehicle access ways, turning areas and vehicle parking bays are to be constructed, kerbed, formed, graded, drained line marked and finished with a sealed or paved surface or equivalent by the developer to an approved design to the satisfaction of the Shire of Waroona. Once constructed the access ways, turning areas and parking areas shall be maintained at all times to the satisfaction of the Shire of Waroona.**
- 7. Prior to the commencement of the use, the applicant shall construct and maintain vehicle crossovers to the development. Existing crossovers not required for the proposed development shall be removed, the verge made good and kerbing reinstated, immediately upon completion of the development.**
- 8. The development approved is to be substantially commenced within two (2) years after the date of this determination. The approval lapses if the development has not substantially commenced before the expiry of that period.**

ADVICE TO APPLICANT:

- A. The applicant is advised that no site works shall commence until a Building Permit has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works. Furthermore, the proposed development is to comply with the National Construction Code 2015.**
- B. In relation to condition 6, please note that design and construction of the parking bays and turning areas are to be in accordance with Austroads Part 11 Guide to Traffic Engineering Practice: Parking; Australian Standard AS2890.1-2004 Off Street Car Parking and Australian Standard AS2890.2-2002 Off Street Commercial Vehicle Facilities.**
- C. With regard to condition 4 the objective of Local Planning Policy 23.0 - Landscaping is to improve the streetscape and to reduce the amenity impact of buildings, hardstand and car parking areas. Where possible the existing site vegetation should be integrated into any landscaping conducted according to Local Planning Policy 23.0.**

- D. With regard to condition 4 the Shire of Waroona requires that landscaping plans utilise the recommended species lists listed in appendix A of Local Planning Policy 23.0 - Landscaping. The Shire of Waroona supports the use of endangered or threatened endemic native species in landscaping wherever this is practicable.**
- E. With regard to condition 4 the Shire of Waroona requires that the Landscaping Plan include landscaping of the storm water storage pond. The applicant is advised to refer to the Water Sensitive Urban Design guidelines issued by the Department of Water formulating the landscaping plan for the on-site infiltration basin.**
- F. Please note that any proposed signage will require a separate application for planning consent according to the Shire of Waroona Town Planning Scheme No.7 clause 7.2.**
- G. Please note that Main Roads Western Australia is responsible for the South Western Highway road reserve, and any potential alteration or relocation of existing infrastructure within this area will require an application to Main Roads Western Australia.**

9.2.2 DELEGATION OF POWERS AND DUTIES TO CHIEF EXECUTIVE OFFICER – HEALTH ACT 1911 AND SHIRE OF WAROONA HEALTH LOCAL LAWS 2001	
Reporting Officer / Officer's Interest:	Jason Robertson - Manager Environmental Health and Building Services / Nil
Responsible Officer / Officer's Interest	Louis Fouché - Director Development Services / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report 13 May 2015	File No: 77/9, 45/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	Local Government Act 1995 Health Act 1911 Shire of Waroona Health Local Laws 2001
Strategic Implications:	Strategic Community Plan.
Financial Implications:	See heading in report.
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): THEME 6: GOOD GOVERNANCE -Active Civic Leadership: & Excellence in Management	

PROPOSAL SUMMARY

Council is requested to delegate to the Chief Executive Officer the power to administer the provisions of the Health Local Laws 2001.

Council is also requested to amend the appointment of the CEO as Council's Deputy in terms of the Health Act 1911.

BACKGROUND / INITIAL COMMENTS

Council has appointed and authorised the CEO to be its Deputy in terms of the Health Act 1911. The current delegation to the CEO reads as follows:

“Chief Executive Officer: Health Act Delegation – to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the Local Authority; such delegation to be exercised only in emergency situations when in the opinion of the Council's Director Community and Planning Services immediate action is required.”

There is currently no delegation to the CEO in relation to the Shire of Waroona Health Local Laws 2001.

REFERRALS

N/A

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

A key integral component of local authority activity is regulatory compliance. Theme 6: Good Governance - Active Civic Leadership: & Excellence in Management is



centred on a high level of legislative compliance. Enforcement of regulatory compliance falls within this, and by granting delegated authority to the Chief Executive Officer to deal with matters pertaining to Part 5, Division 4 of the Health Local Laws will contribute significantly to this outcome.

FINANCIAL ISSUES / IMPLICATIONS

Although not specifically costed, the officer hours required to deal with Health matters under delegation will generally be substantially less than determinations by Council given the requirements to produce Council reports and the associated costs of the Council meeting.

POLICY ISSUES / IMPLICATIONS

The Shire of Waroona Health Local Laws are legislated to assist in ensuring matters pertaining to Environmental and Public Health are maintained to an acceptable standard for the health and wellbeing of the community. It is essential for contemporary operational efficiencies to have appropriate delegations in place.

STATUTORY ISSUES / ENVIRONMENT / IMPLICATIONS

Under the Local Government Act 1995, section 5.42 allows for the delegation of some powers and duties to CEO:

Section 5.42 (1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43. The delegations of power for administering certain provisions of the Health Local Laws are not affected by section 5.43.

The Health Act 1911, under Section 26 has every local government authorised and directed to carry out within its district the provisions of the Health Act 1911 and Health regulations, local laws, and orders made thereunder. It is required that local government appoint and authorise a person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government.

Each local government makes Health Local Laws to protect public health within its district and to facilitate the discharge of the local government's duties under the Health Act 1911. Health local laws are made under section 342 of the Health Act 1911 in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995. The Shire of Waroona Health Local Laws were gazetted on 19 June 2002.

LEGAL ISSUES / IMPLICATIONS

See Statutory Issues.

COMMUNITY CONSULTATION

N/A

OFFICER'S FINAL COMMENTS / CONCLUSIONS

By Council granting Delegated Authority to the Chief Executive Officer to administer the provisions of the Health Local Laws 2011, will assist in Health compliance issues being addressed within suitable and appropriate timeframes; ensuring community health expectations are maintained.

With the previous Director Community Services leaving the organisation, and a corporate restructure in 2014, it is considered appropriate to remove the reference to the Director from the delegation. The restriction to the delegation in relation to emergency situations only is not considered necessary.

It is therefore recommended that Council authorises the delegations to the CEO as requested.

Appendices Attached:	No	Appendices Numbers:	N/A
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VOTING REQUIREMENTS

Absolute Majority

<p><u>OFFICER RECOMMENDATION</u></p> <p>That in relation to the Health Act 1911 and Shire of Waroona Health Local Laws 2001 Council delegate powers and duties to the Chief Executive Officer as follows:</p> <ol style="list-style-type: none"> 1) Council appoints the Chief Executive Officer to be delegated the power to administer the provisions of the Health Local Laws 2011. 2) Council authorises the current Health Act Delegation to the Chief Executive Officer to be modified to read as follows: “To be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the Local Authority”.
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9.2.3 AMENDMENTS TO THE 2014/15 ADOPTED BUDGET - COMMUNITY DEVELOPMENT	
Reporting Officer / Officer's Interest:	Naomi Purcell - Community Development Officer/ Nil
Responsible Officer / Officer's Interest	Louis Fouché Director Development Services/ Nil
Proponent:	Shire Of Waroona.
Landowner:	N/A
Date of Report: 11/05/2015	File No.: 48/9 106/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	Local Government Act 1995
Strategic Implications:	Nil
Financial Implications:	See heading in report.
LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): Theme 4: Society/Community Wellbeing - Maintain strong sense of Community; Effective Community Wellbeing.	

PROPOSAL SUMMARY

Council is requested to consider amendments to the 2014/15 adopted budget in order to accept funding from:

- a) Department of Sport and Recreation for the KidSport Program.
- b) ALCOA for the auspice of funds for the Hamel-Waroona RSL for flagpole replacement at the Waroona Memorial Park.
- c) OneLife for Youth and Community Mental Health Education and Support.

BACKGROUND/INITIAL COMMENTS

a) KIDSPORT:

This program will make it possible for children in the Shire of Waroona to participate in community sport and recreation, no matter their financial circumstances. KidSport will allow eligible children and youth aged 5-18 years to apply for financial assistance to contribute to club fees. The fees will be paid to the registered KidSport Clubs who are participating in the project through the Shire of Waroona Local Government. The Waroona Shire will administer, promote and validate KidSport applications. Eligible applicants will be able to apply for up to \$200 per child.

b) WAROONA MEMORIAL PARK FLAGPOLE REPLACEMENT

The Hamel – Waroona RSL would like to replace the flagpoles in Memorial Park. The replacement flagpoles will have vandal resistant internal halyards and this would mean that the flags would be able to be flown securely in Memorial Park. Previously the security of the flags has been an issue.

c) ONELIFE – SUICIDE PREVENTION SMALL GRANTS AND TRAINING

Due to the high prevalence of mental health issues and suicide within our community, it was identified that projects to educate youth and community would be greatly beneficial. A collaborative project will be rolled out with the Shire Of



Waroona and the Waroona District High School to deliver essential training programs to youth in the local community. This will include Teen Mental Health First Aid and Ground Shock Workshops. A Youth Mental Health First Aid Training will also be offered within the general Waroona Community.

PLANNING – STRATEGIC IMPLICATIONS

See Strategic Community Plan Implications.

REFERRALS

Nil.

STRATEGIC COMMUNITY PLAN ISSUES / IMPLICATIONS

The relevant Strategic Community Plan area is Society/Community Wellbeing - Maintain strong sense of Community; Effective Community Wellbeing.

FINANCIAL ISSUES / IMPLICATIONS

- a) KidSport is a fully funded project. The Shire of Waroona provides only the administration costs of this project – administration funding was provided in the first round payment of the project. All promotional pamphlets, posters, website, database and participation fees are all funded, supplied and managed by the Department Of Sport and Recreation.
- b) Hamel – Waroona RSL Flagpole Replacement – The cost of the flagpoles has been applied for in the grant application to ALCOA. The cost of the installation of these poles was not included in the application nor the freight charges. Financial implications will be approximately \$700 in installation costs and \$50 in freight costs.
- c) Onelife Suicide Prevention Small Grants is a fully funded project. Collaboration with the Waroona District High School and the Community Resource Centre to provided venues means there are no direct financial implications – NIL.

POLICY ISSUES / IMPLICATIONS

Nil.

STATUTORY ISSUES / ENVIRONMENT/IMPLICATIONS

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* *Absolute majority required.*



LEGAL ISSUES / IMPLICATIONS

See Statutory Issues.

COMMUNITY CONSULTATION

a) KidSport has been running successfully throughout WA and in the Shire of Waroona since 2011. The Department of Sport and Recreation and the Shire of Waroona continue to make media releases which lead to enquiries from interested parents and local sports administrators.

a) No Community Consultation – Shire of Waroona acting as auspice organisation

c) No Community Consultation – Collaboration between Shire of Waroona Councillor and Hamel – Waroona RSL.

d) Discussions through Interagency Network, Waroona DHS, Community Resource Centre, local Sporting Groups and the Shire of Waroona led to a collaborative approach to funding for Mental Health awareness and training.

OFFICER'S FINAL COMMENTS / CONCLUSIONS

The projects, funding and events relating to this request for budget amendment are projects that increase participation in sporting activity, improve community public places and provide education and support to youth and community. It is therefore recommended that Council approve the proposed budget amendments.

Appendices Attached:	No	Appendices Numbers:	N/A
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VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the 2014/2015 adopted budget be amended as follows in relation to Community Development programs:

- 1. That Council budgets \$9,000 (ex GST) expenditure from account 126620 for the Department of Sport and Recreation KidSport program.**
- 2. That Council Authorises unbudgeted grant income of \$9,000 (ex GST) to account 127330.**
- 3. That Council budgets \$1740 (ex GST) expenditure from account 153220 for the Hamel-Waroona RSL Flagpole Replacement**
- 4. That Council Authorises \$1740 (ex GST) unbudgeted grant income to account 152130.**
- 5. That Council budgets \$15000 (ex GST) expenditure from account 1523220 for the Onelife Suicide Prevention Small Grants.**
- 6. That Council authorises unbudgeted grant income of \$15000 (ex GST) to account 152130.**

9.2.4 APPLICATION TO KEEP THREE DOGS LOT 248 (No.10) CHALET VALE CLOSE PRESTON BEACH	
Reporting Officer / Officer's Interest:	Sarah Cope – Shire Ranger/Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services /Nil
Proponent:	Mychelle Morrissey and Darrin Vlimmeren
Landowner:	Mychelle Morrissey and Darrin Vlimmeren
Date of Report: 20 TH April 2015	File No: 45/2
Previous Reference:	Nil
Policy Implications:	Shire of Waroona Dogs Local Law
Statutory Implications:	Dog Act 1976 Dog Amendment Regulations 2014
Strategic Implications:	Nil
Financial Implications:	Nil
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): THEME 6: GOOD GOVERNANCE	

PROPOSAL SUMMARY

An application has been made requesting the keeping of 3 dogs at 10 Chalet Vale Close, Preston Beach.

BACKGROUND/INITIAL COMMENTS

Currently, 2 dogs are registered on the property, a female Pomeranian (“Wombat” – RegistrationLT00066), and another female Pomeranian (“Angel” – Registration LT00065). Both the female registered dogs are sterilised and also microchipped.

The third dog is a male Staffordshire cross (“Winston”), the property owners have detailed they took ownership of the third dog from a property in Bibra Lake. The dog “Winston” has been sterilised and microchipped. Further, the property owners have had the dog fully checked by a veterinarian including vaccinations.

There are no complaints on file for matters relating to the dogs on the property, and subject of this report.

REFERRALS

N/A

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

One of the key strategies of the Strategic Community Plan (SCP) is THEME 6: GOOD GOVERNANCE. A core element of Council functioning is legislative compliance. Breaches of relevant dog legislation can consume considerable quantities of officer resources. By ensuring property owners take the necessary steps and actions to maintain compliance with legislation is necessary, to allow for good outcomes.

FINANCIAL ISSUES/IMPLICATIONS

N/A

POLICY ISSUES/IMPLICATIONS

There are no inherent policy implications with the proposal, Council Policy 2.21 allows for alleged breaches of the Dog Act 1976 to be investigated by authorised officers.

STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

Part 5 of the Dog Act 1976 states:

Part V — The keeping of dogs

26. Limitation as to numbers

- (1) A local government may, by a local law under this Act —
 - (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or
 - (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.
- (2) A local law mentioned in subsection (1) —
 - (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and
 - (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and
 - (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and
 - (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
 - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
 - (b) cannot authorise the keeping in or at those premises of —
 - (i) more than 6 dogs that have reached 3 months of age; or
 - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption; and
 - (c) may be revoked or varied at any time.
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
 - (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
 - (i) a local law mentioned in subsection (1); or
 - (ii) an exemption granted under subsection (3); or
 - (b) more than —
 - (i) 2 dangerous dogs (declared); or
 - (ii) 2 dangerous dogs (restricted breed); or
 - (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or

(c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.

LEGAL ISSUES/IMPLICATIONS

There are no inherent legal implications with this proposal.

COMMUNITY CONSULTATION

The Shire Ranger has doorknocked all 6 neighbouring properties with 1 objection and 5 no objections being received. The Shire Ranger in the report has detailed the one objection was from a property owner detailing their general objection to dogs within their area, not specifically the dogs on this subject property.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

The Shire Ranger inspection report detailed the property is well maintained, the dogs have adequate facilities for exercising and the property is fully fenced and secure. The inspection report details the 3 dogs are well cared for and placid in nature.

Based on the above, it is considered by the Officer that the application be granted on the grounds that the dogs are well cared for, the yard is secure and all 3 dogs are sterilised and microchipped.

Appendices Attached:	No	Appendices Numbers:	N/A
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VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Council resolve that the application to keep three (3) dogs at No.10 Chalet Vale Close, Preston Beach be approved, subject to the following conditions:

- 1. All dogs at the property being registered;**
- 2. Permission applies only to the dogs specified;**
- 3. A review being conducted after each twelve (12) month period;**
- 4. The owners be notified that the Council retains the right to revoke or vary the approval at any time**

9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES

9.3.1 ACCOUNTS FOR PAYMENT	
Reporting Officer / Officer's Interest:	Kathy Simpson, Finance Officer / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 18/5/15	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers:	9.3.1
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<u>OFFICER RECOMMENDATION</u>		
That Vouchers numbered:		
<u>ACCOUNT</u>	<u>CHEQUE NOS.</u>	<u>TOTAL \$</u>
Municipal	Cheques 8032 - 8049	\$29,849.06
Trust (Cheque/EFTs)	EFT 20146 & 20209 Chqs: 11049 - 11051	\$13,079.08
Electronic Transfers Municipal Fund	EFT 20147 to 20379	\$577,955.10
Direct Wages	01/4/2015 – 30/4/2015 inclusive	\$255,618.59
Direct Debits	1/4/15 – 30/4/15	\$1,300.00
GRAND TOTAL:		<u>\$877,801.83</u>
and attached at Appendix 9.3.1 be endorsed.		



9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2014 TO 30 APRIL 2015	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook - Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 20/5/15	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	
Voting Requirements	Simple Majority

Appendices Attached:	Yes	Appendices Numbers:	9.3.2
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OFFICER RECOMMENDATION

That the Monthly Statements of Financial Activity for the period 1 July 2014 to 30 April 2015 be received and noted.

9.3.3 RANGER RESOURCE SHARING – SHIRE'S OF WAROONA & MURRAY	
Reporting Officer / Officer's Interest:	Laurie Tilbrook, DCEO/Director Corporate Services; No Interest
Responsible Officer / Officer's Interest	Ian Curley, Chief Executive Officer; No Interest
Proponent:	Shire of Waroona & Shire of Murray
Landowner:	Not Applicable
Date of Report: 7 May 2015	File No.: 184/1
Previous Reference:	Nil
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): E, No. 6 "Active Civic Leadership, Good Governance, & Excellence in Management"	

PROPOSAL SUMMARY

The Council is requested to endorse a formal Resource Sharing Agreement with the Shire of Murray to provide Ranger Services to the Shire of Waroona.

BACKGROUND/INITIAL COMMENTS

This initiative arose as a result of 3 key factors identified during initial discussions between executives of both Councils being:

1. Additional resources required by the Shire of Murray to fulfil objectives (at the time) pursuant to the State Government Local Government Reform agenda.
2. The resignation of the Council's Director Community Services (Steve Cleaver) whose Directorate was responsible for Ranger Services.
3. Increasing demand for additional ranger services especially during summer months.

In addition other potential resource sharing initiatives were discussed including that of the provision of Health services which has subsequently been implemented.

Extensive consultation has occurred over a period of several months in order to achieve desirable outcomes for both Councils. This has culminated in the final draft of the "Provision of Contract Ranger Services" agreement which essentially provides a focus on the "contractual" arrangements between the two Councils as distinct from operational day to day matters. This document will be provide under separate cover.

PLANNING – STRATEGIC IMPLICATIONS

N/A

REFERRALS

N/A

STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS

The relevant Strategic Community Plan issue area is number 6 "Active Civic Leadership, Good Governance, & Excellence in Management".



In particular Strategy 6.08 relates specifically to the sharing of resources.

FINANCIAL ISSUES/IMPLICATIONS

The overriding factor in the determination of the financial implications associated with the agreement have been based on the premise that the Council will not replace the position of Director Community Services (DCS) vacated by Steve Cleaver in September 2014.

Conditional on the preparation and acceptance of this Resource Sharing Contract the position of DCS would (or will) be replaced by a “Ranger Coordinator” essentially a position requiring both supervision and a hands on approach ie, second ranger.

The Resource Sharing Contract is based on the Shire of Murray providing a complete and comprehensive ranger service (and associated administration support) to the Shire of Waroona.

This initial annual cost estimate is \$273,000 to be based on four equal quarterly instalments, however there is estimated to be a one off set up cost of approx. \$24,000 (computer equipment, uniforms etc).

In calculating comparisons with the Council’s own expenses staff were required to “project” cost estimates equivalent to 2 FTE positions in order to provide a fair comparison.

These estimates were then further adjusted to include vehicle leasing expenses (2 vehicles) with the object of ensuring a complete ranger service.

Subsequently the option of vehicle leases has been abandoned due to the cost of leasing compared to the cost of retaining ownership.

It is therefore proposed that ownership of 2 vehicles will be retained with the Shire of Waroona and operating costs of these vehicles included in contractual payments.

Vehicle changeovers will be carried out in accordance with Council Policy in the normal manner commencing with former DCS vehicle (102WR) being converted from a station sedan to a utility.

Estimated annual cash saving to the Council is estimated to be approx. \$80,000 however the benefits to the Council are beyond that of financial. Access to expertise, policies, a full ranger service and efficiencies expected from the agreement are all factors in negotiating the best outcome for the Council.

POLICY ISSUES/IMPLICATIONS

Implementation of the agreement will require a review of Council policies and procedures relating to law enforcement. This will include additional policies (and guidelines) covering operational matters to ensure consistency between both Councils.

This matter will be the subject of separate reports.



STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS

There are several State Acts and associated regulations which are applicable to both Councils. It is expected that adjustments required will be simply adapting day to day procedures.

Of more importance are Local Laws which are promulgated under these Acts and there are obvious differences between both Councils.

Eg; Volunteer Ranger operations
Beach activities
Jetties
Parking

Rangers will be required to familiarise themselves with the key differences. This is not expected to be a significant issue as standard clauses contained within the laws are based on a Local Government Standard Model.

Fees and Charges

A review of fees and charges for ranger services has been conducted to ensure consistency between Councils. These are attached at **APPENDIX 9.3.3A**.

Although these charges will be included in the forthcoming 2015/16 budget they are proposed for adoption at the May 2015 Ordinary Council Meeting to ensure they will be operational by 1 July.

COMMUNITY CONSULTATION

Although community consultation is not required during preparation of the agreement there will be a procedure to advise members of the general public, particularly in regard to contact details, after hours etc.

OFFICER'S FINAL COMMENTS/CONCLUSIONS

This report serves to provide the Council with details on the contractual arrangements that are necessary to ensure a ranger service is provided to the Shire of Waroona by the Shire of Murray.

It is not intended to provide detailed information on day to day operations emanating from the contract within this report but to address these with Councillors as requested.

The contract will initially be for a 3 year period and contains clauses in relation to disputes, terminations etc.

Solicitors McLeods have been consulted during the agreements preparation.

Key issues identified in preparation of the agreement include:

- Method of operation eg; pool scheme
- Ownership of vehicles
- Staffing and rostering
- After hours callouts



- Features unique to individual Councils eg, beach activity
- Access to technology, particularly mobile
- Access to infrastructure eg, office and dog pound
- Executive structure
- Emergency management
- Administrative support
- Financial matters

Other advantages identified during negotiations are as follows:

- Two full time equivalent employees as Rangers;
- Operation of the service on a ‘pooled’ basis;
- Access to officer expertise otherwise unavailable;
- Development of a ranger roster and call out matrix;
- Simplification of account records;
- Use of “Insight” telephone call services;
- Day to day supervision by Shire of Murray;
- Provision of mobile technology (beyond the capacity of Shire of Waroona);
- The need for 2 less vehicles; and
- Ability to cover leave relief.

Please note that after hours call outs/overtime will be billed separately (and not included in contract) as the actual number of responses for defined events is unknown.

Appendices Attached:	Yes	Appendices Numbers: 9.3.3A
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VOTING REQUIREMENTS

Simple Majority

<p><u>OFFICER RECOMMENDATION 1</u></p> <ol style="list-style-type: none"> 1. That the Council endorse the provision of contract ranger services between the Shires of Murray and Waroona; 2. That the Council notes the inaugural operating period of the contact will be 1 July 2015 to 30 June 2018. 3. That the Council grants authority for use of the common seal on the contract documentation.

Absolute Majority

<p><u>OFFICER RECOMMENDATION 2</u></p> <ol style="list-style-type: none"> 1. That the schedule of fees and charges for the 2015/16 financial year at Appendix 9.3.3A be endorsed.



9.4 CHIEF EXECUTIVE OFFICER

Nil

10. CONFIDENTIAL REPORTS

Nil

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING

12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION

12.1 ELECTED MEMBERS

12.2 OFFICERS

13. CLOSURE OF MEETING