

MINUTES

of the Council Meeting held on

Thursday 22 December 2011
commencing at 5 pm.

in the Council Chambers, Ravensthorpe.

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE
ON 22 DECEMBER 2011, COMMENCING AT 5PM

CONTENTS	PAGE NO
1 DECLARATION OF OPENING /ANNOUNCEMENTS OF VISITORS	3
2 RECORD OF ATTENDANCE	3
3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
4 PUBLIC QUESTION TIME	3
5 APPLICATIONS, FOR AND PREVIOUSLY APPROVED LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST	3
6 PETITIONS/DEPUTATIONS/ PRESENTATIONS	3
7 CONFIRMATION OF MINUTES	3
7.1 COUNCIL MEETING 24 NOVEMBER 2011	3
8 SUSPENSION OF STANDING ORDERS	4
9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSIONS	4
10 REPORTS OF OFFICERS	4
10.1 DEPUTY CHIEF EXECUTIVE OFFICER	4
10.1.1 FINANCIAL STATEMENT FOR THE PERIOD ENDING 30 SEPTEMBER 2011	4
10.1.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 30 SEPTEMBER 2011	5
10.1.3 SALE OF "OMEGA HENLY A" INVESTMENT – RENEGOTIATION OF LOAN 138B	7
10.2 MANAGER OF PLANNING & DEVELOPMENT	10
10.2.1 APPLICATION FOR PLANNING APPROVAL FOR A CHANGE OF USE TO GROUPED DWELLING AT LOT 458 (49) VEAL STREET, HOPETOUN	10
10.2.2 APPLICATION FOR ENTRY/DOORWAY – PORT HOTEL VEAL STREET, HOPETOUN	16
10.3 MANAGER OF ENGINEERING SERVICES	20
10.3.1 TAMARINE ROAD REPAIRS	20
10.4 CHIEF EXECUTIVE OFFICER	22
10.4.1 COUNCIL MEETING DATES – 2012	22
10.4.2 DOMESTIC WASTE PICKUP – CONTRACTOR	25
10.4.3 COASTAL MANAGEMENT PLAN REVIEW	26
10.4.4 SOUTH COAST MANAGEMENT GROUP – COMMUNITY MEMBERS	29
10.4.5 SHIRE OF RAVENSTHORPE PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2011	31
10.4.6 PROPOSED BOUNDARY AMENDMENT BETWEEN THE SHIRES OF RAVENSTHORPE AND ESPERANCE	33
10.4.7 ESTABLISHMENT OF A YOUTH ADVISORY COMMITTEE (YAC)	35
11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	37
12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	37
13 MATTERS BEHIND CLOSED DOORS	38
13.1 SHIRE OF RAVENSTHORPE, PREMIERS AUSTRALIA DAY, ACTIVE CITIZENSHIP AWARD	39
14 CLOSURE OF MEETING	40

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.05 PM – Presiding Person, Cr Ian Goldfinch, declared the meeting open.

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS: Cr Ian Goldfinch (Shire President)
Cr Keith Dunlop (Deputy Shire President)
Cr Don Lansdown
Cr Jan Field
Cr Julianne Townsend
Cr Ken Norman
Cr Andrew Duncan

STAFF: Brent Bailey (Deputy CEO)
Jenny Rutter (Executive Assistant)

APOLOGIES:
Pascoe Durtanovich (Chief Executive Officer)

ON LEAVE OF ABSENCE:
Nil

ABSENT:
Nil

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR, AND PREVIOUSLY APPROVED, LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST

Cr Jan Field	Indirect Financial	10.2.1
Cr Ian Goldfinch	Proximity	10.3.1
Cr Don Lansdown	Impartiality	13.1

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES**7.1 Council Meeting – 19 December 2011**

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 7.1
Moved: Cr Townsend	Seconded: Cr Lansdown
That the minutes of the meeting of Council held on 19 December 2011 be confirmed as a true and correct record of proceedings subject to following amendment – Item 5 Cr Duncan did not have a disclosure of interest.	
Carried: 7/0	Res: 263/11

8. SUSPENSION OF STANDING ORDERS

Nil

9. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS

Nil

10. REPORTS OF OFFICERS**10.1 Deputy Chief Executive Officer****10.1.1 FINANCIAL STATEMENT FOR THE PERIOD ENDING 30 NOVEMBER 2011****File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest** None**Date:** 12 December 2011**Author:** Brent Bailey – Deputy Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** Yes – Financial Statements**Summary:**

The attached financial statements provide details of the Council's financial activities for the period ending 30 November 2011.

Background:

Nil

Comment:

Nil

Consultation:

Not applicable.

Statutory Obligations:

Section 6.10 of the Local Government Act 1995 (as amended) makes provision for Regulations to be established for the general financial management of the local government. Regulation 35 of the Local Government (Financial Management) Regulations 1996 requires monthly financial reports to be prepared in a prescribed manner.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

Details as per attached reports.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.1.1
Moved: Cr Field	Seconded: Cr Norman
That pursuant to section 6.10 of the Local Government Act 1995 (as amended) and Regulation 35 of the Local Government (Financial Management) Regulations 1996, the Financial Reports for the periods ended 30 November 2011 be accepted.	
Carried: 7/0	Res: 264/11

10.1.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 30 NOVEMBER 2011**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	12 December 2011
Author:	Brent Bailey – Deputy Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – List of Accounts

Summary:

The lists of accounts paid during the months ending 30 November 2011 are attached for Council's information.

Background:

Nil

Comment:

Nil

Consultation:

Not applicable.

Statutory Obligations:

Section 6.10 of the Local Government Act 1995 (as amended) makes provision for Regulations to be established for the general financial management of the local government. The following Local Government (Financial Management) Regulations 1996 are addressed in the following list of accounts:

Regulation 13 (2) requires list of accounts paid by authority during the month to be compiled showing:

- a) the payee's name;
- b) the amount of the payment;
- c) the date of the payment;
- d) sufficient information to identify the transaction.

Regulation 13 (3) requires the list referred to in (2) to be-

- a) presented at the next ordinary meeting of council following the preparation of the list; and recorded in the minutes of the meeting at which it was presented.

Policy Implications:

Nil

Budget / Financial Implications:

Details as per report attached.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.1.2
Moved: Cr Lansdown	Seconded: Cr Dunlop
That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of November 2011, be noted.	
Carried: 7/0	Res: 265/11

10.1.3 SALE OF "OMEGA HENLY A" INVESTMENT – RENEGOTIATION OF LOAN 138B**File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 8th November 2011**Author:** Brent Bailey – Deputy Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** Short Guide to Financial Ratios

Summary:

This item provides Council with an update of the effected sale of the Omega Henley Investment at 80% of its note value. It also discusses the option to use the sale of this investment to meet Council's principal commitment for loan 138B.

Background:

Council's 2011/2012 budget has a number of line items which relate to this agenda item:

- 1) Council has budgeted \$461,778 in principal repayment for loan 138B. There is also \$29,788 in budgeted interest payments associated with the loan.
- 2) Council has budgeted \$441,828 to be transferred from the Road and Footpath Reserve to meet the greater part of this loan commitment.
- 3) There is no recognition in the budget of a positive cash in-flow from the sale of Council's CDO's which have effectively been written down in Council's investment register over past financial years.

In July 2011 the following resolutions were passed at the Ordinary Council meeting in relation to Lehman investments:

That Res 103/11 of the meeting 23 June, 2011 be rescinded.

And

1. *That Council delegate authority to the Chief Executive Officer to investigate and negotiate the "Omega, Henley A" for a minimum return of 80%.*
2. *That Council delegate authority to the Chief Executive Officer to investigate and negotiate the "Merimbula" for a minimum return of 37%.*
3. *That Council delegate authority to the Chief Executive Officer to investigate and negotiate the "Helium Capital Limited Scarborough" for a minimum return of 6%.*

These resolutions provided the Chief Executive Officer with the authority to negotiate the sale of the investments at the set minimums. The sale of "Omega, Henley A" was executed on 8th December 2011 for the minimum return of 80% excluding interest. In total Council will receive a payout of \$487,116.16 inclusive of \$7,116.16 interest from an initial investment of \$600,000.

The negotiation and search for a buyer of the other two investments (Merimbula and Helium Capital) with remaining value continues.

Comment:

As the income from the sale of this investment was not recognised in the 2011/2012 budget, it provides Council with the opportunity to review its budget position to transfer reserve funds to finance loan servicing for loan 138B which is due for finalisation of \$444,683 (principal amount) on 15th February 2012. Council is presented with a number of options at this stage detailed as follows:

- 1) Council can maintain its original position and withdraw funds from the Road and Footpath reserve and move these funds to municipal funds. Municipal funds would then be used to service the principal repayment of loan 138B. A decision will need to be made as to the use of the unrecognised income relating to the sale of "Omega Henley A" investment (allocate to a reserve account, allocate to project expenditure, allocate to general municipal funds to carry forward to next financial year).
- 2) Council can choose to recognise the income received from the sale of "Omega Henley A" investment and use these funds to service the principal and interest payment of Loan 138B. Effectively this would be an amendment to the budget to remove the provision for a withdrawal of funds from the Road and Footpath reserve.
- 3) Council could also resolve to re-negotiate Loan 138B with the WA Treasury Corporation. At present 10 year indicative loan rates are 4.7%, advertised term deposit rates for 5 years are currently 5.8%. This presents a potential case where the investment of these funds will have a positive return (for at least a 5 year period) compared to paying off outstanding principal loans. Council's loan commitments require further consideration and are discussed below.

Council's debt ratios for the last three years can be seen in the following extract from Council's 2010/2011 annual report.

	2011	2010	2009
18. FINANCIAL RATIOS			
Current Ratio	0.78	0.63	1.93
Untied Cash to Unpaid Trade Creditors Ratio	0.20	-0.09	0.83
Debt Ratio	0.06	0.06	0.06
Debt Service Ratio	0.05	0.05	0.06
Gross Debt to Revenue Ratio	0.37	0.30	0.42
Gross Debt to			
Economically Realisable Assets Ratio	0.10	0.10	0.11
Rate Coverage Ratio	0.36	0.29	0.27
Outstanding Rates Ratio	0.06	0.10	0.15

The debt ratios remain relatively low when the repayment of loan 138B is finalised and are within industry benchmarks however future loans are likely to be required for major projects such as the Hopetoun Community Centre if they proceed to construction. Provided as an attachment is Council's Auditor's position on financial ratios.

It is also likely that the “Merimbula” investment will settle in December for 41% of the note value (\$500,000). Council will be advised once this sale is settled and a recommendation will accompany the 2011/2012 budget review to allocate the funds to a reserve, project or general funds depending on Council’s financial position at the time.

Consultation:

WA Treasury Corporation
Laminar Settlements
NAB Term Deposits
UHY Haines Norton – Short Guide to Financial Ratios

Statutory Obligations:

Local Government Act 1995

Section 6.20. Power to borrow

- (1) Subject to this Act, a local government may —
- (a) borrow or re-borrow money;
 - (b) obtain credit; or
 - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.
- (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (**power to borrow**) and details of that proposal have not been included in the annual budget for that financial year —
- (a) unless the proposal is of a prescribed kind, the local government must give one month’s local public notice of the proposal; and
 - (b) the resolution to exercise that power is to be by absolute majority.

Policy Implications:

Nil

Budget / Financial Implications:

Budget implications include the receipt of income associated with sale of “Omega Henley A” investment, proposed budget amendment to remove withdrawal of funds from Road and Footpath reserve and the proposed re-negotiation of loan 138B. The overall impact if the officer’s recommendation is carried provides a nil impact on the operational capacity of the 2011-2012 budget.

Strategic Implications:

Council’s long term financing, reserve balances and loan raising capacity have a direct impact on the opportunity to resource major strategic projects into the future.

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
The decisions made under this item affect Council’s short and long term financial capacity. Council has the option to increase short term funding supply through the

recognition and use of investment proceeds in the current year or set them aside for longer term projects. The refinancing of loan 138B will also increase Council's cash position at the same time as increasing its principal loans outstanding.

- **Social:**

There are no known significant social considerations.

Voting Requirements:

Absolute Majority (if officer recommendation is supported for re-negotiation of loan 138B)

COUNCIL DECISION AND OFFICER RECOMMENDATION		ITEM 10.1.3
Moved: Cr Field	Seconded: Cr Lansdown	
That Council		
<div><div>1) Amend the budget to cancel the withdrawal of \$441,828 in funds from the Road and Footpath Reserve.</div><div>2) Re-negotiate Loan 138B with the WA Treasury Corporation for a further period of 10 years and provide one month's public notice in accordance with section 6.20(2) of the Local Government Act 1995.</div><div>3) Recognise the income associated with the sale of the "Omega Henley A" Investment and transfer all associated income to the building reserve.</div></div>		
Carried: 7/0		Res: 266/11

10.2 Manager of Planning and Development

10.2.1 APPLICATION FOR PLANNING APPROVAL FOR A CHANGE OF USE TO GROUPED DWELLING AT LOT 458 (49) VEAL STREET, HOPETOUN

File Ref:	13.0.OVEA049
Applicant:	Ms Gillian Craig & Mr Richard Pepper
Location:	Strata Lot 3, Lot 458 (#49) Veal Street, Hopetoun
Disclosure of Officer Interest:	None
Date:	13 December 2011
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Pascoe Durtanovich - CEO
Attachments:	Supporting letter from applicant Legal Advice from McLeods Barristers & Solicitors

*Prior to any consideration of Item 10.2.1 Cr Field made the following declaration:
I am related to a part owner of a chalet and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merit and vote accordingly.*

COUNCIL DECISION

Moved: Cr Duncan

Seconded: Cr Lansdown

That the interest declared by Cr Field be declared trivial and given that it is unlikely to influence Cr Field's conduct in relation to this matter, Cr Field be permitted to participate in discussions.

Carried: 6/0

Res: 267/11

Summary:

Council is requested to consider an application for a change of use from 'Motel' (Chalet) in the Hopetoun Motel complex to a 'Grouped Dwelling'; i.e. to confirm that the chalet has the ability to be used for permanent accommodation rather than short term accommodation.

A 'Grouped Dwelling' is a discretionary land use in the 'Town Centre' zone. However, Council recently adopted Scheme Amendment 27 that resolved to make all residential land uses in the 'Town Centre' zone an 'X' use (i.e. not permitted).

It is recommended that Council refuse the application as being inconsistent with the objectives for the 'Town Centre' zone and the intention of Scheme Amendment 27.

BACKGROUND***Subject Site***

Lot 458 (#49) Veal Street, Hopetoun (the subject site) is 9985m² in area and developed with the Hopetoun Motel and Chalets. The subject site is zoned 'Town Centre' under the Shire of Ravensthorpe Town Planning Scheme No 5.

The site was strata titled in 1993 with the motel and individual chalets now on separate strata titles.

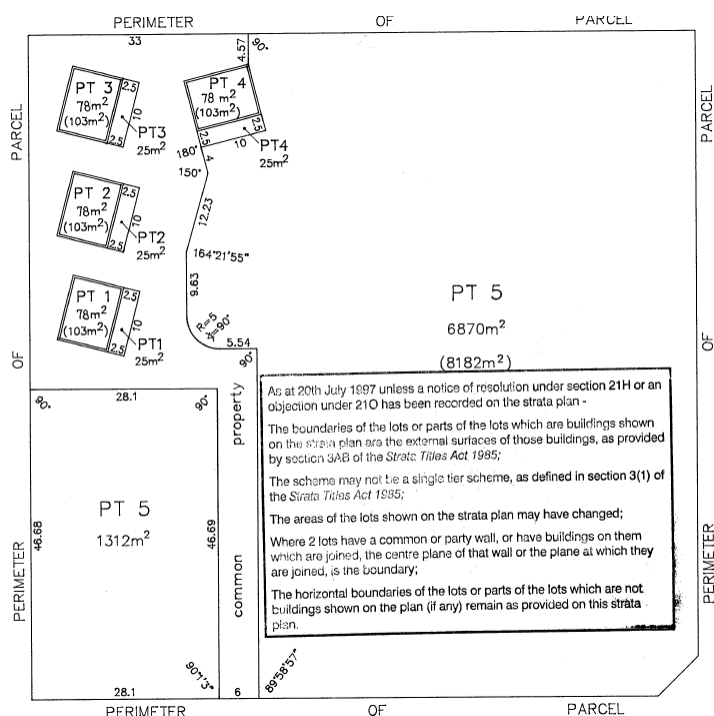


Chalet 3 - located in the north western corner of Lot 458 Veal Street, Hopetoun

Past Approvals

Eleven Motel Units, four Chalet Units, Laundromat and a Caretakers Residence were approved 'in principle' by the Council on the 12th November 1991 and granted final planning approval on the 9th December 1991 without conditions. The planning approval was issued under the Shire of Ravensthorpe Town Planning Scheme No. 4.

A building licence was issued for the approved development in December 1991.



The site was strata titled in May 1993, as shown in this extract from the strata title.

Current Issues & Recent History

The manager of the Hopetoun Motel & Chalets brought the permanent occupation of Chalet 3 to the Shire's attention around the 17th August 2011. This matter was investigated in detail; researching the files, Council Minutes and past Building Licences.

Following this investigation it was not clear just what the legal position on the long term occupancy of the Chalet on Pt Lot 3 was. The applicant, Ms Gillian Craig, has been adamant that there was no restriction placed on the term of tenure of the chalet when they bought it or any time since. Ms Craig's view is summarised as follows:

- All other hotels and motels in the Shire of Ravensthorpe have the ability to rent their accommodation for either short stay or long stay;
- In their submission to the Residential Tenancies Act 1987 (WA) Policy Report 2008 (Department of Consumer and Employment Protection, 2008), both Shelter WA and the Tenants Advice Service Inc. submitted that a hotel/motel could constitute a person's principal place of residence, particularly in regional areas;
- In 1994, when Pt 3 of Lot 458 was purchased, they were told that the Chalet Village was for holiday accommodation and/ or a residential village.
- The shortage of accommodation currently available for boarding/lodging/rent in Hopetoun indicates that the Shire should remain flexible in determining the purpose for the Hopetoun Motel and Chalet Village.

On the other hand the owners of the Hopetoun Motel are adamant that the past approvals were for short term stays only and have requested Council to stop the ongoing long term rental of Strata Lot 3 on a number of occasions.

To clarify matters staff sought legal advice from McLeods Barristers & Solicitors on whether the chalets in the Hopetoun Motel and Chalet Village may be rented out for permanent occupation; McLeod's provided the following advice:

- The Motel and Chalet Development were approved in 1991 under the terms of Town Planning Scheme No. 4 (TPS4). At this time the site was zoned 'Motel' and the only permissible use in this zone was 'Motel'. Therefore the motel and chalets must have been approved as a 'Motel'.
- TPS4 defined a Motel as *"a building, group of buildings or place used or intended to be used to accommodate patrons in a manner similar to an [sic] hotel or boarding house but in which special provision is made for the accommodation of patrons with motel vehicles."*
- Whilst the definition of Motel does not specify a maximum period of time for which patrons can stay, it is implicit that the use of the land for a motel involves short term or temporary accommodation.
- *"That the use of Unit 3 as a dwelling for permanent accommodation does not fall within the Motel and Chalet development approved by the Shire in 1991 and is, therefore, unlawful."*

A full copy of this legal advice is attached to this report.

This has now led to the landowner lodging a formal application to change the land use to a dwelling (Grouped Dwelling). Although the applicant is keen to point out that they do not agree with the Shire's legal opinion and that the lodging of the current application should not be considered an admission that only short term or temporary accommodation applies to Chalet 3.

Comment:

Application

An application has been lodged for a change of use from 'motel' to 'grouped dwelling'. The applicant's provided the following justification for the change of use:

1. In making this application they seeking to formalise what they consider to be an "allowable" discretionary use for their chalet under TPS4 (i.e. the TPS that applied at the time the planning approval was granted for the complex); and
2. They consider that the chalet village on Lot 458 is a separate entity to the Motel and that short term or temporary accommodation is not implicit.

A full copy of the application is attached to this report.

Scheme Requirements

Under the Shire of Ravensthorpe Town Planning Scheme No.5 (the Scheme), the subject land is within the "Town Centre" zone. The objective of this zone is:

To provide for retail shopping, office and commercial development and social, recreational and community activities servicing the town as a whole.

'Grouped Dwelling' is defined as: *"A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another,*

except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.."

A Grouped Dwelling in the 'Town Centre' zone is an 'A' use under the Scheme, i.e. a use that is not permitted unless the local government has exercised its discretion following advertising and referral to neighbouring landowners for comment.

In this case Scheme Amendment 27 was adopted for final approval at the October Council 2011 meeting. Scheme Amendment 27 is intended to prevent residential land uses occupying land in the 'Town Centre' zone that should be reserved for commercial uses, in accordance with the objectives for the zone.

Scheme Amendment 27 is now a 'seriously entertained planning document' that may be used in the assessment of an application. 'Grouped Dwelling' is proposed to be an 'X' use in Scheme Amendment 27; refusal is recommended.

It should be noted that all residential uses were also 'X' uses on the subject site in Town Planning Scheme No 4. The only permitted use in the zone was 'Motel'.

Assessment

Despite the recommendations of Scheme Amendment 27 there are other considerations to take into account when assessing a proposal to mix permanent residential land use with holiday accommodation.

A permanent residential component in a holiday accommodation development can lead to conflict as people on holidays have different values to permanent residents. People on holidays can generate more noise and have less consideration for their neighbours than permanent residents.

On the other hand, permanent residents tend to treat houses in a different way than people on holidays. They generally have more household items stored outside, clothes on the clothes lines, perhaps additional parking requirements, etc.

Ideally, where these two land uses are to occupy the same site they should be planned to co-exist upfront. In this case Chalet 3 is in the north-western corner and needs to be accessed through the remainder of the site. The rest of the site is managed by the Motel and operates as a single holiday accommodation development.

If a chalet was to be permanently occupied it could be argued that the corner of the development may be the best place as it has the least interaction with surrounding development. Nevertheless, the letting of a single unit as a dwelling may have potential to affect the holiday experience of visitors to the site.

Availability of residential land

The applicant has stated there is a shortage of rental accommodation in Hopetoun and that the chalet is required in part to satisfy this demand. As mining activity in the Shire increases there will be an increasing demand for residential accommodation. However, the Council, in adopting Scheme Amendment 27, has made a clear statement that the 'Town Centre' zone is not the place to meet this shortfall.

Other options such as private industry subdividing to meet demand or landowners taking advantage of the medium density opportunities already in the Scheme would be a more appropriate way in which satisfy demand.

Car Parking

Lastly, a Grouped Dwelling is required to provide two parking bays. There is no area on Strata Lot 3 to provide parking for the exclusively for the prospective residents.

Parking is currently provided for in the common property and is used to service all of the chalets in the development. Approval of the strata body would be required to grant exclusive use of two parking bays in this area to a grouped dwelling.

Consultation:

Given the recommendations of Scheme Amendment 27 it was decided under delegated authority to not proceed with the advertising of the proposal as a discretionary land use. If Council wishes, the application can be laid on the table and referred to neighbouring landowners for their comment.

Statutory Obligations:

The Shire of Ravensthorpe Town Planning Scheme No.5 is an operative local planning scheme under the Planning and Development Act 2005.

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

Policy Implications:

Nil

Budget / Financial Implications:

Nil

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION**ITEM 10.2.1**

Moved: Cr Dunlop

Seconded: Cr Townsend

That Council refuse the application lodged by Gillian Craig and Richard Pepper for a change of use to 'Grouped Dwelling' on Strata Lot 3, Lot 458 (#49) Veal Street, Hopetoun for the following reasons:

- a) The proposed 'Grouped Dwelling' is contrary to the objective of the 'Town Centre' zone to *"provide for retail shopping, office and commercial development and social, recreational and community activities servicing the town as a whole"*.
- b) The Shire has adopted Scheme Amendment 27 to the Shire of Ravensthorpe Town Planning Scheme No.5 which lists 'Grouped Dwelling' as not permitted in the "Town Centre" zone.
- c) A Grouped Dwelling has the potential to detrimentally affect the holiday experience within the Hopetoun Motel and Chalet development.
- d) There is no parking available on Strata Unit 3 for the exclusive use of prospective residents.

Carried: 7/0

Res: 268/11

10.2.2 APPLICATION FOR ENTRY/DOORWAY – PORT HOTEL VEAL STREET, HOPETOUN
File Ref:**Applicant:**

M & N Grant (Managers)

Location:

Lot 701 cnr. Veal Street/Esplanade, Hopetoun

Disclosure of Officer Interest:

None

Date:

14 December 2011

Author:

C Pursey – Planning Officer

Authorising Officer:

P Durtanovich (Chief Executive Officer)

Attachments:

Nil

Summary

The Port Hotel seeks retrospective planning approval for a modified entry/doorway into the new bottle shop facing the Esplanade.

The new entry does not affect the aesthetics of the building or increase the parking requirements.

Approval is recommended.

Background

Council considered an application to extend the licensed area at the Port Hotel and convert the existing storeroom to a takeaway bottle shop and store at the May 2011 meeting where it was resolved:

“That Council:

- 1) Approve the following modifications to the Port Hotel (Lot 701) cnr. Veal Street/Esplanade, Hopetoun:*
 - a) Include the rear beer garden area within the approved licensed area; and*
 - b) Reclassify the existing storeroom building (along the Esplanade) to takeaway bottle shop and storeroom.*
- 2) Endorse the Section 40 Certificate of Local Planning Authority accordingly.”*

The previous Council report stated “The storeroom building is presently used for storing supplies only. The proposal is to use the building for a combination of takeaway sales and storeroom purposes. This part is supported subject to there being no alterations to the building (such as entry onto the Esplanade) without the necessary approval of Council as the place is contained on the Municipal Heritage Inventory (Site No. 45).”

Comment

The Port Hotel has recently completed the redevelopment of the rear beer garden and the conversion of the storeroom to a bottle shop. However, during these works an extra door was added to provide the external entrance to the bottle shop from the Esplanade as shown in the photo below.

The owner believed that the door was implicit in the previous approval and failed to note the advice from the Council stating that the previous approval in May 2011 did not include any building alterations.



Photo looking south to new (proposed) entry to bottle shop.

Assessment

The Scheme defines the 'proposed' entry/doorway to be development and require planning approval.

The door would appear to be an essential part of a functioning bottle shop as approved at Council's May 2011 meeting.

Heritage

The Port Hotel is listed on Council's Municipal Heritage Inventory as a place of local heritage significance. It is not on the State Heritage Register.

Part 7 of the Scheme addresses heritage protection. It states that the Shire should prepare a Heritage List based on the findings of the Municipal Inventory (MI) and then goes on to apply different controls and requirements on places on the adopted Heritage List.

However, there is no adopted 'Heritage List' in the Scheme. The MI is a list only; an acknowledgement of a site's local significance and does not provide any land use controls or guidelines.

Despite the lack of specific planning controls in the Scheme, the proposed addition may be considered to be complimentary to the streetscape and blends well with the rest of the development. The door is located in a part of the building that is a 1950's extension and not part of the original Port Hotel structure.

Preliminary comment from the Heritage Council's Regional Heritage Adviser raised no concerns with the door.

Access

The door is recessed back from the street. Patrons exiting the building step down from the door to the footpath.

The footpath is flush with the road in this location. The manager of the Port Hotel removed the broken kerb in this location to improve pedestrian safety recently.

Cars parking close by to access the bottles shop will be unlikely to block the door or run into people exiting the building because of a Shire rubbish bin stationed in the way.



Kerb/footpath alterations at bottle shop entry

The new brick step introduced to the footpath area (effectively in the road reserve) is being further investigated and alternative advice regarding its location and size may be proposed closer to the Council meeting.

A Building Licence will also be required. The Building Code of Australia will apply controls regarding disabled access and step sizes (& possibly location).

On the whole, the door and its safety considerations appear to be satisfactory.

Consultation

Nil

Statutory Obligation

Section 8.4 of the Scheme allows Council to grant planning approval to a use or development that has already commenced or been carried out regardless of when it was commenced or carried out, provided it conforms with the provisions of the Scheme.

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

Policy Implications

Nil

Budget /Financial Implications

Nil

Strategic Implications

Nil

Sustainability Implications

- **Environmental**

There are no known significant environmental considerations.

- **Economic**

There are no known significant economic considerations.

- **Social**

There are no known significant social considerations.

Voting Requirements

Simple Majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION **ITEM 10.2.2**

Moved: Cr Dunlop

Seconded: Cr Townsend

That Council,

1. Grant a planning approval for the existing entry/doorway to the Port Hotel Bottle Shop at Lot 701 cnr. Veal Street/Esplanade, Hopetoun without conditions; and
2. Advise the applicant that a Building Licence will be required for the alteration and that this will address any disabled access and trip hazard concerns that may arise from the stepped entry.

AMENDMENT

Moved: Cr Duncan

Seconded: Cr Lansdown

That the motion be amended to as follows:

1. Grant a planning approval for the existing entry/doorway to the Port Hotel Bottle Shop at Lot 701 cnr. Veal Street/Esplanade, Hopetoun with conditions;
 - A) That parking directly alongside the bottle shop become designated parking, for a maximum of 10 minutes.
 - B) Pedestrians to be protected by the owner's installation of bollards, the placement of which is to the satisfaction of the Chief Executive Officer.
2. Advise the applicant that a Building Licence will be required for the alteration and that this will address any disabled access and trip hazard concerns that may arise from the stepped entry.

The amended motion was carried: 7/0.

Res: 269/11

10.3 Manager of Engineering Services

10.3.1 TAMARINE ROAD REPAIRS

File Ref:**Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 13 December 2011**Author:** Leslie Hewer (Engineering Consultant)**Authorising Officer:** Pascoe Durtanovich – Chief Executive Officer**Attachments:** None

Prior to any consideration of Item 10.3.1:

Cr Goldfinch declared a proximity interest on the basis that he lives on Tamarine Road.

5.34pm Cr Goldfinch left the meeting and did not participate in discussions.

Deputy President Cr Dunlop took the Chair.

Summary:

This item seeks to formalize arrangements with First Quantum Ravensthorpe Nickel for remedial and ongoing maintenance work on Tamarine Road.

Background:

Over the past few months there have been several significant pavement failures on Tamarine Road, a result of increased heavy traffic.

Discussions have been held with First Quantum, the main user of this road, who have agreed to cost sharing arrangements for the repair of these failures.

Comment:

Tamarine Road was sealed for the first 7km several years ago. The route is mainly used for the hauling of lime to the mine site. Inspection has determined that though the road was built to a shire standard the increase in heavy traffic has stressed the road in several locations causing the base to deform and the bitumen seal coat to break away.

The 'best practice' for repairing problems such as this is to cement stabilise and re-compact the top 150-200mm layer of the road pavement base course and apply a new seal coat to the top surface. This work is a specialist activity and there are only a couple of contractors that are capable of doing the work.

Western stabilisers have been doing this work since the late 1990's and are the preferred contractor to the Main Roads and many Councils. Detailed below are their cost estimates

based of the a repair schedule provided by the Shire after a visual inspection of the damaged sections.

- | | |
|--|-----------|
| 1. Total repair of damaged sections including stabilisation, compaction and trimming, traffic management and a two coat emulsion spray seal, Based on 3,060 m ² | \$116,892 |
| 2. Mobilisation and demobilisation from base. | \$ 17,000 |

TOTAL COST \$133,892

The costs supplied are an estimated upper limit of the works. Once given approval the contractor will carry out further investigation to ensure that the works are carried out to an approved standard. At this time the areas and associated costs will be confirmed.

At this point it is not considered that there will be any problems however it is understood that there were some issues during the construction which may surface during the site investigation.

Consultation:

First Quantum has been consulted on the condition of the road and the need for the company to contribute to repairs.

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

Council will be required to contribute 20% of the total costs. This represents an estimated cost of \$27,000.00. Funds can be transferred from the budgeted construction of the Gordon Road intersection project, \$11,630 which has been deferred to 2012/2013. The remainder of the funds can be made available from the works maintenance budget subject to Council approval. First Quantum will be requested to contribute the remaining 80%.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Absolute Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.3.1
Moved: Cr Lansdown	Seconded: Cr Duncan
That Council authorize unbudgeted expenditure of up to \$140,000 for pavement repairs to Tamarine Road subject to First Quantum agreeing to contribute 80% towards the total costs of the works.	
Carried by absolute majority: 6/0	Res: 270/11

5.37pm – Cr Goldfinch returned to the meeting and resumed the Chair.

10.4 Chief Executive Officer

10.4.1 COUNCIL MEETING DATES – 2012

File Ref:

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: None

Date: 9 December 2011

Author: Pascoe Durtanovich – Chief Executive Officer

Authorising Officer: Not applicable

Attachments: None

Summary:

Council is required to determine meeting dates for 2012 and the need to have a meeting in January.

Background:

In accordance with the Local Government Act 1995, Council is required to advertise Council meeting dates at least once per annum.

The January Council meeting dates are the 16th and 19th and as such are not impacted on by the January 26th public holiday, however as January is a relatively quiet month and with the potential for staff and Councillor absenteeism, the need to have a Council meeting should be reassessed.

Council should also give consideration to the number of meetings to be held in Hopetoun and Munglinup.

Comment:

A recommended 2012 schedule of Council meetings is as follows:

DATE	VENUE	START TIME
January 2012	Nil	Nil
Monday 20 February	Ravensthorpe	5.00 pm
Thursday 23 February	Ravensthorpe	5.00 pm

Monday	19 March	Hopetoun RTC	5.00 pm
Thursday	22 March	Ravensthorpe	5.00 pm
Monday	16 April	Ravensthorpe	5.00 pm
Thursday	19 April	Ravensthorpe	5.00 pm
Monday	21 May	Ravensthorpe	5.00 pm
Thursday	24 May	Ravensthorpe	5.00 pm
Monday	18 June	Hopetoun RTC	5.00 pm
Thursday	21 June	Ravensthorpe	5.00 pm
Monday	16 July	Ravensthorpe	5.00 pm
Thursday	19 July	Ravensthorpe	5.00 pm
Monday	20 August	Munglinup	5.00 pm
Thursday	23 August	Ravensthorpe	5.00 pm
Monday	17 September	Hopetoun RTC	5.00 pm
Thursday	20 September	Ravensthorpe	5.00 pm
Monday	15 October	Hopetoun RTC	5.00 pm
Thursday	18 October	Ravensthorpe	5.00 pm
Monday	19 November	Ravensthorpe	5.00 pm
Thursday	22 November	Ravensthorpe	5.00 pm
Monday	17 December	Ravensthorpe	5.00 pm
Thursday	20 December	Ravensthorpe	5.00 pm

Consultation:

Meeting dates will be advertised in the Community Spirit, Community Resource Centres, Council notice board and the Esperance Express.

Statutory Obligations:

The Local Government Act 1995, Local Government (Administration) Regulations, require that the meetings for the year be advertised for public information.

Policy Implications:

Nil

Budget / Financial Implications:

Nil

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION**ITEM 10.4.1**

Moved: Cr Townsend

Seconded: Cr Norman

That the following Council meeting dates be adopted for 2012 and be advertised for public information, in accordance with the Local Government Act 1995.

DATE	VENUE	START TIME
January 2012	Nil	Nil
Monday 20 February	Ravensthorpe	5.00 pm
Thursday 23 February	Ravensthorpe	5.00 pm
Monday 19 March	Hopetoun RTC	5.00 pm
Thursday 22 March	Ravensthorpe	5.00 pm
Monday 16 April	Ravensthorpe	5.00 pm
Thursday 19 April	Ravensthorpe	5.00 pm
Monday 21 May	Ravensthorpe	5.00 pm
Thursday 24 May	Ravensthorpe	5.00 pm
Monday 18 June	Hopetoun RTC	5.00 pm
Thursday 21 June	Ravensthorpe	5.00 pm
Monday 16 July	Ravensthorpe	5.00 pm
Thursday 19 July	Ravensthorpe	5.00 pm
Monday 20 August	Munglinup	5.00 pm
Thursday 23 August	Ravensthorpe	5.00 pm
Monday 17 September	Hopetoun RTC	5.00 pm
Thursday 20 September	Ravensthorpe	5.00 pm
Monday 15 October	Hopetoun RTC	5.00 pm
Thursday 18 October	Ravensthorpe	5.00 pm
Monday 19 November	Ravensthorpe	5.00 pm
Thursday 22 November	Ravensthorpe	5.00 pm
Monday 17 December	Ravensthorpe	5.00 pm
Thursday 20 December	Ravensthorpe	5.00 pm

Carried: 7/0

Res: 271/11

10.4.2 DOMESTIC WASTE PICKUP – CONTRACTOR**File Ref:****Applicant:** Not applicable**Location:** Munglinup, Hopetoun and Ravensthorpe Townsites**Disclosure of Officer Interest:** None**Date:** 12 December 2011**Author:** Pascoe Durtanovich – Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** None**Summary:**

Council approval is requested for the continuation of a private contractor to provide a domestic waste pickup service for the towns of Munglinup, Hopetoun and Ravensthorpe.

Background:

Council at the meeting on 16 December 2010 resolved the following:

- (1) That the Chief Executive Officer be delegated authority to engage a private contractor to provide a domestic kerbside waste collection service for Munglinup, Hopetoun and Ravensthorpe for the period concluding 30th June 2011.*
- (2) That unbudgeted net expenditure of up to \$30,000 be authorised for this purpose.*

Warren Blackwood Waste was appointed and has delivered a very efficient, cost effective service and has enabled Council's workforce to productively carryout other tasks.

On 23 June, 2011 Council considered a further extension of the service and resolved as follows:

That Warren Blackwood Waste, the current contractor, be engaged for a further six month period – 1 July, 2011 to 31 December, 2011, to provide a kerbside waste collection service for the Shire of Ravensthorpe

Comment:

The arrangement proposed is a continuation of current service for the next six months through to 30 June 2012. Further consideration can be given to the matter through the 2012/13 budget process as to whether Council wishes to continue further thereafter, taking into consideration the Regional Waste Management project.

Funds have been included in the current budget for this purpose however given Council's decision in June, 2011 the matter is raised for Council endorsement.

Consultation:

Not applicable.

Statutory Obligations:

Nil

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The current budget includes an allocation of \$85,000 for this purpose, expenditure to 30 November, 2011 is \$ 35,000.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

Voting Requirements:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.4.2
Moved: Cr Lansdown	Seconded: Cr Dunlop
That Warren Blackwood Waste, the current contractor, be engaged for a further six month period – 1 January 2012 to 30 June, 2012, to provide a kerbside waste collection service for the Shire of Ravensthorpe	
Carried: 7/0	Res: 272/11

10.4.3 COASTAL MANAGEMENT PLAN REVIEW

File Ref:

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: None

Date: 13 December 2011

Author: Pascoe Durtanovich – Chief Executive Officer

Authorising Officer: Not applicable

Attachments: None – Draft document previously provided to Councillors.

Summary:

The review of the Shire of Ravensthorpe Coastal Management Plan has been completed.

This report recommends the draft plan be received and a process be put in place to implement the recommendations therein.

Background:

The review of the Shire's Coastal Management Plan commenced in 2010. Consultants Land in Sights were engaged to facilitate the review.

The current plan was prepared in 2001.

Comment:

The purpose and the objectives of the Plan are identified in the Plan as follows:

Purposes:

- The characteristics of the Shire's coastal reserves (including current uses, access and environmental condition)
- Management recommendations for environmental protection and rehabilitation

- Management recommendations for the future land uses
- Priorities for each recommendation over the next 10 years
- Detailed plans that provide an indication of the location of the management recommendations.

Objectives:

The objectives of the Coastal Management Plan are to:

- Manage and protect the Shire's coastal reserves in a sustainable manner so that they can be enjoyed by future generations
- Enhance and protect conservation values
- Reduce land use conflicts and ensure safety and quality in long term
- Encourage sustainable recreational land uses at each coastal reserve.
- Enhance community understanding of the environmental values of the coast and encourage a sense of ownership
- Encourage that successful relationships between the community and the Shire continue in the future to allow for better coastal management.

If the objectives are to be achieved Council must implement a process to address the Plan recommendations. To this end it is recommended that a Working Group of three Councillors be appointed and a Natural Resource Management Officer be employed for twelve months to work with the Group and the Community to provide guidance and source funding to progress the Plan recommendations.

A priority works programme should be prepared by the working group.

Consultation:

Consultation undertaken during the preparation of the Plan included:

- Meeting with the Shire of Ravensthorpe and the Ravensthorpe Agricultural Initiative Network
- Community meetings held in Hopetoun and Ravensthorpe to identify issues and concerns
- A community questionnaire which was available in hard copy and electronic format
- A public display at the Hopetoun Festival in January 2011
- Public advertising of the draft report

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

Implementation of the Plan recommendations will require substantial funding. It will be the responsibility of the NRM Officer to access funding.

Employment of NRM Officer, \$60,000 to \$70,000 including on costs.

Strategic Implications:

The Shire of Ravensthorpe Strategic Plan Plan for the Future, Action Plan No 6.5, Action 104.

Sustainability Implications:

- **Environmental:**
Implementation of the Plan recommendations will ensure the protection of coastal conservation values through appropriate use of coastal areas.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple Majority to receive the Plan.

Absolute Majority to employ NRM Officer

COUNCIL DECISION AND OFFICER RECOMMENDATION (1)	ITEM 10.4.3
Moved: Cr Dunlop	Seconded: Cr Field
That the Draft Shire of Ravensthorpe Coastal Management Plan, dated October, 2011 be received.	
Carried: 7/0	Res: 273/11

OFFICER RECOMMENDATION (2)	ITEM 10.4.3
That a Working Group consisting of Crs _____, _____ and _____ be established to progress the Plan recommendations.	

COUNCIL DECISION (2)	ITEM 10.4.3
Moved: Cr Goldfinch	Seconded: Cr Duncan
That a Working Group consisting of Crs Field, Lansdown and Dunlop, with Cr Goldfinch as a proxy, be established to progress the Plan recommendations.	
Carried: 7/0	Res: 274/11

OFFICER RECOMMENDATION (3)	ITEM 10.4.3
That a Natural Resource Management Officer be employed for a term of twelve months and unbudgeted expenditure of up to \$70,000 be authorized for this purpose.	

COUNCIL DECISION (3)	ITEM 10.4.3
Moved: Cr Norman	Seconded: Cr Duncan
That this recommendation be laid on the table to allow investigation into sources of funding to support this position.	
Carried: 5/2	Res: 275/11

10.4.4 SOUTH COAST MANAGEMENT GROUP – COMMUNITY MEMBERS**File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 13 December 2011**Author:** Pascoe Durtanovich – Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** None

Summary:

Council is requested to consider the appointment of Community members to the South Coast management Group.

Background:

The South Coast Management Group is an incorporated organisation and covers the coastal zone area from the western boundary of the Shire of Denmark to the eastern boundary of the Shire of Esperance.

There are five (5) local governments involved:

- Shire of Denmark
- City of Albany
- Shire of Jerramungup
- Shire of Ravensthorpe
- Shire of Esperance

Membership of the Association consists of:

- Chief Executive Officer (or their proxy) from each Local Government
- Two (2) elected members (or their proxy) appointed by each Local Government
- Two (2) community members (or their proxy) appointed by each Local Government
- The elected members and community members are appointed for a two (2) year term to coincide with the Ordinary Local Government elections.

The objectives of the Association are:

- Create an environment of sustainable development;
- Promote economic, community and environmental wellbeing in the Region;
- Faster co-operative and collaborative arrangements;
- Protection of coastal and marine environment;
- Involve the community in coastal and marine planning and management;
- Consider matters of common interest to members and where practicable to establish common policy;
- Facilitate co-operative activities of members at a regional level;
- Identify priorities for promotion of regional initiatives;
- Sponsor or engage in publishing educational material and research in coastal and marine initiatives;

- Establish and maintain a public fund the “SCMG Public Tax Deductible Donations Fund” for the specific purpose of supporting the Environmental Objectives of the SCMG. The SCMG Public Tax Deductible Donations Fund must comply with the requirements of subdivision 30-E of the Income Tax Assessment Act 1997.

Comment:

Administration advertised the two community member positions, only one application, from Mr Bill Auburn of Hopetoun was received.

Consultation:

Not applicable

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

Nil

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.4.4
Moved: Cr Field	Seconded: Cr Lansdown
That Mr Bill Auburn be appointed to the South Coast Management Group as a community member for the Shire of Ravensthorpe.	
Carried: 7/0	Res: 276/11

**10.4.5 SHIRE OF RAVENSTHORPE PARKING AND PARKING FACILITIES
AMENDMENT LOCAL LAW 2011****File Ref:**

Applicant:	Shire of Ravensthorpe
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	13 December , 2011
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Amendment Local Law

Summary:

The purpose of this item is to allow the Council to resolve to make the Shire of Ravensthorpe Parking and Parking Facilities Amendment Local Law 2011.

Background:

Council proposed by resolution at its meeting of 20 October, 2011 to make the Shire of Ravensthorpe Parking and Parking Facilities Amendment Local Law 2011 and to advertise it for public comment.

The proposed local law was advertised in the West Australian on Wednesday 2 November, 2011 and the 42 public consultation period closed on Thursday 15 December, 2011.

A copy of the local law was sent to the Minister for Local Government for comment. There were no public submissions received on the local law.

Comment:

The proposed Local Law 2011 is primarily to correct typographical errors.

Consultation:

Consultation has been undertaken by providing a 42 day submission period. No public submissions were received. The Department of Local Government offered some drafting comments, these have been considered.

Statutory Obligations:

As it is proposed to adopt a local law, the following processes, as set out in section 3.12 of the Local Government Act 1995, must be observed —

1. At a Council meeting the person presiding is to give notice of the purpose and effect of the proposed local law by ensuring that:-
 - (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
 - (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.
2. A local government is to -
 - (a) give Statewide public notice stating that –
 - (i) the local government proposes to make a local law, the purpose and effect of which is summarised in the notice;

- (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
- (iii) submissions about the proposed local law may be made to a local government before a date to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice is to be forwarded to the relevant Minister.
- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.

The local law is then published in the Government Gazette, advertised and a copy sent to the relevant Minister and the State Parliament Joint Standing Committee on Delegated Legislation.

The local law comes into effect 14 days after publication in the Government Gazette.

Policy Implications:

Nil

Budget / Financial Implications:

Advertising costs.

Strategic Implications

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Absolute Majority

COUNCIL DECISION	ITEM 10.4.5
Moved: Cr Field	Seconded: Cr Lansdown
Council makes the Shire of Ravensthorpe Parking and Parking Facilities Amendment Local Law 2011 as attached as attachment 10.4.6	
Carried by absolute majority: 7/0	Res: 277/11

10.4.6 PROPOSED BOUNDARY AMENDMENT BETWEEN THE SHIRES OF RAVENSTHORPE AND ESPERANCE**File Ref:****Applicant:** Electors Petition**Location:** Munglinup**Disclosure of Officer Interest:** None**Date:** 14 December 2011**Author:** Pascoe Durtanovich – Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** Yes - Local Government Advisory Board Proposal Summary

Summary:

To consider the proposal advertised by the Local Government Advisory Board.

Background:

The issue of a boundary change was raised by the Munglinup residents during the State Governments Local Government reform process.

At public meetings in Munglinup Council has indicated support for a boundary change and advised the drivers of the initiative to commence the process, in accordance with the Local Government Act, 1995.

A submission was submitted, by 10% of effected electors, to the Local Government Advisory Board and the Board is now progressing the matter through the statutory process.

The Board held a public meeting in Munglinup on 1 December 2011 and also met with Councillors on that day.

The submission period is open until 22 December 2011.

Comment:

The proposal is in accordance with Council's previous understanding of the area involved with maybe the exception of the proposed boundary along West Point Road and South Coast Highway to the river. It may be more appropriate for the new boundary to follow the river.

It is recommended that the Board be advised that the Council supports the proposal, subject to the above amendment to the proposed new boundary and further that Council should not be subject to any costs either for the amendment process or existing reserve funds.

Consultation:

Public meeting held by the Local Government Advisory Board.

Letter forwarded to all ratepayers in the Shire inviting them to make comment to the Local Government Advisory Board.

Statutory Obligations:

Local Government Act 1995

Policy Implications:

Nil

Budget / Financial Implications:

There are some ninety properties subject to change. Total rate income from these properties for the year 2011/2012 year is \$277,139.

If the proposed boundary change is approved some 150kms of road would be transferred to the Shire of Esperance.

The reduction in area and population would reduce the Shire of Ravensthorpe's Commonwealth Governments grants by approximately \$80,000 per annum resulting in a total revenue loss of approximately \$350,000 per annum.

Operating expenditure for 2010/2011 was approximately \$184,000 with roadworks of \$180,000 budgeted in 2011/2012.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple Majority

OFFICER RECOMMENDATION**ITEM 10.4.6**

That Council support the boundary amendment proposal between the Shire of Ravensthorpe and the Shire of Esperance subject to:

- 1) The proposed boundary being amended to retain Lots 1249, 1364, 1365, 995, 994, 993, 992, 991, 761, 501 and 500 within the Shire of Ravensthorpe.
- 2) The Shire of Ravensthorpe not being responsible for any costs associated with the boundary amendment process.
- 3) The Shire of Ravensthorpe not contributing financially either from general revenue or Reserve funds, should the boundary amendment be approved.

COUNCIL DECISION	ITEM 10.4.6
Moved: Cr Duncan	Seconded: Cr Norman
That Council support the boundary amendment proposal between the Shire of Ravensthorpe and the Shire of Esperance subject to:	
<ol style="list-style-type: none"> 1) The proposed boundary being amended to follow the delineation of the Oldfield River. 2) The Shire of Ravensthorpe not being responsible for any costs associated with the boundary amendment process. 3) The Shire of Ravensthorpe not contributing financially either from general revenue or Reserve funds, should the boundary amendment be approved. 	
Carried: 5/2	Res: 278/11

Reason for variation: Council was concerned about the potential grant income implications of the proposed boundary and wanted to associate the Shire border with the Oldfield River.

10.4.7 ESTABLISHMENT OF A YOUTH ADVISORY COMMITTEE (YAC)

File Ref:

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: None

Date: 8th December 2011

Author: Angela Jess – Manager Recreation Services

Authorising Officer: Pascoe Durtanovich – Chief Executive Officer

Attachments: None

Summary:

The establishment of a Youth Advisory Committee (YAC) is a recommendation of the Shire of Ravensthorpe Youth Activity Plan 2011-2016.

This report recommends a YAC be established.

Background:

A Youth Advisory Committee needs to be established in order to progress objectives of the Youth Activity Plan.

Council considered this matter on 22 September 2011 and resolved as follows:

That this Item be deferred to the October 2011 meeting pending further investigation of the composition of the Management Group.

Comment:

The number of projects identified in the plan will involve the formation of a number of different groups. The governance and administrative requirements of these small

groups/committees often makes it difficult to get to a point where they can successfully apply for funding and therefore meet objectives.

The formation of a peak body being the Shire of Ravensthorpe Youth Advisory Committee, will not only assist with governance process, but will be a central point for key stakeholders to have the opportunity to be involved in projects.

Many of proposed stakeholders often have youth funding available to their individual groups. This peak body will encourage partnerships between those organisations when completing projects.

Membership to the Management group will be optional, although the offer should be extended to the proposed groups.

Council are requested to provide one representative to this peak body.

Consultation:

Extensive consultation has been undertaken with target groups resulting in the YAP.

Statutory Obligations:

If the new management structure is approved by Council an incorporated management body would be established.

Policy Implications:

Nil

Budget / Financial Implications:

Nil

Strategic Implications:

The Shire of Ravensthorpe Strategic Plan/Plan for The Future, Action Plan 6.5, Action 118, 121 and 202 refers.

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant environmental considerations.
- **Social:**
Formation of a YAC will look after the social needs of our youth with the aim of reducing anti-social behaviour in our communities.

Voting Requirements:

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.4.7
Moved: Cr Field	Seconded: Cr Townsend
That:	
1. A Youth advisory Committee consisting of representatives from community groups be established:	
Council Responsibilities	
<ul style="list-style-type: none"> • Equipment insurance. • Storage and management of YAC equipment. • Have one Council representative on the management committee – with voting rights. • Provide initial secretarial assistance via the Manager Recreation Services. • Manage income, expenditure and auditing of accounts. • Incorporation of YAC. 	
Committee Responsibilities	
<ul style="list-style-type: none"> • Collect income for receipting by Council. • Recommend to Council the distribution of profits. • Actively pursue the recommendations of the YAP. • Coordinate activities as per the YAP. • Manage and coordinate working With Children Checks (WWCC) as required. 	
2. Opportunity to join the Management Group to be formally extended to following groups:	
Ravensthorpe Entertainment Centre Management Committee. Hopetoun District Recreation Association Ravensthorpe and Hopetoun Police Ravensthorpe District High School Hopetoun Primary School Munglinup Primary School Jerdacuttup Primary School First Quantum Minerals Limited Galaxy Lithium Limited	
3. That Cr Field be appointed to the YAC.	
4. That Council supply one representative to this peak body.	
Carried: 7/0	Res: 279/11

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

12.1 Elected Members
Nil

12.2 Officers
Nil

13. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION	ITEM 13
Moved: Cr Lansdown	Seconded: Cr Field
That Council sit behind closed doors to consider items in respect to citizenship awards.	
Carried: 7/0	Res: 280/11

13.1 SHIRE OF RAVENSTHORPE, PREMIERS AUSTRALIA DAY, ACTIVE CITIZENSHIP AWARD

File Ref:

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: None

Date: 12 December 2011

Author: Pascoe Durtanovich – Chief Executive Officer

Authorising Officer: Not applicable

Attachments: None

Prior to any consideration of Item 13.1 Cr Lansdown made the following declaration:

My wife is the nominator on one of the awards and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merit and vote accordingly.

Summary:

To consider Australia Day Award Nominations.

Background:

A part of the Australia Day awards, the Premier's Australia Day Active Citizenship Awards focuses on community contribution and participation rather than personal achievement.

The awards highlight active citizenship, outstanding contribution to the local community and Australian pride and spirit. There are three categories;

- Premier's Australia Day Active Citizenship Award
- Premier's Australia Day Active Citizenship Award – for under 25 years
- Premier's Australia Day Active Citizenship Award – for a community group or event

Comment:

Councillors have been provided with a copy of the nominations. Council is now required to determine recipients of the awards for presentation on Australia Day.

Consultation:

Advertised in the Community Spirit, at the Ravensthorpe and Hopetoun Resource Centres and on the Shire or Ravensthorpe website.

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

Nil

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple Majority

6.09 Cr Duncan left the meeting

6.10 Cr Duncan returned to the meeting

COUNCIL DECISION AND OFFICER RECOMMENDATION		ITEM 13.1
Moved: Cr Lansdown		Seconded: Cr Field
1) That the Premiers Australia Day Active Citizenship Award, in the “outstanding community contribution by a local citizen” category, be awarded to _____.		
2) That the Premiers Australia Day Active Citizenship Award, in the “outstanding community contribution by a local citizen – under 25” category, be awarded to _____.		
3) That the Premiers Australia Day Active Citizenship Award, in the “outstanding community contribution by a local community group” category, be awarded to _____.		
Carried: 7/0		Res: 281/11

14. CLOSURE OF MEETING - 6.15PM

These minutes were confirmed at the meeting of the _____

Signed: _____
(Presiding Person at the meeting of which the minutes were confirmed.)

Date: _____