



MINUTES

Of the Council Meeting held on

Thursday 24 October, 2013

Commencing at 5.10 p.m.

In the Council Chambers, Ravensthorpe

**ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE
ON 24 OCTOBER 2013, COMMENCING AT 5.10PM**

CONTENTS	PAGE
1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE	3
3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	3
4. PUBLIC QUESTION TIME	3
5. APPLICATIONS FOR, AND PREVIOUSLY APPROVED, LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST	3
5.1 DECLARATION OF INTEREST	3
5.2 APPLICATION FOR LEAVE OF ABSENCE	3
6. PETITIONS/ DEPUTATIONS/ PRESENTATION	4
7. CONFIRMATION OF MINUTES	4
7.1 COUNCIL MEETING – 21 OCTOBER, 2013	4
7.2 SPECIAL COUNCIL MEETING – 21 OCTOBER, 2013	4
8. SUSPENSION OF STANDING ORDERS	4
9. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS	4
10. REPORTS OF OFFICERS	4
10.1 DEPUTY CHIEF EXECUTIVE OFFICER	4
10.1.1 DISPOSAL OF HOLDEN CAPTIVA	4
10.1.2 FEES AND CHARGES RELATING TO CAT AND DOG REGISTRATIONS	7
10.1.3 MONTHLY FINANCIAL STATEMENTS – 30 SEPTEMBER, 2013	9
10.1.4 SUBMISSION OF HOPETOUN PROGRESS ASSOCIATION BUDGET	11
10.1.5 SCHEDULE OF ACCOUNT PAYMENTS – SEPTEMBER 2013	13
10.1.6 RESERVE 17544 - PROPOSED MANAGEMENT ARRANGEMENTS	15
10.2 MANAGER OF PLANNING AND DEVELOPMENT	19
10.2.1 ESPERANCE NYUNGAR NATIVE TITLE CLAIM	19
10.2.2 MANAGEMENT OF RESERVE 11577	22
10.2.3 PROPOSED SCHEME AMENDMENT 25	24
10.2.4 CLEARING APPLICATION	32
10.3 MANAGER OF ENGINEERING SERVICES	34
10.4 CHIEF EXECUTIVE OFFICER	34
10.4.1 INCLUSION OF YOUTH TRAILER HIRE IN THE 2013/14 FEES AND CHARGES SCHEDULE	34
10.4.2 RFT2/2013 – TRADES PANEL OF PREQUALIFIED GOODS AND SERVICE PROVIDERS	37
10.4.3 MORGANS STREET TREES	40
10.4.4 BUSH FIRE ADVISORY COMMITTEE MEETING 10 SEPTEMBER, 2013	41
10.4.5 ANNUAL REPORT 2012/2013 & ANNUAL GENERAL MEETING OF ELECTORS	45
10.4.6 HOPETOUN COMMUNITY CHILDCARE CENTRE – FUNDING REQUEST	47
10.4.7 JOINT VENTURE UNITS, DUNN STREET RAVENSTHORPE	48
10.4.8 ELECTION OF DELEGATES	51
10.4.9 ELECTION OF COMMITTEES AND WORKING GROUPS	54
11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	58
12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	58
12.1 ELECTED MEMBERS	58
12.2 OFFICERS	58
13. MATTERS BEHIND CLOSED DOORS	59
14. CLOSURE OF MEETING – 6.23PM	59

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

NIL

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS: Cr Ian Goldfinch (Shire President)
 Cr Keith Dunlop (Deputy Shire President)
 Cr Ken Norman
 Cr Andrew Duncan
 Cr Sharyn Gairen

STAFF: Pascoe Durtanovich (Chief Executive Officer)
 Darryn Watkins (Manager Engineering Services)
 Portia Ridout (Executive Assistant)

APOLOGIES:
 Cr Angela Kelton

ON LEAVE OF ABSENCE:
 Cr Julianne Belli

ABSENT:

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**5.1 DECLARATION OF INTEREST**

Councillor/Officer	Item	Nature of Interest	Extent of Interest
Cr Dunlop	10.4.2	Financial	Part time work for R&L Construction
Cr Gairen	10.4.2	Financial	Employed by RBS

5.2 APPLICATION FOR LEAVE OF ABSENCE - CR KELTON HAS REQUESTED LEAVE FOR THE ORDINARY COUNCIL MEETINGS ON 18 NOVEMBER, 21 NOVEMBER, 2013.

COUNCIL DECISION	ITEM 5.2
Moved: Cr Duncan	Seconded: Cr Dunlop
That the leave of absence be granted to Cr Kelton for the ordinary Council meetings to be held on 18 November, 21 November, 2013.	
Carried: 5/0	Res: 165/13

6. PETITIONS/ DEPUTATIONS/ PRESENTATION

NIL

7. CONFIRMATION OF MINUTES**7.1 COUNCIL MEETING – 21 OCTOBER, 2013**

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 7.1
Moved: Cr Gairen	Seconded: Cr Dunlop
That the minutes of the meeting of council held on 21 October, 2013 be confirmed as a true and correct record of proceedings.	
Carried: 5/0	Res: 166/13

7.2 SPECIAL COUNCIL MEETING – 21 OCTOBER, 2013

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 7.2
Moved: Cr Duncan	Seconded: Cr Dunlop
That the minutes of the special meeting of council held on 21 October, 2013 be confirmed as a true and correct record of proceedings.	
Carried: 5/0	Res:167/13

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 DISPOSAL OF HOLDEN CAPTIVA****File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 7 October, 2013**Author:** Brent Bailey – Deputy Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** None

Summary:

This item addresses the finalisation of transfer of ownership of the Holden Captiva to the Fitzgerald Coast Tourism Association. The proposed disposal of asset was advertised in July and no public submissions were received. The recommendation of this item is to approve the transfer of ownership of the asset to the Fitzgerald Coast Tourism Association.

Background:

In accordance with Section 3.58 of the Local Government Act 1995 the Shire has completed the advertising requirements necessary for disposal of assets relating to the transfer of ownership of the Holden Captiva used by the Fitzgerald Coast Tourism Association but licensed in the Shire's name. There were no public submissions made on the disposal and this item seeks to finalise the statutory process and transfer ownership to the Fitzgerald Coast Tourism Association.

Comment:

The disposal was advertised in July and clearly advised that there was no financial gain for the Shire of Ravensthorpe in the transaction as the disposal was for no value. The original purchase of the vehicle was carried out using grant funds of which the balance has already been transferred to the association.

The market value of the vehicle using the online vehicle valuation website Redbook.com was deemed to be \$16,500.

Consultation:

Public submissions on the transfer of ownership were invited as part of the advertising requirements of Section 3.58 of the Local Government Act 1995.

Statutory Obligations:**3.58. Disposing of property**

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and

the reasons for it are recorded in the minutes of the meeting at which the decision was made.

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
 - (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Policy Implications:

Nil

Budget / Financial Implications:

The vehicle will be removed from Council's asset register however there will be no loss recorded as the item's fair value was assessed as \$0 through the fair value implementation process carried out on 30/06/2013 pre-empting this disposal.

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 AND COUNCIL DECISION	ITEM 10.1.1
Moved: Cr Dunlop	Seconded: Cr Duncan
That Council, having satisfied the advertising requirements of Section 3.58 of the Local Government Act 1995, approve the transfer of ownership of the Holden Captiva to the Fitzgerald Coast Tourism Association.	
Carried: 5/0	Res:168/13

10.1.2 FEES AND CHARGES RELATING TO CAT AND DOG REGISTRATIONS**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	2 October, 2013
Author:	Brent Bailey – Deputy Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

Summary:

This item seeks to adopt new fees relating to the registration of cats in preparation for the implementation of the Cat Act 2011 which comes into full effect from November 1st 2013 within Western Australia. From that date all cats will need to be registered with a Local Government body.

This item also addresses the notification from the Department of Local Government regarding an increase under the Dog Act and associated regulations to the fees for registering a dog which are to come into effect from November 1st 2013.

The recommendation is to adopt the new fees for cat and dog registrations effective November 1st 2013.

Background:

From 1st November 2013 all cats 6 months of age and over must be:

- Micro-chipped
- Sterilised; and
- Registered with the Local Government body where the owner resides.

The Cat Act 2011 is designed to provide for the control and management of cats as well as promote and encourage responsible ownership of cats. It will bring cat ownership laws more in line with that for dog ownership.

The Department of Local Government has also provided notification that dog registration fees have been increased for all new registrations. This increase will apply to any new or renewed dog registrations effective from 1st November 2013 but will not affect any existing registrations.

Comment:

The new fees for registering a cat or dog are proposed to be:

FEES	1 Year	3 Years
Sterilised and Micro-chipped	\$20	\$42.50
Unsterilised	\$50	\$120

Pensioners will receive at 50% discount on registrations of their cat or dog

Working dogs registrations are 25% of the registration fee

Consultation:

The proposed cat registration fees and charges have been reviewed against similar charges implemented for the City of Albany and Shire of Jerramungup. The fees and charges for cats have been brought in line with the increase notified for dog registrations which is reflective of the cost of administering the registration system.

Statutory Obligations:**Local government to give notice of fees and charges**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Policy Implications:

Nil

Budget / Financial Implications:

The fees for cat registrations will bring in extra revenue to the Shire Budget; the revenue though is likely to be offset by the expenses incurred through implementation of the legislation.

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

The CEO advised that the fees and charges are specified in the Dog Regulations 1976 and Cat Regulations 2012 and that Council has no discretion in the level of fees and charges. The purpose of this item is to include the set fees and charges in the Shires schedule of fees and charges.

OFFICER RECOMMENDATION	ITEM 10.1.2
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That Council adopt the schedule of fees for cat and dog registrations effective as of 1st November 2013 as follows:

FEES	1 Year	3 Years
Sterilised and Micro-chipped	\$20	\$42.50
Unsterilised	\$50	\$120

Pensioners receive a 50% discount on registrations for their cat or dog.

Working dogs registrations are 25% of the registration fee

COUNCIL DECISION	ITEM 10.1.2
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Moved: Cr Norman

Seconded: Cr Duncan

That the amended dog registration fee as contained in the Dog Regulations 1976 and the cat registrations as contained in the Cat Regulations 2012, be included in the schedule of fees and charges.

Carried by absolute majority: 5/0

Res:169/13

10.1.3 MONTHLY FINANCIAL STATEMENTS – 30 SEPTEMBER, 2013

File Ref:

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: Nil

Date: 3 October, 2013

Author: Brent Bailey – Deputy Chief Executive Officer

Authorising Officer: Not applicable

Attachments: Yes - Monthly Financial Report

Summary:

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

Background:

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

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

Comment:

This report contains annual budget estimates, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

Consultation:

Council Financial Records

Statutory Obligations:

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

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

Policy Implications:

Nil

Budget / Financial Implications:

As detailed within the attachments

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 AND COUNCIL DECISION	ITEM 10.1.3
Moved: Cr Norman	Seconded: Cr Dunlop
That Council receive the Monthly Financial Report for the period ending 30 th September 2013 in accordance with Section 6.4 of the Local Government Act 1995	
Carried: 5/0	Res:170/13

10.1.4 SUBMISSION OF HOPETOUN PROGRESS ASSOCIATION BUDGET

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	4 th October 2013
Author:	Brent Bailey – Deputy Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes - Annual Budget Figures – Hopetoun Progress Association

Summary:

The purpose of this item is to receive the 2013/2014 budget from the Hopetoun Progress Association as requested by Council through the annual budget deliberations. The recommendation is to receive the budget as presented.

Background:

Council has provided annual funding towards the operations of the Hopetoun Progress Association for a number of years and during budget deliberations their annual budget was requested as supporting information. Attached to the agenda is a copy of the budget figures from the Hopetoun Progress Association for Council's consideration and information.

Comment:

It should be noted that the Hopetoun Progress Association only claimed half of their budget allocation in 2012/2013. The invoices submitted for \$15,600 being last year's remaining allocation have been paid utilising budget funds from the allocation provided in this financial year's budget. No funds were brought forward from last financial year for the unclaimed amount.

The budget provided by the Hopetoun Progress Association has included this payment of \$15,600 plus Council's 2013/2014 allocation of \$25,000. The general ledger account associated with this allocation will be over-spent by \$15,600 if the full 2013/2014 allocation is paid as well as the unclaimed funds from last financial year.

Consultation:

Hopetoun Progress Association

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

The general ledger account associated with this allocation will be over-spent by \$15,600 if the full 2013/2014 allocation is paid as well as the unclaimed funds from last financial year. This will have a direct cash impact on Council's forecast end of year surplus.

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 AND COUNCIL DECISION(1)	ITEM 10.1.4
Moved: Cr Dunlop	Seconded: Cr Duncan
That Council receive the annual budget figures as provided by the Hopetoun Progress Association.	
Carried: 5/0	RES:171/13

OFFICER RECOMMENDATION (2)	ITEM 10.1.4
That Council only provide funding this financial year towards the Hopetoun Progress Association up to \$25,000 as per the 2013/2014 budget.	

COUNCIL DECISION (2) ITEM 10.1.4
 Moved: Cr Norman Seconded: Cr Gairen

That Council funding towards Hopetoun Progress Association this financial year include up to \$25,000 as per the 2013/2014 budget and the unclaimed \$15,600 which was included in the 2012/2013 budget.

Amendment

Moved: Cr Duncan

Seconded: Cr Goldfinch

That the following be added to the motion:-

That the Hopetoun Progress Association provide a presentation to Council in July 2014 giving details of projects completed and projects proposed for the following year.

The amendment was put and carried 5/0 and became part of the motion. The motion was put and

Carried by absolute majority: 5/0

Res:172/13

Reason for change to officer recommendation

After viewing the Associations budget Council acknowledged that the funding not claimed from the 2012/2013 allocation is required to enable the Association to complete its planned projects in 2013/2014.

10.1.5 SCHEDULE OF ACCOUNT PAYMENTS – SEPTEMBER 2013

File Ref:

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: None

Date: 30 September, 2013

Author: Tahnee Gairen- Accounts Payable

Authorising Officer: Brent Bailey – Deputy Chief Executive Officer

Attachments: Yes - Schedule of Payments to 30 September 2013

Summary:

This item presents the schedule of payments for Council approval in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996.

Background:

FUND	PAYMENT	VOUCHERS	AMOUNTS
Municipal Account	EFT and	EFT2041-EFT2141	\$414,244.54
	Cheques	38298-38359	\$122,481.57

Reserve Bank Fee	955		\$ 339.73
Payroll	Dates	04/09/2013 18/09/2013	\$145,133.97
Municipal Account Total			\$653,402.18
	Trust	EFT2141-2141	\$30,733.80
	Trust	1228-1230	\$120.00
	Cheques		
Trust Account Payments			\$30,733.80
			<u>\$684,135.98</u>

Comment:

This schedule of accounts as presented, submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costing's and the amounts shown have been paid.

Consultation:

Not applicable.

Statutory Obligations:**Local Government (Financial Management) Regulations 1996****13. Lists of accounts**

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

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

(2) A list of accounts for approval to be paid is to be prepared each month showing —

- (a) for each account which requires council authorisation in that month —
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
- (b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under subregulation (1) or (2) is to be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

Policy Implications:

Nil

Budget / Financial Implications:

This item address Council's expenditure from Trust and Municipal funds which have been paid under delegated authority.

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 AND COUNCIL DECISION	ITEM 10.1.5
Moved: Cr Duncan	Seconded: Cr Gairen
That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of September 2013, be noted.	
Carried: 5/0	Res: 173/13

10.1.6 RESERVE 17544 - PROPOSED MANAGEMENT ARRANGEMENTS
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File Ref:	EM.PL.6
Applicant:	Not applicable
Location:	Reserve 17544, Hamersley Inlet
Disclosure of Officer Interest:	Nil
Date:	14 October, 2013
Author:	Brent Bailey – Deputy Chief Executive Officer
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	Yes - Business Case prepared by DPAW

Summary:

The Shire has management of Reserve 17544 adjacent to the Hamersley Inlet in the Fitzgerald River National Park.

The reserve is surrounded by National Park managed by the Department of Parks and Wildlife (DPAW), it is recommended that the Council offer day to day management of the reserve to DPAW on a contract basis.

Background:

Subject Site

Reserve 17544, also known as the Hamersley Inlet reserve, is a local reserve vested with the Shire of Ravensthorpe for the purpose of camping. This 'Class C' reserve is located approximately 27 km by road to the west of Hopetoun townsite as an enclave in the Fitzgerald River National Park and has a legal area of 146.3756ha.

The reserve is accessed from Hamersley Inlet Drive and through the National Park and fronts the Hamersley Inlet. The reserve is completely surrounded by the Fitzgerald River National Park.

Reserve 17544 is reserved for 'Recreation' under the Scheme, the same as the rest of the surrounding National Park. The management order is issued to the Shire of Ravensthorpe, the purpose of the Reserve in the management order is 'camping'. There is no power to lease.

Council supported a houseboat storage area within the reserve and there have been a series of major improvements carried out recently in the reserve by DPAW resulting in a new camping facility, day use area, toilets, parking areas and sealed roads. This agenda item considers the options for managing the camping area throughout the year.

Comment:

The additions and redevelopment of the tourist facilities have now largely been completed at a value of more than \$2 million. These include new camping facilities, improved day use facilities, sealed roads, toilets, public information and improved access to the water. All infrastructure appears to be of a high quality.

However, as these facilities are located within a Shire managed reserve the Shire of Ravensthorpe is currently responsible for the maintenance and running of these facilities. There are a number of options for managing the recreation and camping site as follows:

- 1) Site managed by Council staff utilising Council equipment and supplies.
- 2) Site managed by DPAW rangers and volunteers on a contract basis using DPAW equipment and supplies.
- 3) Site managed by an external third party on a contract basis utilising their own equipment and supplies.

This report recommends that the day to day management of the Hamersley inlet recreation and camp site be handed over to the DPAW for the following reasons.

- The recreation and camping facility has been constructed in unison with the other campsites within the National Park, utilising the same site manager will result in a consistent visitor experience.
- Reserve 17544 is an isolated reserve, completely surrounded by the Fitzgerald National Park. Access to some areas of the reserve is through the National park

reserve in some places, not via a road reserve and may not be open to Shire staff or community management groups to access the site for maintenance and upkeep;

- The reserve is remote to the rest of the Shire's activities and will require the deployment of existing staff away from current roles or the employment of new staff;
- Presumably the DPAW would prefer to manage the reserve as they will be able to standardise the control of dieback and other land management issues without having to coordinate activities with the Shire.
- It is likely that there are greater cost efficiencies of the site being managed by DPAW due to the proximity of the staff and existing infrastructure to the Hamersley Inlet site.
- DPAW has the resources and systems in place to manage visitor bookings and enquiries.

The attached report provides an overview of the site management arrangements if the option of DPAW managing the site is confirmed by Council. The annual contract fee for the site to be managed by DPAW has been costed at \$57,687, revenue for the site has been estimated at \$19,360 based on similar camp ground income. The net outlay as a result of contracting DPAW to manage the site is therefore approximately \$38,327.

Council provided funds in the 2013/2014 annual budget of approximately \$8,394 to manage the ablution facilities and \$48,485 to manage the camping facilities and recreation grounds. \$2,000 of these funds was direct contract expenses whilst the rest were allocations of staff time and Council equipment in particular being around 35% of the current ranger's time. Based on existing resource requirement in relation to the Ranger's role it is unlikely that he will be able to afford this much time working at Hamersley inlet without compromising other areas of community service. As a result if the site was to be managed effectively by Council resources additional staff would need to be employed and supplied with a vehicle and operations equipment.

The third option is to seek a partnership or contractual arrangement with an existing community group or company (e.g. Men in Sheds or perhaps the local Houseboat operator) to provide the daily management service. It is likely that a similar cost structure to the DPAW solution would be required however Council would still receive and need to manage daily enquiries, complaints and requests over the facility.

Consultation:

Department of Parks and Wildlife

In terms of the future tenure of the reserve, Council raised the issue at two community meetings during 2013, although both meetings were poorly attended, Ravensthorpe 13 and Hopetoun 20, retention of the vesting of the reserve was supported almost unanimously.

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

There are considerable ongoing costs to Council over time with the management, maintenance, replacement and running of the new facilities within Reserve 17544. Funds have been budgeted in this financial year to cover the expense.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
The Hamersley Camp and Recreation site is within proximity and surrounded by the Fitzgerald National Park. Appropriate management arrangements need to be in place to minimise risk from a range of factors including fire, litter and dieback control. It is the officer's opinion that DPAW are best suited to provide a consistent management arrangement of these risks across the National Park.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
Hamersley Inlet is a significant piece of social infrastructure and has formed a significant part of local history and social interaction. The proposed direction for management arrangements is not expected to change the use of the reserve by visitors significantly.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION	ITEM 10.2.2
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<p>That the Department of Parks and Wildlife be contracted to manage and provide minor maintenance, the Campground and Day Use Recreation Sites within reserve 17544, in accordance with DPAW campsite rules and in accordance with their submission, for an annual fee not exceeding \$57,687, with income received being paid direct to the Shire of Ravensthorpe.</p>	
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COUNCIL DECISION	ITEM 10.2.2
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Moved: Cr Norman

Seconded:

That Council relinquish Reserve 17544 to DPAW and request that it be included in the Fitzgerald national Park.

Motion lapsed due to the lack of a seconder.

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.2.2
Moved: Cr Norman	Seconded:
<p>That the Department of Parks and Wildlife be contracted to manage and provide minor maintenance, the Campground and Day Use Recreation Sites within reserve 17544, in accordance with DPAW campsite rules and in accordance with their submission, for an annual fee not exceeding \$57,687, with income received being paid direct to the Shire of Ravensthorpe.</p>	
<p>Motion lapsed due to the lack of a seconder.</p>	

COUNCIL DECISION	ITEM 10.2.2
Moved: Cr Dunlop	Seconded: Cr Duncan
<p>That tenders be invited for the provision of management services for the camp ground and day use recreation sites within Reserve 17544, Hamersley Inlet.</p>	
Carried: 4/1	Res:174/13

Reason for change to the officer recommendation

Council felt that the management should be opened to a competitive assessment.

10.2 MANAGER OF PLANNING AND DEVELOPMENT

10.2.1 ESPERANCE NYUNGAR NATIVE TITLE CLAIM

File Ref:

Applicant: Not applicable

Location: Lots 171 and 694 Springdale Road, Jerdacuttup

Disclosure of Officer Interest: None

Date: 10 October, 2013

Author: Craig Pursey, Planning Officer

Authorising Officer: Pascoe Durtanovich – Chief Executive Officer

Attachments: None

Summary:

The Department of Lands has asked for Council's comments on a proposal to include Lot 171 (Reserve 18030) and surrounding Lot 694 (UCL) Springdale Road, Jerdacuttup for possible inclusion in native title settlement negotiations with the Esperance Nyungars.

Council considered the request at their meeting in September 2013 and responded with a series of questions to the Department of Lands. These have been responded to and it is

recommended that the Shire raise no objection to the inclusion of the reserves in native title negotiations.

Background:

Subject Site

Lot 171 (Reserve 18030) and Lot 964 Springdale Road constitute a large undeveloped parcel of land on Springdale Road to the east of Hopetoun. Lot 171 is 202.44ha in area and is surrounded by Lot 964 which is 634.62ha in area.

Town Planning Scheme No.5

Lot 171 (Reserve 18030) is a public purpose reserve under Town Planning Scheme No 5 for the purpose of "Water Supply".

Lot 171 is surrounded by Lot 964 that is also a public purpose reserve under Town Planning Scheme No 5 for the purpose of "public use".

Certificate of Title

Lot 171 is a reserve managed by Water Corporation for the purpose of 'Waterway'. Lot 964 remains unallocated crown land (UCL).

Previous considerations

Council considered this matter at their meeting of 19th September 2013 where it was resolved as follows:

"That this item be deferred to the October, 2013 Council meeting pending receipt of advice from the Department of Lands on the following:-

- 1. Are the two land parcels to be included in the settlement package in addition to, or in place of, the two reserves discussed with the Native Title Unit in May, 2012 (Reserves 7580 and 9393)?*
- 2. What terms will the proposed Management Order contain?*
- 3. How will the Shire's interests be addressed/protected in the proposed Management Order or other method?"*

Comment:

The Department of Lands has responded to Council's questions as follows:

- 1. Are the two land parcels to be included in the settlement package in addition to, or in place of, the two reserves discussed with the Native Title Unit in May 2012 (Reserves 7580 and 9393)?*

Reserves 7580 and 9393 are no longer included in the settlement package.

- 2. What terms will the proposed Management Order contain?*

In the event that Lots 171 and 964 are transferred to the Esperance Nyungars as reserves, the purpose of the reserves will be determined by the Esperance Nyungars themselves. The purpose of the reserves will need to be compatible with the Town Planning Scheme No 5.

- 3. How will the Shire's interests be addressed/protected in the proposed Management Order or other method?*

If Lots 171 and 964 are transferred as reserves the Shire's interests will be taken into consideration in the formulation of any management order. In view of this it would be greatly appreciated if you could let me know if the Shire has any existing or future interests in relation to these lots?

The Shire's interests in Lots 171 and 964 appear to be limited to access to gravel and sand for construction. The subject sites are entirely covered in remnant vegetation and clearing permits would be required to access these materials.

Lot 171 is currently managed by the Water Corporation and Lot 964 is Unallocated Crown Land. The Shire has no access or control over the subject site at the moment with the exception of land use controls applied through the Town Planning Scheme.

There would appear to be little advantage to Council in taking management of these reserves; only liabilities in terms of the resources required to manage the lots. Native Title issues would need to be resolved on the portion of the site that is UCL for any development to occur.

As stated in the initial report to Council a change of reserve manager would appear to have little impact upon the Shire and it is recommended that no objection be raised to its inclusion in the native title settlement process.

Consultation:

The Department of Lands consult with all government agencies with a possible interest in the land as part of their consideration to change the reserve manager.

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

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.2.1
Moved: Cr Duncan	Seconded: Cr Dunlop
Council raise no objection to Lot 171 on DP 146527 (Reserve 18030) and surrounding Lot 964 (UCL) being included in native settlement negotiations subject to access to road building material being permitted.	
Carried: 5/0	Res: 175/13

10.2.2 MANAGEMENT OF RESERVE 11577**File Ref:**

Applicant:	Not applicable
Location:	Reserve 11577 (Lot
Disclosure of Officer Interest:	None
Date:	10 October, 2013
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	Yes - Department of Lands referral

Summary:

The Water Corporation has the management order over reserve 11577 for the purpose of "Water Supply". The Water Corporation do not have any infrastructure or use for the reserve and are enquiring whether the Shire of Ravensthorpe would take management of this reserve.

Whilst the reserve has a small dam that may be useful to the Shire, the remainder of the site is remnant vegetation and the costs and implications for going management of the reserve should not be under-estimated.

It is recommended that Council decline the offer to take on the management order for reserve 11577.

Background:

Council received a request from the Water Corporation, via the Department of Lands, asking for advice on whether the Council wishes to take management of Reserve 11577. A copy of the request is attached to this report.

The Water Corporation no longer has any infrastructure on this site and views it surplus to its needs. Historically it was a reserve for water supply to the railway.

The Water Corporation (WC) explain the background to this proposal as follows:

- WC received a letter from Department of Mines and Petroleum (DMP) advising that an exploration licence had been issued to Phillips River Mining Ltd to commence exploration activity in the Reserve;

- The WC raised no objection to this licence;
- This referral brought the fact that they have no use for the reserve and they decided that they would prefer to be removed as the responsible agency for the reserve.
- WC suggest the Shire may want the reserve as there is a dam that could be used as emergency water source for farmers, but it may need upgrading.

Subject Site

Reserve 11577 Hopetoun-Ravensthorpe Road, Kundip is 473.07ha in area, mostly remnant vegetation, with two cleared areas. The reserve adjoins the Kundip townsite boundary to the north.

It is located centrally in a chain of reserves through the middle of the local government area, none of which appear to be currently managed by the Shire.

Comment:

Reserve 11577 is located between the Kundip and Desmond Townsites either side of the Hopetoun-Ravensthorpe Road.

There does not seem to be any reason why the Shire of Ravensthorpe should assume management of this reserve. As evidenced by the following:

- The Council routinely looks to secure gravel and sand from reserves. Most of the site is remnant vegetation and would require clearing permits. As the reserve is located central to any other reserves and UCL it is unlikely that a clearing permit would be forthcoming in this area;
- The existing dam would need upgrading and ongoing maintenance and management if used as emergency water supply for farming.
- Recent requirements from the Office of Bushfire Risk Management to prepare Shire-wide Bushfire Risk Management Plans has highlighted the reserve manager as the responsible party for implementing bushfire risk mitigation measures. In light of this it is recommended that the Council minimise their exposure to costs and responsibilities for reserves.
- The surrounding reserve network and UCL is managed by the "Department for Planning and Infrastructure" (ie the state government), reserve 11577 is isolated from other Shire reserves making its management more difficult.

Unless there is an overriding need for a particular reserve it is recommended that the Council not assume management for any more reserves.

Consultation:

None required

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

Nil

Strategic Implications:

The relevant part of the Shire's Strategic Community Plan is under civic leadership with the goal of a financially sustainable local government.

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 AND COUNCIL DECISION	ITEM 10.2.2
Moved: Cr Duncan	Seconded: Dunlop
That Council decline the management order for Reserve 11577 but express an interest in securing rights to take road building material from the reserve.	
Carried: 5/0	Res: 176/13

10.2.3 PROPOSED SCHEME AMENDMENT 25

File Ref:	14.4.5.25
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	9 October, 2013
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	Yes- A. Opportunities & Constraints Plan B. Amendment document extract C. Subdivision Guide Plan D. Proposed Scheme provisions – Rural Conservation Zone E. Proposed Scheme provisions – Special Use Zone

Summary:

Council is requested to consider initiating Scheme Amendment 25 to Town Planning Scheme No.5 to change the zoning of Lot 8 Hopetoun-Ravensthorpe Road, Hopetoun from the 'General Agriculture' zone to Rural Conservation zone No. 9 and Special Use zone No. 16.

If supported the scheme amendment would facilitate sixty (60) 1 - 3 ha rural living/composite home business lots. This would allow for people to live and work on the same semi-rural property with a core of more industrial land uses located in the north western corner of the site.

The scheme amendment documentation appears to address the various site constraints adequately. The design meets the various requirements of the various applicable state and local planning requirements.

The proposal is consistent with the recommendations of the Local Planning Strategy and past resolutions of Council and support is recommended.

Background:

Council considered a request for 'in-principle support' for the rezoning Lot 8 Hopetoun-Ravensthorpe Road, Hopetoun to rezone Lot 8 'Rural Conservation', 'Special Use' (to allow for rural living/composite business enterprise lots in appropriate areas) and 'Special Use' (to allow for recourse extraction in appropriate areas) at their meeting in September 2008. At this meeting it was resolved as follows:

"That Council:

- 1. Receive the legal advice pertaining to the moratorium on further amendments to the town planning scheme that proposes rural residential development in and around Hopetoun and, more specifically, as it relates to Lot 8 Hopetoun-Ravensthorpe Road, Hopetoun; and*
- 2. Advise Ayton Taylor Burrell that the proposed local planning scheme amendment of Lot 8 Hopetoun-Ravensthorpe Road is supported in principle to rezone the property from 'General Agriculture' to 'Rural Conservation', 'Special Use' (to allow for rural living/composite business enterprise lots in appropriate areas) and 'Special Use' (to allow for recourse extraction in appropriate areas), subject to the full Amendment Documentation, including Subdivision Guide Plan and land capability being submitted to allow for formal initiation by Council. The Amendment is to be numbered Amendment No. 25 to Shire of Ravensthorpe Town Planning Scheme No.5.*

ADVICE TO PROPONENT

NOTE 1: This preliminary support should not be construed as approval of the draft Subdivision Guide Plan. This matter will need to be fully considered in the light of the environmental analysis undertaken over the property and negotiation with relevant agencies.

Subject Site

Lot 8 Hopetoun-Ravensthorpe Road, Hopetoun (Lot 8) is 81.085ha in area and located on the corner of Steeredale Road. Lot 8 also has frontage to Lechenaultia Drive and is located approximately 5km north of Hopetoun townsite.

Lot 8 is relatively flat in the north east and rises up to a vegetated, sandy ridge in the south west corner of the site.

Lot 8 is developed with a number of previously approved rural industries and sand extraction sites.

There is existing remnant vegetation in the south western corner of the site listed as being in good condition.

There is an open drain that enters Lot 8 from the north and discharges across Hopetoun-Ravensthorpe Road toward Dunn Swamp.

Krystal Park stage 2 is immediately to the south and Steeredale Meadows to the north. The Water Corporation waste water treatment plant, wind turbines and a sand and limestone quarry are to the west. All of these land uses have adopted buffers that affect Lot 8.

The Amendment documentation includes a Constraints and Opportunities Plan that is attached to this report.

Zoning

Lot 8 is currently zoned 'General Agriculture' under Town Planning Scheme No 5.

There are two industries developed in the north western corner of Lot 8 that were approved in the past as Rural Industries.

Comment:

Proposal

Scheme Amendment 25 includes the required scheme amendment documentation, a Subdivision Guide Plan (to guide future subdivision), a full land capability assessment (geotechnical and vegetation surveys) and a Local Water Management Strategy. A full copy of the documentation is available on request.

The scheme amendment proposes two zones:

1. Rural Conservation zone Area No.9; and
2. Special Use zone No.16

The amendment document describes these as zones as follows:

Rural Conservation Zone Area No.9

The proposed Rural Conservation zone - Area No. 9 is divided into two Precincts.

- *Precinct 1 - Rural Living and Associated Enterprises comprises thirty four (34) predominantly 1ha lots.*
- *Precinct 2 – Sand Extraction/Rehabilitation Area is currently used for small scale extraction of raw materials and consists of twelve (12) lots. The existing sand and soft rock limestone pits will continue to operate in the short term. Once the raw materials extraction has been completed, these areas will be re-contoured and stabilised prior to subdivision and the issue of Titles.*

Across the zone, it is proposed to encourage low-key business enterprises in order to facilitate employment generation. In addition to Home Businesses and Cottage Industry, Bed & Breakfast, Family Day Care and other incidental and low impact use are advocated.

Proposed Special Use zone - Area No. 16

The Special Use zone is located in the north west corner of the property where it abuts the Water Corporation WWTP buffer and incorporates rural industry which has been established on three (3) of the proposed lots. The intent is to consolidate an area for composite rural living/rural enterprise which will help to maximise buffer/separation distances from the property which will be zoned 'Rural Conservation'.

A total of fourteen (14) lots are proposed within the Special Use zone wherein selected Service, Light and Rural Industry, together with associated Caretaker's Dwellings may be considered. Sharing of buffer areas will enable some lots to achieve up to 200metre separation distance from habitable dwellings. For those lots which are located opposite 'Rural Conservation' lots, a minimum separation distance of 77.5metres can be achieved by locating the caretaker dwellings to the front of the lots with the businesses to the rear and by taking into account the 20 metre road reserve width and the 7.5 metre front setback on the Rural Conservation lots. The only exception is one lot which directly abuts a Rural Conservation (Sand extraction/rehabilitation) lot where a minimum setback of 55metres can be achieved.

Specific zone objectives and development control mechanisms are proposed in regard to amenity, materials, setbacks, signage and landscape screening.

The Subdivision Guide Plan (SGP) allows for staging and timing of subdivision of the respective precincts to occur concurrently or independently in response to demand.

As a result, there are no significant planning constraints to the form of development proposed.

An extract from the Amendment document is attached to this report that describes the proposal in more detail.

Local Planning Strategy

The current Local Planning Strategy adopted in 2003 recognises Lot 8 as appropriate for 'Rural Living'.

The draft Local Planning Strategy adopted by Council in 2012 identifies Lot 8 as a 'composite zone' and states that Council should "*consider establishing a composite Residential/Light Industrial zone in this precinct to allow for home business operations*".

The proposed scheme amendment is consistent with both versions of the Strategy.

Issues

The main issues for consideration include land capability, protection of vegetation, drainage and fire safety.

Land Capability

A land capability report is appended to the scheme amendment document. This document assesses the land capability for development including soil testing, ground water and vegetation assessments.

It concludes that the site is capable of supporting the development proposed including effluent disposal, road and house construction but that a number of lots may need to use Alternative Treatment units for their effluent disposal.

Vegetation

Approximately 20% of the site is covered in remnant vegetation in good or better condition. No rare or threatened flora was discovered and the vegetation communities are well represented.

The document recommends: retaining remnant vegetation in as large an area as possible, locating roads and building envelopes in areas already cleared or disturbed and avoid locating firebreaks through vegetation where possible.

The scheme amendment proposes to retain good standard vegetation in the south western corner but does propose to locate a number of building envelopes and roads through existing vegetation.

If initiated, the scheme amendment will be referred to Department for Parks and Wildlife (DPAW) for assessment and a final decision on the appropriateness of this element of the proposal may be made.

Stormwater Drainage

The proponent has provided a Local Water Management Plan that supports the proposed rezoning.

There is an existing large open drain that cuts diagonally through Lot 8. This is proposed to be retained and included in the road drainage system.

The broad concepts of retaining water on site as much as possible, use of swale drains in road reserves and detention basins in strategic locations is supported. All drainage infrastructure is proposed in public space unlike other previous subdivisions that have resulted in portions of private lots being used for subdivisional drainage.

These elements will need to be refined at the subdivision stage.

Fire Safety

The following fire protection measures are proposed:

- 6m boundary breaks;
- Hydrants in the roads (the subdivision will be connected to scheme water);
- 20m wide building protection zones around habitable buildings;
- A Hazard Separation Area to be maintained by landowners between building envelopes and vegetation in Precinct 2.
- A strategic break (rather than boundary breaks) in the south west corner to enable the protection of vegetation in this area.

The fire protection measures proposed comply with Planning for Bushfire Protection guidelines.

In accordance with Council policy the Amendment was referred to the Chief Bushfire Control Officer and Community Emergency Services Manager and the following feedback was provided:

- Generally happy with the proposed fire safety measures;
- Supportive of the strategic break in the southwest corner, provided a perimeter break was maintained as well;

- Suggested that a 60KI tank be located on the Hopetoun-Ravensthorpe Road for smaller units (particularly residents of the proposed development) to be able to fill from in the event of a bushfire.

On one hand it is logical to request a tank given those landowners who have fire units on trailers and utes cannot access hydrants. The site is far enough from the Hopetoun townsite that it could be expected that local rural brigades would service the site and every measure should be put in place to encourage self-reliance for local landowners in the future subdivision.

However, requiring another tank may be excessive in this instance for the following reasons:

- The tank would be a publically available water source that may lead to issues of people accessing it illegally for other purposes;
- It will be something that the Shire would have to maintain and eventually replace;
- Fire trucks can use hydrants and these would be the main source of fire fighting in this area;
- It exceeds the recommendations of Planning for Bushfire Protection; and
- Smaller units that can't fill from hydrants can go to the stand pipe at Hamersley Drive or eventually to the 50KI tank to be provided with the subdivision of Lot 61 Hopetoun-Ravensthorpe Road 500m to the north of Lot 8 (where scheme water is not available).

It is recommended that the permitter fire break be noted on the subdivision guide plan but that the additional water tank not be a requirement at this stage.

Subdivision Guide Plan

The amendment documentation includes a subdivision guide plan (SGP) that will guide subdivision and development in conjunction with the proposed scheme provisions.

The subdivision guide plan responds to the sites constraints and establishes roads and lots that provide for the composite work/living development proposed.

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

Scheme Provisions

The scheme provisions are inserted into the Town Planning Scheme providing the controls for future subdivision and development of Lot 8. All appear to address the site's constraints and put in place the required controls to ensure that future development meets suitable standards.

The proposed schedules for the Special Use and Rural Conservation zones are contained in Attachments D & E.

Consultation:

Should Council agree to pursue the scheme amendment it will require consultation with affected government agencies and the Hopetoun community as required by statutory processes.

Statutory Obligations:

All scheme amendments undergo a statutory process including referral to the EPA, public advertising and ultimately approval of the amendment is required by the Minister for Planning. As a first step, should Council agree to initiate the amendment, the amendment is referred to the EPA for assessment and approval.

Public advertising is required and further information from various government agencies is sought during this period to further inform the proposal.

There is no right for review to the State Administrative Tribunal if Council does not initiate an amendment. However, with recent changes to the Planning and Development Act 2005 there may now be an opportunity for the applicant to approach the Minister for Planning to initiate the Amendment.

Policy Implications:

Nil

Budget / Financial Implications:

The fees paid by the applicant are intended to cover all costs for the Shire including officer time and advertising fees.

Strategic Implications:

The proposed scheme amendment is consistent with the following key these and strategies of the Shire's Strategic Community Plan:

- (1) A vibrant, supportive and socially connected community.*
- (2) A thriving business and industry including tourism
A strong, diversified economic tourist and industrial base that provides varied employment opportunities for all age groups.*

Sustainability Implications:

- **Environmental:**
There are potential impacts on existing remnant vegetation.
- **Economic:**
The scheme amendment could facilitate additional industrial and commercial enterprise as landowners will not have to pay for both residential land and a business property.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION

ITEM 10.2.3

1. That pursuant to Section 75 of the Planning and Development Act (2005), Council resolves to amend Town Planning Scheme No 5 by:
 - i) Rezoning Lot 8 Hopetoun-Ravensthorpe Road, Hopetoun from the General Agriculture zone to Rural Conservation zone No. 9 and Special Use zone No. 16;
 - ii) Modifying Schedule 9 Rural Conservation Zone Provisions in accordance with Attachment D;
 - iii) Modifying Schedule 2 Special Use Zones in accordance with Attachment E;
 - iv) Amending the Scheme Map accordingly.
2. That Council adopts Scheme Amendment No 25 for the purpose of advertising and referral to the Environmental Protection Authority.

COUNCIL DECISION

ITEM 10.2.3

1. That pursuant to Section 75 of the Planning and Development Act (2005), Council resolves to amend Town Planning Scheme No 5 by:
 - v) Rezoning Lot 8 Hopetoun-Ravensthorpe Road, Hopetoun from the General Agriculture zone to Rural Conservation zone No. 9 and Special Use zone No. 16;
 - vi) Modifying Schedule 9 Rural Conservation Zone Provisions in accordance with Attachment D;
 - vii) Modifying Schedule 2 Special Use Zones in accordance with Attachment E;
 - viii) Amending the Scheme Map accordingly.
2. That Council adopts Scheme Amendment No 25 for the purpose of advertising and referral to the Environmental Protection Authority.
3. That a 60kl water tank be provided and located on the Hopetoun Ravensthorpe Road for smaller fire units.

Carried: 4/1

Res:177/13

10.2.4 CLEARING APPLICATION

File Ref:	A392
Applicant:	Not applicable
Location:	Lot 997 (#434) Rawlinson Road, Munglinup
Disclosure of Officer Interest:	None
Date:	10 October, 2013
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	Yes - Request for comment from DER

Summary:

The Department of Environmental Regulation (DER) has received a clearing permit application for 150ha of Lot 997 (#434) Rawlinson Road, Munglinup. As part of the relevant legislation DER has asked if Council has any comment on the proposal.

The proposed clearing is of regrowth; the remainder of the property appears to have been recently cleared and is being farmed.

It is recommended that Council raise no objection to the proposed clearing.

Background:

Council received a request for comment on proposed clearing of 150ha of regrowth vegetation at Lot 997 (#434) Rawlinson Road, Munglinup from the DER on the 8th October 2013.

The proposal is referred in accordance with sub-section 51E(4) of the *Environmental Protection Act 1986* (EP Act), to Council as a party that may have a 'direct interest' in the proposed clearing.

A copy of the DER request is attached to this report.

Subject Site

Lot 997 Rawlinson Road, Munglinup is 932.95ha in area and is used predominantly for broad hectare farming. An examination of the aerial photography over the last ten years shows that the property has been progressively cleared. The 150ha proposed for clearing under the current application was cleared land in 2007 and it is presumed that it has been left to regrow.

Comment:

The DER referral requests the following information from Council:

1. Any known environmental issues;
2. Consistency with the Town Planning Scheme; and
3. Whether any planning approval is required.

Environmental Considerations

The site has been cleared in the past and vegetation appears to have been retained around the creek lines that run through the property.

The Shire does not have extensive assessment of the quality or rarity of the vegetation types outside of the extensive reserve networks in the Shire so it may be best to leave this to the DER to assess this aspect of the proposed clearing.

The Opportunities and Constraints report that forms part of the Local Planning Strategy does not list this area as being particularly prone to water logging or salinity.

Town Planning Scheme No.5

Broad hectare farming is defined in Town Planning Scheme No.5 as “agriculture-extensive”. The definition in the Scheme is:

“agriculture – extensive” means premises used for the raising of stock or crops but does not include agriculture - intensive and animal husbandry - intensive.

The land use is a permitted use but interestingly is not listed as “permitted development” in part 8.2 of the Scheme. Therefore, technically it requires the planning approval of Council. In practice this has rarely been enforced by any Council in Western Australia.

In this case the farming land use is established and therefore it can be argued that no further planning approval is required.

Consultation:

None required for Council.

Statutory Obligations:

The Council has been referred this proposal under sub-section 51E(4) of the *Environmental Protection Act 1986* (EP Act).

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

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.2.4
Moved: Cr Duncan	Seconded: Cr Dunlop
That Council raise no objection to the clearing application at Lot 997 (#434) Rawlinson Road, Munglinup.	
Carried: 5/0	Res: 178/13

10.3 MANAGER OF ENGINEERING SERVICES

Nil

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 INCLUSION OF YOUTH TRAILER HIRE IN THE 2013/14 FEES AND CHARGES SCHEDULE
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File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	10 October, 2013
Author:	Matthew Hunt – Manager Recreation and Community Services
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	None

Summary:

This item recommends that Council approve an amendment to the adopted 2013/14 Fees and Charges Schedule, specific to the inclusion of a hire fee and bond for the Council owned 'Youth Trailer and Outdoor Cinema'.

Background:

As per advice to Council on the 20th June 2013, the 2013/2014 schedule of fees and charges was formulated using the 2012/2013 year as a basis and incorporating new charges, CPI increases and input from external statutory bodies that Council collects fees on behalf of. The proposed schedule of fees and charges was reviewed by other officers for input into their particular business units. In preparation for the 2013/2014 budget period the fees and charges were submitted for Council adoption.

Council at this time decided:

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

Comment:

Following post review for implementation and upon request from community groups for use of the Council's 'Youth Trailer and Outdoor Cinema', it was identified by the Manager of Recreation and Community Services that this asset was not accounted for within the adopted Schedule.

As identified on page 17 of the Council endorsed 'Youth Action Plan 2011 – 2016', a key recommendation was to "Invest in an outdoor movie screen that can be used by community groups to hold movie nights for young people and families'. A subsequent investment was made by the Council in 2011/12, initially funded through external grant monies; however it is the Council's responsibility to activate, manage, maintain and replace this equipment as a Council asset.

In achieving this outcome and to ensure wider sustainable community use of this asset, a line item is required within the current Schedule. Based on how this asset might best be utilised and with consideration given to future maintenance and replacement costs, the following is recommended for adoption:

- A tiered structure, as is consistent with other Recreation and Community line items within the Schedule, maximising opportunity for Not for Profit users;
- A top level rate for Commercial use set at \$250.00 per event with a \$500.00 Bond to apply;
- A 75% reduction of the top rate applied to Incorporated Not for profits, placing it at \$62.50 per event plus a \$500.00 Bond; and
- A standard User Agreement to be completed by applicants for use, as is consistent with other facility use procedures across the Shire.

With consideration given to the Community Service nature of this asset and its subsequent programming, it is thought that higher level rates may be restrictive of participation and use. The recommended rates will ensure the ability of suitable community groups to maximise the benefits of the Council's investment for the wider community.

Consultation:

Officers

Statutory Obligations:

As per item of 20 June 2013 Fees and Charges Schedule.

Policy Implications:

Nil

Budget / Financial Implications:

Fees and Charges make up approximately \$730,000 of annual income.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

The setting of Local Government fees and charges is a fundamental income stream and effective fees and charges generally seek to develop a user pays system for services delivered to the community.

- **Social:**

The proposed actions will encourage broader use of the nominated asset and improve Community Service opportunity

Voting Requirements:

Absolute majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.4.1
Moved: Cr Duncan	Seconded: Cr Gairen
That Council approve an amendment to the adopted 2013/14 Fees and Charges Schedule, specific to the inclusion of the 'Youth trailer and Outdoor Cinema', to be set at \$250.00 per event for Commercial Use and \$62.50 per event for Incorporate Not for Profit Use, plus a \$500.00 Bond per use.	
Carried by absolute majority: 5/0	Res: 179/13

6.00pm Prior to any consideration of Item 10.4.2 Cr Dunlop declared a financial interest on the basis that he had part time involvement with for R&L Constructions.

6.00pm Prior to any consideration of Item 10.4.2 Cr Gairen declared a financial interest on the basis that she is employed by Ravensthorpe Building Supplies.

With the declaration of interest the meeting would be left without a quorum therefore the following motion was put

COUNCIL DECISION	ITEM 10.4.2
Moved: Cr Goldfinch	Seconded: Cr Duncan
That Item 10.4.2 be deferred to the November 2013 Ordinary Council meeting.	
Carried: 5/0	Res: 180/13

10.4.2 RFT2/2013 – TRADES PANEL OF PREQUALIFIED GOODS AND SERVICE PROVIDERS

File Ref:	Tender Register
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	19 October, 2013
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – WALGA Recommendation Report

Summary:

The Procurement Consultancy Service of the Western Australian Local Government Association was engaged to undertake procurement services to engage contractor(s) to provide goods, services and works for the Shire of Ravensthorpe in a number of categories. This report recommends that WALGA recommendations confirmed in the Tender report be adopted.

Background:

During a financial year, Shire staff have a number of requirements for external services to assist with delivery of the Shires annual capital and operating budget.

There is also a requirement under the Local Government Act, 1995 for Council to comply with Tender Regulations, particularly where the value of goods or a services exceeds \$100,000, either on one occasion or over a period of years. The requirement for obtaining tendered prices for some of these services is sometimes very restrictive and may result in delays.

The advertising and award of a panel type contract gives the Shire staff greater flexibility to engage contractors and services and ensures compliance with all current Local Government purchasing regulations.

Comment:

Tenders were invited for the following categories of goods, works and services:-

- Building and Plant Maintenance
- Building Construction
- Plant Hire
- Landscaping and Horticultural Services

Within each category there is subcategories, for example Building and Plant Maintenance includes:-

- Air-conditioning
- Plumbing
- Electrical
- Mechanical
- Painting
- Carpentry

The contract period is three (3) years, with a further (2) year extension, exercisable at the absolute discretion of Council.

In total some 37 tenders were received, these are detailed and assessed in the Tender Report attached.

Qualitative criteria set for the request for tender were:

- | | | |
|---------------------------|---|---------------|
| • Demonstrated experience | - | weighting 35% |
| • Organisational capacity | - | weighting 30% |
| • Resources | - | weighting 25% |
| • Local content | - | weighting 10% |

The rating scale was 0 to 10. Details of the assessment panels evaluation are included in the Tender Report.

The Shire is under no obligation to use the successful tenders. Separate tenders can be invited for particular goods and services if deemed necessary. Also contractors that have not tendered can be engaged for works or services if the works and services amounts comply with Tender Regulations or the contractor is on the WALGA preferred suppliers panel.

Consultation:

Consultation has been held with – Manager Engineering Services and Deputy Chief Executive Officer. A tender briefing was held by WALGA on Friday 19 July to provide a demonstration to prospective tenders in how to perform an electronic submission and discuss any uncertainties. Statutory advertising of the tender was also undertaken by adverts been placed in the Western Australian newspaper and shire notice boards.

Statutory Obligations:

Section 3.75(1) of the Local Government Act 1995 requires a Local Government to invites tenders before it enters into a contract for a purchase of a prescribed kind. Part 4 (Provision of Goods and Services) of the Local Government (Functions and General) Regulations 1996, Regulation 11 states this is only required for purchases worth more than \$100,000.

The preparation, assessment and award of this tender complies with Part 4 (Provision of Goods and Services) of the Local Government (functions and General) Regulations 1996 Division 2 – tendering for Goods and Services.

Policy Implications:

The successful tenders are to comply with all relevant council policies, the Shire's Regional Price Preference is relevant to the assessment and weighting criteria.

Budget / Financial Implications:

The tender process was undertaken by WALGA at a cost of \$5,658 (inc GST). Funds are included in the current budget.

Strategic Implications:

The tender ensures sound management practices and will assist in the delivery of works and services.

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 10.4.2

That the following tenders received, as per the Tender Report be included on the Trade panel of Prequalified Goods and Service Providers.

BUILDING AND PLANT MAINTENANCE**Air-Conditioning and Maintenance**

Gallagher Trust
R & L Construction

Plumbing Maintenance

4 Rivers
R & L Construction

Electrical Maintenance

Ravensthorpe Electrical
Scott Lawry

Mechanical Services

Day and Nite Maintenance

Painting and Decorating

Eric Hood
R & L Construction

Carpentry

PB & LF Jennings
CJC Badcock
MG & JL Williams

Concreting

MG & JL Williams
Meridian

Glazing

Hopetoun Windows & Glass
R & L Construction

BUILDING CONSTRUCTION**Architectural**

RAD Architecture
R & L Construction

Construction of Residential Dwellings

CJC Badcock
R & L Construction

Construction of Temporary Accommodation

CJC Badcock
Ausco

Building Supplies for Construction of Dwellings

CJC Badcock
R & L Construction

Supply and Installation of Sheds

CJC Badcock
Auspan

PLANT HIRE**Heavy Plant – Wet & Dry**

Ravensthorpe Bulk Haulage
Palmer Earthmoving
Total Landscape
Hopetoun Contracting
Gallagher Trust
TerraVac
Four Corners
GP & DR Belli Mini Earthworks
Meridian
Scott Lawry
4 Rivers

Light Plant –Dry

Ausco
GP & DR Belli
Meridian
Scott Lawry
Veno's Dingo
BJ & KL Nominees t/a Ravensthorpe Building
Supplies

LANDSCAPING AND HORTICULTURAL**Lawn/Garden Maintenance**

Total Landscape
GP & DR Belli Mini Earthworks
Veno's Dingo

Tree Maintenance

Total Landscape
GP & DR Belli Mini Earthworks
Veno's Dingo

Irrigation Systems Installation and Maintenance

Total Landscape
Ravensthorpe Building

10.4.3 MORGANS STREET TREES**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	10 October, 2013
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Arborist Report

Summary:

Council resolved on 20 June, 2013 to engage a suitably qualified consultant to advise on the future of trees in Morgan's Street, Ravensthorpe, including the two trees outside the Police Station.

A report has now been received and a copy is attached. It is recommended that the recommendations in the report be adopted.

Background:

In addition to the two Rivergums located on the verge in front the Police Station that are subject to current debate there are a number of trees in the streetscape priority development zone (service station to service station) that should be retained if possible. The retention/removal of trees in the priority development zone will influence the ultimate development concept.

In respect to the two trees outside the police station, Council first considered the removal of the trees in February, 2013 and resolved as follows:-

That Council approve the removal of two salmon gum trees on the Morgans Street road verge in front of the Ravensthorpe Police Station.

Further consideration was given on 23 May, 2013 following a notice of motion from Cr Norman at that meeting Council resolved as follows.

That Res 18/13 of the ordinary Council meeting held on the 21 February, 2013 (Item 10.3.1) be rescinded.

Comment:

The report prepared by Arborist Albert Adams is self-explanatory and in respect to the two trees outside the Police Station trees 5 and 6, recommends their approval and replacement with a more suitable species. In this regard it is recommended that the trees be removed when the streetscape work is undertaken.

Consultation:

The trees in question have been identified by the Chief Executive Officer with input from community members.

Statutory Obligations:

Nil

Policy Implications:

The Shire has a number of policies in respect to street trees, the relevant policy in this case is WS 18.

Budget / Financial Implications:

The cost of engaging ECOLOGIC Tree Service Denmark is approximately \$3,500 to \$4,000. Funds area available in the current street tree management budget.

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 AND COUNCIL DECISION	ITEM 10.4.3
Moved: Cr Dunlop	Seconded: Cr Duncan
That the report on the assessment of street trees in Morgans Street, Ravensthorpe, prepared by Arborist Albert Adams be received and the recommendations therein be adopted.	
Carried: 5/0	Res: 181/13

10.4.4 BUSH FIRE ADVISORY COMMITTEE MEETING 10 SEPTEMBER, 2013

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	10 October, 2013
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Copy of Minutes

Summary:

Consideration of recommendations from the Shire of Ravensthorpe Bush Fire Advisory Committee meeting held on the 10 September, 2013.

Background:

Nil

Comment:

Two Committee recommendations require specific action by Council. That is item 7.1 Lighting of Camp Fires and item 10.1 Burning Permit exemptions. In both instances policy amendment is required.

Policy LO 1

The current policy states:-

- That in accordance with the provisions of Section 25 (1a) the lighting of fires in the open air in the Shire of Ravensthorpe for the purpose of camping and cooking be prohibited during the prohibited burning times.
- That Starvation and Masons Bay camping areas be exempt from the Ravensthorpe Shire's prohibited open fire season from November 1 to January 31.
- That all open fires be contained within a cements ring or designated fire area, ie barbecue.
- Fires are to be extinguished when not attended.
- Wood, including kindling, must be supplied by campers from outside the shire camping areas.

New Policy

The proposed policy is:-

LO 1 Bushfire Control – Camping and Cooking Fires**Policy**

1. That in accordance with the provisions of Section 25 (1a) of the Bush Fires Act, 1954, the lighting of fires in the open air in the Shire of Ravensthorpe for the purpose of camping and cooking is prohibited during the prohibited burning times, except in the Starvation and Masons Bay Camping areas.
2. Lighting of fires in the open air in the Shire of Ravensthorpe, for the purpose of camping and cooking is permitted during the period 30 April to 19 September, without a permit to burn.
3. All open fires are to be contained within a cement ring or designated fire areas, ie barbecue.
4. Fires are to be extinguished when not attended.
5. Wood, including kindling, must be supplied by campers from outside the Shire camping areas.

A new policy is required for burning permit exemptions, the following is recommended:-

New Policy

LO 6 Burning Permit Exemptions

Policy

A permit to burn is not required to burn within an area not exceeding .1 of a hectare, during the period 30 April, to 19 September each year, except for the district, where the fire is to be lit, is **Very High** or above.

Consultation:

Nil

Statutory Obligations:

Bushfires Act 1954.

Shire of Ravensthorpe Bushfire Brigades local Law 2010.

Policy Implications:

1. Shire of Ravensthorpe Bush Fire Advisory Committee operational guidelines.
2. Policy LO 1 Lighting of Campfires

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

OFFICER RECOMMENDATION AND COUNCIL DECISION(1)	ITEM 10.4.4
Moved: Cr Norman	Seconded: Duncan
That the minutes of the Bushfire Advisory Committee meeting held on the 10 September, 2013 be received and the recommendations therein be adopted.	
Carried: 5/0	Res:182/13

OFFICER RECOMMENDATION AND COUNCIL DECISION(2) ITEM 10.4.4
Moved: Cr Dunlop Seconded: Cr Duncan

That Policy LO 1 be deleted and substituted with the following –

LO 1 Bushfire Control – Camping and Cooking Fires

Policy

1. That in accordance with the provisions of Section 25 (1a) of the Bush Fires Act, 1954, the lighting of fires in the open air in the Shire of Ravensthorpe, for the purpose of camping, and cooking is prohibited during the prohibited burning times, except in the Starvation and Masons Bay Camping areas.
2. Lighting of fires in the open air in the Shire of Ravensthorpe, for the purpose of camping and cooking, is permitted during the period 30 April to 19 September, without a permit to burn.
3. All open fires are to be contained within a cement ring or designated fire areas, ie barbecue.
4. Fires are to be extinguished when not attended.
5. Wood, including kindling, must be supplied by campers from outside the Shire camping areas.

Carried: 5/0

Res: 183/13

OFFICER RECOMMENDATION AND COUNCIL DECISION(3) ITEM 10.4.4
Moved: Cr Norman Seconded: Cr Duncan

That the following policy be adopted -

LO 6 Burning Permit Exemptions

Policy

A permit to burn is not required to burn within an area not exceeding .1 of a hectare, during the period 30 April, to 19 September each year, except for the district, where the fire is to be lit, is **Very High** or above.

Carried: 5/0

Res:184/13

10.4.5 ANNUAL REPORT 2012/2013 & ANNUAL GENERAL MEETING OF ELECTORS**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	10 October, 2013
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Annual Report to be tabled

Summary:

Council is required to adopt the Annual Report for 2012/2013 and set a date for the Annual General Meeting of Electors.

Background:

Nil

Comment:

The adoption of the Annual Report and determining a date for the Annual General Meeting of Electors is covered by sections 5.27, 5.53, 5.54 and 5.56 of the Local Government Act.

The draft report is in accordance with the Local Government Act in that it contains:

- A report from the Shire President
- A report from the Chief Executive Officer
- Overview of the Plan for the Future
- The financial report for the 2012/2013 financial year
- The Auditors report for the 2012/2013 financial year
- Information in relation to employees salary
- Other reporting requirements
 - Disability Services
 - National Competition Policy
 - Record Keeping Requirements

In accordance with the Local Government Act 1995, the general meeting of electors is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

It is Council practice to alternate meetings between Hopetoun and Ravensthorpe, the 2012 AGM was held in Ravensthorpe.

Council should endeavour to hold the meeting in late November.

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:

Absolute majority recommendation 1

Simple majority recommendation 2

OFFICER RECOMMENDATION AND COUNCIL DECISION(1)	ITEM 10.4.5
Moved: Cr Goldfinch	Seconded: Cr Duncan
That the 2012/2013 Annual Report for the year ending 30 June 2013 identified as attachment 10.4.5 be accepted.	
Carried by absolute majority: 5/0	Res: 185/13

OFFICER RECOMMENDATION AND COUNCIL DECISION (2)	ITEM 10.4.5
Moved: Cr Dunlop	Seconded: Cr Norman
That the 2012/2013 Annual General Meeting of Electors be held on Wednesday 20 November, 2013 in the Hopetoun Town Hall, commencing 7.30pm.	
Carried: 5/0	Res: 186/13

10.4.6 HOPETOUN COMMUNITY CHILDCARE CENTRE – FUNDING REQUEST**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	9 October, 2013
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Application

Summary:

The Hopetoun Childcare Association is seeking a funding contribution of \$3,406 (ex GST) to assist with the establishment of a Toy Library. This report recommends that in the first instance the committee apply to Lotterywest and shire administration assist in this regard.

Background:

Nil

Comment:

The application was in fact submitted as a Community Development Fund application but was overlooked through the budget process when the CDF applications were considered.

The type of the project proposed is generally supported by Lotterywest therefore it is recommended that this avenue be pursued.

Detailed project description and demonstrated need is highlighted in the attached application.

Consultation:

Not applicable.

Statutory Obligations:

There is no obligation on the Shire to fund this project.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The total cost of the project proposed is shown as \$4,847 (Inc GST). The applicant is contributing \$1,000 cash and \$800 inkind. An amount of \$3,406 (Ex GST) is requested from the CDF. The figures in the project budget are confusing. Council should work with the quote provided for the toys/equipment - \$4,406 (Ex GST).

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 if a contribution is to be made.
Simple majority to seek funding from Lotterywest.

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.4.6
Moved: Cr Goldfinch	Seconded: Cr Duncan
That a cash contribution not be made to the Hopetoun Community Child Care Centre Toy Library project and the Management Committee be requested to submit an application to Lotterywest.	
Carried: 5/0	Res:187/13

10.4.7 JOINT VENTURE UNITS, DUNN STREET RAVENSTHORPE**File Ref:**

Applicant:	Not applicable
Location:	Crown Reserve 29814, Ravensthorpe Lots 174 and 75 Dunn Street
Disclosure of Officer Interest:	None
Date:	14 October, 2013
Author:	Ian Neil – Contactor
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	None

Summary

The report assesses the Shires part ownership and management of three seniors 'units in Dunn Street, Ravensthorpe and makes recommendations of the future management of those facilities.

Background

In 2003 the Shire entered into a Joint Venture agreement with Homeswest (now Department of Housing) to construct 1, one bedroom and 2, two bedroom units in Dunn Street Ravensthorpe.

Each party contributed funds to the project in the following ways:-

Shire of Ravensthorpe

Site Preparation	\$18,000
Land Servicing including headworks	\$10,600
Construction contribution	<u>\$50,000</u>
Total	\$78,600

Homeswest

Architectural Fees	\$ 22,065
Construction Contribution	\$317,757
Landscaping	\$ 4,752
Other Government charges	<u>\$ 3,368</u>
Total	\$347.942

As the land vested in the Crown the land cost was not considered in the construction cost.

The above figures represent equity in the asset at 9% for the Shire and 91% for the Department. Based on approximate valuations this equity equates to \$50,000 for the Shire and \$520,000 for the Department.

The units are allocated for seniors housing and are currently managed by the Ravensthorpe Residential Facility Care Committee. The committee manages the allocation of tenants, collecting rent, minor maintenance and provision for future works and development. The Committee has accrued an amount of approximately \$140,000 in reserve and has managed the units well to date. It has noted that there is a need for additional seniors housing in the community and feels that this growth phase could be better managed by a professional housing association.

Comment

The Committee and the Shire has met with the Great Southern Community Housing Association (GSCHA) which manages affordable housing in the region. The Association manages approximately 400 houses in Albany and the region. As part of its portfolio, it manages houses for the Shires of Denmark, Lake Grace, Katanning and Gnowangerup. It has undertaken major housing developments in Albany, Denmark and Katanning. If the Association was to manage these units, the responsibility could be transferred in two ways.

The first option is for the Department of Housing to buy out the Shire's equity in the asset (\$50,000) and enter into a long term lease directly with the GSCHA. This option would remove the Shire from the management of the facility and the units would be owned outright by the Department. In doing so the Shire would lose any control it has in the facility and future use of funds generated, for this reason this is not the preferred option. In the current financial climate it is unlikely that the Department would agree to the equity buy out. The second and preferred option is for the Shire to enter into a management agreement with GSCHA. The Association would then be responsible for the functions of the facility, taking over the role of the Committee; the Shire would retain its equity.

The Agreement states that the Association will be responsible for, but not limited to, the following

- Transferring tenants to a GSCHA lease and managing the tenancy in accordance with its procedures manual, the Residential Tenancies Act (1987) and any other relevant legislation.
- Tenant selection via an allocations committee, which could include members of the current committee and the Shire,
- Rent Assessment and collection, reviews and monitoring,
- Property inspections and condition reports,
- Property Maintenance, including meeting safety requirements,
- All required insurance,
- Reporting to the Department and the Shire

The Association will charge a management fee for its services. This fee is yet to be negotiated and will be taken from rental income.

The use of the Funds currently held by the Committee will be negotiated as part of the management agreement, it is suggested that the money is set aside for future housing development.

The houses will be refurbished if needed prior to the agreement coming into effect and it will be the responsibility of the Association to keep the units maintained to that standard.

Consultation

Meetings have been held with the Great Southern Community Housing Association and the Ravensthorpe Residential Facility Care Committee.

Statutory Obligations

As the head lessor of the facility the Department of Housing will have to agree to any management agreement between the Shire and the Association. The Shire will retain its position as lessee with the Department.

Policy Implications

Nil

Budget/Financial Implications

The current committee retains funds received from the units for future works and development, this will continue under the management agreement, therefore there will be no financial implications to the Shire. The Department will continue to be responsible for major maintenance to the buildings.

Strategic Implications

Negotiations will be undertaken with the Association to develop a strategy for the construction of further seniors' dwellings in the town.

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:

OFFICER RECOMMENDATION AND COUCNIL DECISION	ITEM 10.4.7
Moved: Cr Duncan	Seconded: Cr Dunlop
That the CEO negotiate an agreement with the Great Southern Community Housing Association for the future management of the three seniors units on Crown Reserve 29814, Ravensthorpe Lots 174 and 175 Dunn Street and the draft agreement be presented to Council for consideration and approval by December 2013.	
Carried: 5/0	Res:188/13

10.4.8 ELECTION OF DELEGATES**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	22 October, 2013
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

Summary:

Council appoints delegates to local groups and organisations every two years (election year).

This report recommends continuation of this practice.

Background:

Nil

Comment:

Current appointments are as follows

- 1 Hopetoun Progress Association
(2 delegates)
Cr Dunlop and Cr Goldfinch
- 2 Ravensthorpe Progress Association
(1 delegate)
Cr Norman

- 3 Fitzgerald Coast Tourism Association
(CEO, Shire President and 1 delegate)
Cr Kelton
- 4 Ravensthorpe Regional Chamber of Commerce
(1 delegate)
Cr Gairen
- 5 Munglinup Community Group
(1 delegate)
Cr Norman
- 6 Community Liaison Committee –
This is open to all government departments and mining companies – meets every three months facilitated by the Goldfields Esperance Development Commission to monitor growth, development requirements and service levels.
(Shire President + Deputy President Proxy)
- 7 Goldfields/Esperance Country Zone - WALGA
(Includes Goldfields Voluntary Regional Organisation of Councils)
(2 delegates)
Cr Goldfinch and Cr Norman (Proxy Cr Duncan)
- 8 Fitzgerald River National Park
(1 delegate and 1 proxy)
Cr Duncan (Cr Belli Proxy)
- 9 South Coast Management Group
(2 delegates + 2 Community Members and CEO)
Cr Dunlop and Cr Goldfinch
- 10 Great Southern Regional Road Group
(1 delegate and 1 proxy)
Cr Duncan (Cr Belli Proxy)
- 11 Ravensthorpe Agricultural Initiative Network (RAIN)
(1 delegate)
Cr Goldfinch
- 12 LEMAC (Local Emergency Management Advisory Committee)
(Shire President)
- 13 Cullum Inlet Management Committee
(1 delegate)
Cr Dunlop
- 14 Ravensthorpe Community Resource Committee
(1 delegate)
Cr Norman
- 15 Hopetoun Community Resource Committee
(1 delegate)
Cr Dunlop

- 16 Ravensthorpe Entertainment Centre Management Committee
(2 delegates)
Cr Belli and Cr Gairen
- 17 Ravensthorpe Community Childcare
(1 delegate)
Cr Belli
- 18 Goldfields Esperance Regional Collaborative Group
(1 delegate)
Cr Goldfinch
- 19 Development Assessment Panel
(2 members + 2 deputy members)
Cr Belli and Cr Duncan
(Cr Norman and Cr Kelton Proxy members)
- 20 South Coast NRM WALGA Zone
(1 delegate)
Cr Dunlop
- 21 DAIP (Disability Access and Inclusion Plan)
(3 delegates)
Cr Belli, Cr Gairen and Cr Kelton
- 22 Ravensthorpe Heavy Haulage Route Reference Group
(Shire President and 2 delegates)
Cr Kelton and Cr Duncan
- 23 Fitzgerald Biosphere Implementation Group
(1 delegate)
Cr Goldfinch

Note: Councillors are required to determine delegates and adopt same with one resolution.

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	ITEM 10.4.8
Moved: Cr Goldfinch	Seconded: Cr Gairen
That delegates to Committee Groups and Organisations, as listed in this report (1 to 23), be adopted.	
Carried: 5/0	Res: 189/13

10.4.9 ELECTION OF COMMITTEES AND WORKING GROUPS**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	23 October, 2013
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

Summary:

Council currently has three Committees:

- Bush Fire Advisory
- Audit
- Tourism Development

and two Working Groups:

- Ravensthorpe Streetscape Steering Group
- Hopetoun Streetscape Steering Group

This report recommends all but the Tourism Development Committee be continued with.

Background:

The Committees and Working Groups were established a number of years ago and are reaffirmed every two years (election year).

Councillor appointments to the Committees and Groups are also made every two years.

Comment:

Details of the Committees are as follows:

BUSH FIRE ADVISORY COMMITTEE

(1 Councillor + 1 proxy)

This Committee is established under the Bush Fires Act.

The Committee structure and operational guidelines are as follows:**1. Name**

Shire of Ravensthorpe Bush Fire Advisory Committee.

2. Governing Legislation

The committee is established under the section 67 of the Bush Fires Act, 1954.

3. Membership

Membership of the committee will comprise of 15 voting members and 18 non voting attendees.

Voting Members

Chief Bush Fire Control Officer
Deputy Chief Bush Fire Control Officer x 2
All Brigade Fire Control Officers
Two Bush Fire Control Officers (Permits)
One Fire Weather Officer

Non-Voting Attendees

- Community Emergency Services Manager / Secretary
- Council Representative
- DFES District Manager
- DPWA Fire Co-ordinator

4. Vision

To promote, encourage volunteerism and to make the Shire of Ravensthorpe a safe community by managing fire risk.

5. Terms of Reference

- Continue to review current fire-fighting practices to improve operational effectiveness.
- Ensure that all fire-fighting appliances are in a state of operational readiness.
- Improve communication and co-ordination in fire-fighting activities.
- Promote fire safety to the community through public education and involvement.
- Continue to review and upgrade plans and other key documents.
- Continue to improve the command and control of incidents.
- Continue to support and encourage volunteer participation.
- Continue to work in partnership with other organisations.
- Support and promote the safety and health of volunteers.
- Develop and implement training structures, systems and procedures in conjunction with FESA to support the community.
- Provide support and guidance to Bush Fire Brigades in the Shire of Ravensthorpe.

6. Meetings

- **Annual General Meeting:**
The Annual general Meeting is to be held in April. Elections for nomination to Council of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officers and one of their numbers to be chairperson to be held at the AGM.
Note: The chairperson shall not be the CBFCO or the DCBFCO.
- **Committee meetings:**
The committee shall meet as often as its chairperson and/or the Council decides, but no less than two times per year, once in September and once in April, not including the AGM.
- **Quorum:**
The quorum at any meeting shall be seven members of the committee.
- **Voting:**
Shall be in accordance with the Local Government Act, Section 5.21 with all voting members of the Committee entitled and required to vote (subject to interest provisions of the LGA).
- **Minutes:**
Shall be in accordance with the Local Government Act, Section 5.22.
- **Meetings:**
Meetings shall be generally open to the public.
- **Members Interest to be Disclosed:**
Members of the Committee are bound by the provisions of the Local Government Act, Section 5.65 with respect to disclosure of financial, impartiality or proximity interests.
- **Secretariat:**
A Shire Staff Officer appointed by the CEO will fulfil the role of non-voting secretary who will also be responsible for preparation and distribution of agendas and minutes.
- **Chairperson:**
The Chairperson and Deputy Chairperson are to be elected annually at the Annual General Meeting of the Bush Fire Advisory Committee.
- **Ex-Officio members:**
The Committee is authorized to co-opt standing ex-office members as non-voting members.
- **Meeting Attendance Fees:**
Nil
- **Delegated Authority:**
Nil

AUDIT COMMITTEE

Requirements

Committee must be of three or more persons (Section 7.1A(1));

- Members
 - are to be appointment by an absolute majority decision of Council;
 - can include non elected members; and
 - must include at least three Council members and Council members must comprise the majority of the Committee.

(Section 7.1A(2))

- The CEO is prevented from
 - being a member; and
 - nominating a person/representative to be a member.

(Section 7.1A(3))

- Employees are also prevented from being members (Section 7.1A(4))
- Decisions by the audit committee only require to be made by a simple majority (Section 7.1C)
- Any appointment of an auditor is to be made on a recommendation if the audit committee – appointment still needs to be done by an absolute majority of full Council (Section 7.3(1))

RAVENSTHORPE STREETSCAPE STEERING GROUP

Current representatives - Ian Goldfinch (Shire President)
Don Lansdown (Shire Councillor)
Pascoe Durtanovich (CEO)
Matthew Hunt
Christine Rowe
Shirl Sutherland
Graeme Sutherland

HOPETOUN STREETSCAPE STEERING GROUP

Current representatives –
This Group has completed its work and should be disbanded.

Consultation:

Not applicable.

Statutory Obligations:

Local Government Act, 1995
Bush Fires Act, 1954

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 for Officer Recommendation 1,3 and 4

Absolute majority for Officer Recommendation 2

OFFICER RECOMMENDATION AND COUNCIL DECISION (1)	ITEM 10.4.9
Moved: Cr Norman	Seconded: Cr Dunlop
That Cr Norman and Cr Duncan be appointed Council's representative and proxy, respectively, to the Bushfire Advisory Committee.	
Carried: 5/0	Res: 190/13

OFFICER RECOMMENDATION AND COUNCIL DECISION (2)	ITEM 10.4.9
Moved: Dunlop	Seconded: Cr Gairen
That an Audit Committee be established comprising a membership of all Councillors.	
Carried by absolute majority: 5/0	Res: 191/13

OFFICER RECOMMENDATION AND COUNCIL DECISION (3)	ITEM 10.4.9
Moved: Cr Goldfinch	Seconded: Cr Norman
That Cr Goldfinch and Cr Kelton be appointed to the Ravensthorpe Streetscape Steering Group.	
Carried: 5/0	Res: 192/13

OFFICER RECOMMENDATION AND COUNCIL DECISION (4)	ITEM 10.4.9
Moved: Cr Dunlop	Seconded: Cr Norman
That the Hopetoun Streetscape Group be disbanded.	
Carried: 5/0	Res: 193/13

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

NIL

14. CLOSURE OF MEETING – 6.23PM

These minutes were confirmed at the meeting of the _____

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

Date: _____