



MINUTES

For the Council Meeting held on

Thursday November 19, 2015

Commencing at 5.02 p.m.

In the Council Chambers, Ravensthorpe.

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE
ON 19 NOVEMBER 2015, COMMENCING AT 5.02PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.02pm – the presiding person, Cr Dunlop, declared the meeting open.

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS: Cr Keith Dunlop (Shire President)
Cr Angela Kelton (Deputy Shire President)
Cr Kerry Dickinson
Cr Sharyn Gairen
Cr Ian Goldfinch
Cr Ken Norman
Cr Peter Smith

STAFF: Ian Fitzgerald (Chief Executive Officer)
Keith White (Deputy Chief Executive Officer)
Portia Ridout (Executive Assistant)

APOLOGIES: Darryn Watkins (Manager Engineering Services)

ON LEAVE OF ABSENCE:
NIL

ABSENT:
NIL

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

NIL

4. PUBLIC QUESTION TIME

NIL

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

NIL

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

6.1 BRENDA TILBROOK ITEM 10.2.2 PROPOSED ICE-CREAM VAN

5.06pm Brenda Tilbrook – Ravensthorpe Regional Chamber of Commerce

Brenda raised some concerns with having an ice cream van situated at the groyne in Hopetoun. She was concerned that there are already 3 shops that sell ice cream in the town of Hopetoun and suggested that they could set up at Starvation Bay and other areas out of town.

The current shop owners in Hopetoun pay rates, live locally and support the town.

6.2 KAY WILSON – HOPETOUN AGED ACCOMODATION GROUP

5.18pm Kay Wilson gave Council an update on the findings of Ansell Strategic Market and Service Analysis.

Cr Goldfinch and Cr Norman both thanked Kay and the Hopetoun Aged Care Accommodation Group for the research, time and effort that they have put in to this project.

7. CONFIRMATION OF MINUTES**7.1 COUNCIL MEETING – 15 OCTOBER, 2015**

OFFICER RECOMMENDATION	ITEM 7.1
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That the minutes of the meeting of council held on 15 October, 2015 be confirmed as a true and correct record of proceedings.

7.2 SPECIAL COUNCIL MEETING – 19 OCTOBER, 2015

OFFICER RECOMMENDATION	ITEM 7.2
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That the minutes of the special meeting of council held on 19 October, 2015 be confirmed as a true and correct record of proceedings.

7.3 SPECIAL COUNCIL MEETING –9 NOVEMBER, 2015

OFFICER RECOMMENDATION	ITEM 7.3
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That the minutes of the special meeting of council held on 9 November, 2015 be confirmed as a true and correct record of proceedings.

COUNCIL DECISION	ITEM 7
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Moved: Cr Norman

Seconded: Cr Gairen

That the minutes of the meeting of council and special meeting of council held on 15 October, 2015, 19 October, 2015 and 9 November, 2015 be confirmed as a true and correct record of proceedings.

Carried: 7/0

Res: 124/15

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 MONTHLY FINANCIAL REPORT – 31 OCTOBER 2015

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	09 November, 2015
Author:	Keith White – Deputy Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Monthly Financial Report–October 2015

Summary:

This report presents the monthly financial reports for October 2015 to Council which is provided as an attachment to the agenda. The recommendation is to receive the October monthly financial reports.

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:

To provide timely financial information to the Council this report is based on the 2015/2016 Budget adopted by Council on 20 August 2015. The report contains the budget amounts, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the draft budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

The Annual Accounts have been finalised and were signed off by the Auditors on 3 November. The Fair Value adjustments are currently being processed and the new depreciation amounts will be included in the November statements.

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 10.1.1
Moved: Cr Gairen	Seconded: Cr Goldfinch
That Council receive the Monthly Financial Reports for the period ending 31 October 2015 in accordance with Section 6.4 of the Local Government Act 1995.	
Carried: 7/0	Res: 125/15

10.1.2 SCHEDULE OF ACCOUNT PAYMENTS – OCTOBER 2015

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	31 st October, 2015
Author:	Ashleigh Stade – Creditors/Payroll Officer
Authorising Officer:	Keith White – Deputy Chief Executive Officer
Attachments:	Schedule of Payments to 31 st October, 2015 Credit Card Transactions to 25 th October, 2015

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:**31st October 2015**

FUND	PAYMENT	VOUCHERS	AMOUNTS
Municipal Account	EFTs	EFT4766-4901	\$1,051,988.11
		39862-39916	\$58,675.76
	Municipal Fund Cheques		
Payroll	Dates	14/10/2015 26/10/2015 28/10/2015	\$176,609.12
Bank Fees			\$1781.00
Municipal Account Total			\$1,289,053.99
Shire Credit Card Facility	Westpac VISA	28/09/2015-25/10/2015	\$5,374.68
Trust Account Payments	EFTs	EFT4841-4902	\$34,621.45
	Cheques	1334-1341	\$411.75
Grand Total			\$1,329,461.87

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 10.1.2
Moved: Cr Dickinson	Seconded: Cr Kelton
That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of October 2015, be noted.	
Carried: 7/0	Res: 126/15

10.2 MANAGER OF PLANNING AND DEVELOPMENT

10.2.1 PROPOSED COFFEE VAN

File Ref:	LU.PL.15
Applicant:	John Morris
Location:	Starvation Bay reserve
Disclosure of Officer Interest:	None
Date:	10 November, 2015
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	Planning application

Summary:

Council has received a planning application for a mobile coffee van seeking to operate from the camp ground at the Starvation Bay campground for up to two months. The application was originally lodged at operate from Wavecrest, Hopetoun beach carpark and the Hopetoun groyne but following advertising the applicant withdrew their application for these sites and lodged a revised application.

This report recommends that the application to operate from the Starvation Bay campground be conditionally approved.

Background:

Previous consideration

Council approved a planning application to operate a mobile coffee van from in locations at CBH Ravensthorpe, West River & Jerdacuttup, the Masons Landing and Starvation Bay camping areas, the parking areas at West Beach and Two Mile Beach, Ravensthorpe Airport, Wavecrest and Hopetoun Groyne at their meeting in November 2014. This approval was issued subject to conditions including (but not limited to):

- The areas of operation are to be delineated by bright orange cones to assist with general public safety whilst the service is in operation.
- Attendance at markets and events is permitted as required.
- The proponent ensuring that the area immediately around the food and coffee van is kept in a clean and tidy condition at all times.
- Formal arrangements being put in place for a suitable rubbish collection service.

- Provision of an indemnity from the proponent indemnifying the Shire of Ravensthorpe in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the proponent.
- Evidence of suitable public liability insurance of at least \$10 million being supplied to the Shire of Ravensthorpe.
- This approval is valid for a twelve (12) period only after which time reapplication is required. Should no objections be lodged during the operation of the business re-approval is delegated to the Chief Executive Officer.

The coffee van operated without a complaint received at the Shire for the summer period.

Subject Site

The applicant is now seeking to operate from Starvation Bay campground. This is Lot 1445, Reserve 40097 being a reserve managed by the Shire of Ravensthorpe for 'Parklands and Recreation'.

The camping ground has recently been upgraded with additional bays in a more formal arrangements plus a higher standard of service infrastructure. Starvation Bay is used for swimming lessons in the summer and has high visitor numbers throughout the holiday period.

Comment:

Proposal

An application has been received to operate a mobile coffee van from the Starvation Bay campground for the months of December 2015 and January 2016. The proposal includes the following elements:

- Expected hours of operation would be within 5.30am – 2.00pm over a 7 day/week.
- Products for sale include coffee and tea, confectionary and snacks, soft serve ice-cream, slushies, hotdogs, biscuits and cold drinks.
- Rubbish is dealt with by the operator; and
- Advertising is limited to a single A-Frame sign.

A full copy of the planning application and business description is attached to this report; please bear in mind that the application no longer applies to Hopetoun Groyne, beach carpark or Wavecrest as stated in the attached letter.

Scheme Requirements

Local Reserves

The coffee van is proposed to be located in a Shire managed reserve, identified in the Town Planning Scheme as a reserve for 'Recreation'. The Council is to have 'due regard' for the purpose of the reserve in making its decision.

The purpose of the reserve is 'recreation', the coffee van would be servicing people who would be recreating. The use is not inconsistent with the reserve purpose.

Assessment

Starvation Bay campground is far removed from existing commercial land uses. There are no services available to campers and a coffee van with supplementary food stuffs may be a reasonable service for campers and visitors to the beach, improving the holiday experience.

Rubbish disposal, potential noise from the van's generator and safety issues can all be controlled through conditions of planning approval.

If supported, conditions of approval should include the specific location of the van being agreed with the reserve manager prior to commencement, rubbish collection by the applicant, suitable barriers being put in place to separate patrons and parking areas, a time limit on any approval in order to review the standard and manner of operation and suitable public liability insurances being in place.

Options

Council has the option to approve or refuse the proposal in either its role as the 'land owner' (i.e. reserve manager) or the decision maker under the Town Planning Scheme.

If the Council feel that a mobile coffee van is not appropriate in the campground then they have the option of refusing it in their role as the 'landowner' with no right of appeal.

If the Council is supportive then a planning approval may be issued subject to conditions addressing the potential impacts at the site.

Conclusion

The coffee van can be accommodated if Council wishes to support it. It is a minor, complimentary activity that may offer a higher level of service to tourists at peak times.

Any approval should be subject to the applicant running their own rubbish collection, periodic review to ensure a reasonable level of service and the appropriate insurances.

STATUTORY REQUIREMENTS

Consultation:

The original application to operate from the Hopetoun beach car park and groyne area was advertised for 21 days in conjunction with a proposed ice-cream van (subject of a separate item in this agenda).

On receiving a number of objections to the proposal through this process the applicant withdrew their application for these locations and has proposed Starvation Bay campground as an alternative. No advertising is required for Council to consider this proposal.

Statutory Obligations:

The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the Council in their role as the decision maker under the Town Planning Scheme.

The coffee van has been registered and licenced under the Food Act in a manner similar to a restaurant.

Policy Implications:

Trading in Public Places may become more popular as Hopetoun grows and this land use has its own issues that could be better addressed by the Local Planning Scheme. Ideally a specific local planning policy will be drafted and brought before Council to guide this land use into the future.

Budget / Financial Implications:

All costs involved with the establishment and running of the food van should be borne by the applicant.

Strategic Implications:

The proposal aligns with a variety of the themes and desired outcomes of the Strategic Community Plan including:

2.1.1 The Shire of Ravensthorpe is economically sustainable with a stable or growing population.

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 Norman	Seconded: Cr Goldfinch
THAT Council,	
1. Approve the proposed 'Mobile Coffee Van' to operate at Starvation Bay campground (Reserve 40097) subject to the following conditions:	
i) The written approval and agreement on the specific location and opening hours of the coffee van during daylight hours of the land manager prior to commencement.	
ii) The areas of operation are to be delineated by bright orange cones to assist with general public safety whilst the service is in operation to the satisfaction of the Chief Executive Officer.	
iii) The proponent is to ensure that the area immediately around the coffee van is kept in a clean and tidy condition at all times.	
iv) Formal arrangements being put in place for a suitable rubbish collection service to the satisfaction of the Chief Executive Officer prior to the commencement of the service.	
v) The proponent is solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the coffee van.	
vi) Provision of an indemnity from the proponent indemnifying the Shire of Ravensthorpe in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the proponent.	
vii) Evidence of suitable public liability insurance of at least \$10 million being supplied to the Shire of Ravensthorpe.	
viii) This approval is valid for a twelve (12) month period only after which time reapplication is required. Should no objections be lodged during the operation of the business re-approval is delegated to the Chief Executive Officer.	
2. Advise the applicant in footnotes on the planning approval that	
a) This approval is issued to the proponent only and is not transferable. Should the food van be sold the new owner will need to reapply.	
3. Delegate to the Chief Executive Officer the responsibility to establish the specific site of operation for the coffee van within Reserves 40097 taking into account parking availability and vehicle manoeuvring areas.	
Carried: 7/0	Res: 127/15

10.2.2 PROPOSED ICE-CREAM VAN

File Ref:	LU.PL.15
Applicant:	Mr Robert Ramonfosse
Location:	Hopetoun Groyne, Hopetoun foreshore carpark and attendance at events
Disclosure of Officer Interest:	None
Date:	10 November, 2014
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	Planning application Schedule of Submissions

Summary:

Council has received a planning application for a mobile ice-cream van seeking to operate from the Hopetoun Groyne, the recently upgraded carpark at the Hopetoun foreshore and to attend events.

The application was advertised locally with 7 submissions being received at the time of writing this report. Two of these submissions consist of petitions with a total of 190 signatories.

This report recommends that a conditional planning approval be granted for the Hopetoun Groyne and to attend events.

Background:***Subject Sites***

The applicant has proposed operating an ice-cream van from two sites and at events. The sites are:

Hopetoun foreshore car park - Lot 502, Reserve 49744 is a Shire managed reserve that has recently been upgraded with improved toilets, recreation space and asphalt car parking area. The Town Planning Scheme identifies the site as a portion of 'road reserve' and a local reserve for 'recreation'.

Hopetoun Groyne - Lot 562, Reserve 38997 is managed by the Department of Transport for 'Harbour purposes'. The Town Planning Scheme identifies this area as Local Scheme Reserve for the purpose 'Port Installation'. The groyne area has a gravel surface and plenty

of space for manoeuvring of cars and trailers, etc. The applicant is interested in locating at the southern end of the Hopetoun Beach as shown in the plan overleaf.



Plan of proposed locations for ice-cream van (NB the carpark has now been asphalted)

Previous considerations

Council approved a planning application to operate a mobile coffee van from locations at CBH Ravensthorpe, West River & Jerdacuttup, the Masons Landing and Starvation Bay camping areas, the parking areas at West Beach and Two Mile Beach, Ravensthorpe Airport, Wavecrest and Hopetoun Groyne at their meeting in November 2014. This approval was issued subject to conditions including (but not limited to):

- The areas of operation are to be delineated by bright orange cones to assist with general public safety whilst the service is in operation.
- Attendance at markets and events is permitted as required.
- The proponent ensuring that the area immediately around the food and coffee van is kept in a clean and tidy condition at all times.
- Formal arrangements being put in place for a suitable rubbish collection service.
- Provision of an indemnity from the proponent indemnifying the Shire of Ravensthorpe in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the proponent.

- Evidence of suitable public liability insurance of at least \$10 million being supplied to the Shire of Ravensthorpe.
- This approval is valid for a twelve (12) period only after which time reapplication is required. Should no objections be lodged during the operation of the business re-approval is delegated to the Chief Executive Officer.

The coffee van operated without a complaint received at the Shire for the summer period but only occupied the Hopetoun foreshore car park intermittently.

Comment:

Proposal

An application has been received to operate a mobile ice-cream van from two locations in the Shire plus to attend events. The proposal includes the following elements:

- a) Proposal to operate a converted Toyota Coaster bus as an ice-cream van from the Hopetoun foreshore car park and the Hopetoun groyne at the southern end of the Beach. Permission to attend events is also requested.
- b) The focus of the van when located at the foreshore would be selling soft serve ice-cream with other products available including hot and cold beverages, frozen yoghurt and confectionary.
- c) The applicant has requested to also sell hot dogs, doughnuts and hot chips when operating at events within the Shire but not at the foreshore.
- d) Hours of operation would vary depending on time of year and weather conditions, the applicant anticipates a 7 day week of between 8 - 10 hours per day.
- e) The applicant has reduced the range of products proposed to be sold in response to concerns raised through the advertising period of the ice-cream van competing with established business.

A full copy of the applicants proposal is attached to this report. The application consists of an original proposal and an addendum where this proposal has been modified in response to concerns raised through the advertising period.

Consultation:

The application was advertised for 21 days, closing on the 23rd October 2015. When advertised there were two mobile businesses proposed that proposed to located at the foreshore area. One has since withdrawn their application and the current application has modified their proposal in response to concerns raised during the advertising period.

During this time 7 submissions were received. Two of these submissions consist of petitions with a total of 190 signatories.

The issues raised are addressed in the attached 'Schedule of Submissions'. A copy of individual submissions will be available at the Council meeting or on request.

The main issues raised include:

- i) Local cafes and eateries struggle through the off season and rely on the summer months to keep their business afloat.
- ii) Local business also have large overheads to pay, which the food van will not have;
- iii) The local cafe and eateries sponsor local sporting clubs and events held in the area;
- iv) The local businesses employ local people; and
- v) Bringing a food van to town will not bring extra tourists or inject money into our community.

Assessment

The most relevant issue raised during the public submission period centres around the potential effect on the viability of the town centre. The claim is that mobile business would take critical income from summer trade, a period where established business need to make profit to survive the quieter winter months. This is a valid planning concern and is explored below.

The other issues of supporting only local business, local people and that mobile business do not have the same overheads and so have an unfair advantage are not planning arguments. It is not appropriate to discriminate against development proposals based on the applicant's place of residence.

Discussion around mobile businesses includes:

- Council cannot make a decision based solely on an anti-competitive basis due to other legislation in this area. However, it may consider economic arguments if there is a social consequence. The objective of the 'Town Centre' zone is *"to provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the town as a whole."*

The 'town centre' services the community both in town and in the immediate hinterland and needs to function well for the well-being of the town.

Allowing mobile business to operate within the town area on reserve land could be argued to create unfair competition for existing business who pay rates and either rent or other holding costs of the land and therefore may result in a loss of services.

- On the other hand, established commercial areas that have an advantage over mobile services in that people are drawn to the accumulation of services available in these areas.
- The sites proposed in the current proposal are primarily intended to service the tourist peak periods and users of the foreshore area in general. Tourists in Hopetoun tend to gather at the beaches depending upon the wind direction and often visit the town jetty. This service may contribute to the tourist experience when visiting Hopetoun.

- The proposed ice-cream van is located away from the town centre and focussed on the beach area. It is questioned whether supporting an ice-cream van will detrimentally affect the town centre given the wider range of services available in this centre.

Hopetoun foreshore car park

The foreshore carpark is an integral part of the recently upgraded foreshore area and to remove parking for a mobile business would reduce the viability of this parking area. Additionally, it is closer to existing business in Veal Street and has the potential to draw people away from Veal Street. This area is not recommended to locate a mobile business.

Hopetoun Groyne

This area is managed by the Department of Transport and their separate approval is required to operate in this location; however the Council still has to decide whether to issue planning approval for the use.

The main issue with this location is its proximity to Veal Street and established business. When travelling down Veal Street you can't see most of the groyne and therefore tourists are unlikely to bypass existing business in favour of a mobile service in this location.

The Hopetoun Groyne location is approximately 220m from the nearest cafe and out of line of sight from Veal Street. An ice-cream van in this location would clearly be focussed on servicing beach goers and people visiting the groyne and would be a tourist service.

The loss of trade to the existing business in the town centre would be the number of people who would normally leave the beach to walk up Veal Street to get an ice-cream or drink.

No other business focuses on ice-cream in the town centre (although there are a number of businesses who do offer it as a complimentary product).

Events

The operator of an event still needs to approve all attendees, including the proposed ice-cream van.

Conclusion

The petitions raised and submissions lodged were in response to two mobile businesses locating at the foreshore area for the summer. The range of goods available from both of these businesses combined would have competed directly with many of the established business in Veal Street.

Since this time one applicant has withdrawn and the other application has been modified to reduce the products that would directly compete with existing business.

In conclusion, the ice-cream van can be accommodated if Council wishes to support it. It may be viewed as a minor, complimentary activity that may offer a higher level of service to tourists at peak times.

On the other hand, Council may also choose to refuse the proposal if they feel that there would be a detrimental effect on the viability of the Town Centre.

On balance, this report recommends issuing a conditional planning approval for the ice-cream van to operate from the Hopetoun groyne and at events with conditions including controlling the products offered, the applicant running their own rubbish collection, periodic review to ensure a reasonable level of service and the appropriate insurances.

Statutory Obligations:

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

The ice-cream van has been registered and licensed under the Food Act in a manner similar to a restaurant.

Policy Implications:

Trading in Public Places may become more popular as Hopetoun grows and this land use has its own issues that could be better addressed by the Local Planning Scheme. Ideally a specific local planning policy will be drafted and brought before Council to guide this land use into the future.

Budget / Financial Implications:

All costs involved with the establishment and running of the food van should be borne by the applicant.

Strategic Implications:

The proposal aligns with a variety of the themes and desired outcomes of the Strategic Community Plan including:

1.2.1 Town Centres and vibrant and attractive places.

2.1.1 The Shire of Ravensthorpe is economically sustainable with a stable or growing population.

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.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Moved: Cr Norman

Seconded: Cr Goldfinch

THAT Council,

1. Approve the proposed 'Ice-cream Van' to operate at the Hopetoun Groyne and at events subject to the following conditions:
 - ix) Development shall be carried out in full and fully implemented in accordance with the details submitted with the planning application including the products offered for sale.
 - x) The written approval of the landowner or land manager prior to commencement.
 - xi) The ice-cream van is to provide their own power and water and not rely on public services.
 - xii) The areas of operation are to be delineated by bright orange cones to assist with general public safety whilst the service is in operation to the satisfaction of the Chief Executive Officer.

- xiii) The proponent is to ensure that the area immediately around the ice-cream van is kept in a clean and tidy condition at all times.
- xiv) Formal arrangements being put in place for a suitable rubbish collection service to the satisfaction of the Chief Executive Officer prior to the commencement of the service.
- xv) The proponent is solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the ice-cream van.
- xvi) Provision of an indemnity from the proponent indemnifying the Shire of Ravensthorpe in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the proponent.
- xvii) Evidence of suitable public liability insurance of at least \$20 million being supplied to the Shire of Ravensthorpe.
- xviii) This approval is valid for a twelve (12) month period only after which time reapplication is required. Should no objections be lodged during the operation of the business re-approval is delegated to the Chief Executive Officer.
- xix) Advertising signs are restricted to immediately adjacent to the van from which the business is conducted.
- xx) Solicitation of customers by touting or the use of public address systems is prohibited.
- xxi) Attendance at markets and events is permitted as required.
- xxii) Traders may be approved to operate for the duration of an event/festival during the hours it is open to the public.
- xxiii) Council reserves the right to rescind this planning approval where conditions of the Planning Approval are contravened subject to 21 days' notice in writing to the applicant.

2. Advise the applicant in footnotes on the planning approval that:

- b) This approval is issued to the proponent only and is not transferable. Should the food van be sold the new owner will need to reapply.
- c) The licensee is responsible for compliance with the Environment Protection (Noise) Regulations 1997.

- d) Food vehicles and food operations must comply with the Food Act 2008, Food Regulations 2009 and the Food Safety Standards.
- e) The produce to be sold is generally limited those nominated in the application which includes soft serve ice-cream and gelato with other products available including hot and cold beverages, frozen yoghurt and confectionary.

Carried: 5/2

Res: 129/15

ALTERNATIVE RECOMMENDATION	ITEM 10.2.2
Moved: Cr Goldfinch	Seconded: Cr Gairen
As per Officer Recommendation with amendment to	
e) The produce to be sold is generally limited those nominated in the application which includes soft serve ice-cream, gelato frozen yogurt and sorbet with other products available including frappes, milkshakes, slushies, coffee, tea, pre-packaged cool drinks such as water and soft drink and popcorn and fairy floss.	
Lost: 3/4	Res: 128/15

With the alternative recommendation being lost the original Officers Recommendation 10.2.2 was put back up for Council to vote on.

The Officers Recommendation 10.2.2 was carried 5/2.

10.3 MANAGER OF ENGINEERING SERVICES
NIL

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 RAVENSTHORPE STREETScape PROJECT – MORGANS STREET

File Ref:**Applicant:****Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 11 November, 2015**Author:** Ian Fitzgerald – Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** None

Summary:

Council is requested to adopt in principle the Morgans Streetscape Project plans to allow for more detailed plans to be drawn and discussions with the Streetscape Committee.

Background:

Council has previously worked with the Streetscape Committee to develop plans for the upgrade of Morgans Street. At the time it was hoped the allocation from Main Roads WA to fund the project would be several million dollars.

Comment:

As Council is now aware the allocation from Main roads WA has since been capped at \$1.2million including the redevelopment of the current Hopetoun Road/ Morgans Street intersection is estimated to be in the order of \$150,000.

The original plans, often referred to as the Sally Malone plans, were costed at \$3.25m without any survey work being done which could potentially lead to an increase in costs of carrying out the works.

Staff had new plans drawn up by opus and have had survey work completed. The detailed plans have not been completed as yet to save cost should Council decide to make changes. Once the final design is agreed the detailed plans will be drawn.

The first set of plans provided by Opus which saw wider footpaths and a narrower road through the centre of town was rejected by some Councillors. The latest plans see the

footpaths virtually the same size but with changes to the road, intersections and improved landscaping – in essence almost replacing existing with like. The new plans are costed at approximately \$1.88m.

The latest plans were made available to the public for comment. We received one letter from Ravensthorpe Progress Association pushing for the Sally Malone Plans and a series of copied letters requesting paving rather than concrete for the footpaths.

Brick paving of the footpaths would make very little difference to the overall cost of the project.

It needs to be pointed out that the Mai Roads funding is conditional –

- a) Main Roads have to approve the planned works (typical of a Main Roads grant)
- b) The funding is for the project to be completed – it cannot be a part of a staged project. Council can add funds to the project.
- c) Main Roads want the funds expended as soon as possible after the road is handed over to Council – to ensure the funds are not lost.

At this stage the Heavy Haulage Route is due for completion by 23 December 2015 with the Minister scheduled to officially open the road on December 20th or 21st 2015.

Council has allocated \$250,000 towards the project in the 2015/16 budget but would not be in a position to find an extra \$2 million to adopt the Sally Malone Plans nor is there time to seek other grant funding. Other grant funding is highly unlikely due to the very tight grants availability at present.

With Council staff and local contractors carrying out some of the works (particularly demolition) savings should be achieved and this together with careful choice of plants and street furniture should see the bulk of the project completed to a high standard and in particular stage one from BP Road house to the Post Office.

Consultation:

Council

Community

Consultants

Statutory Obligations:

Local Government Act

Road Traffic Act

Policy Implications:

Plantings, paving and street furniture selections would be informed by the recently adopted Design Manual.

Budget / Financial Implications:

At present the total budget stands at \$1.45million.

Strategic Implications:

With Councils focus on making Ravensthorpe and Hopetoun attractive to both residents and visitors the enhanced Morgans Street will add to the appeal of Ravensthorpe.

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 10.4.1	
Moved: Cr Dickinson	Seconded: Cr Kelton	
That Council		
a) Adopt in principle the first plans presented by Opus with the wider footpaths and parallel parking		
b) Meet with the Streetscape Committee to finalise the design features within these plans		
c) Advise Main roads WA of Councils preferred option and seek approval and payment of the first portion of the grant to allow the project to proceed.		
Amendment	Moved: Cr Goldfinch	Seconded: Cr Dunlop
That Council		
a) Adopt in principle the second plans (Plan B) in principle as advertised and presented by Opus		
b) Meet with the Streetscape Committee to finalise the design features within these plans		
c) Advise Main roads WA of Councils preferred option and seek approval and payment of the first portion of the grant to allow the project to proceed.		
The Amendment was Lost: 1/6		
Res: 130/15		

Cr Goldfinch made an amendment to the original Officers Recommendation – to adopt the plans that went to public comment (Plan B).

Cr Norman moved a foreshadowed motion that if Cr Goldfinch's motion was lost that an alternative motion be put to Council to vote on.

ALTERNATIVE RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.1

Moved: Cr Norman

Seconded: Cr Kelton

That Council

- a) Adopt in principle the OPUS plans, as presented for public comment, noting that OPUS concept design Items “4.3. Road Configuration”, b adopted but item “4.4 Pavement” be excluded, allowing instead for brick paving.
- b) If budget allows, extend the scope of works in stage 1 to include:
 1. Paving of Morgans Street eastwards (south side of the highway has priority) to Andre Street; and
 2. Sealing of Carlisle Street post office parking area.
- c) Incorporate features of the previously adopted Malone / Mc Quoid / Brampton concept plan wherever practicable.
- d) Council work actively with the Streetscape Committee to develop long-term outcomes.
- e) Advise Main Roads WA of Councils preferred option and seek approval and payment of the first portion of the grant to allow the project to proceed.

Carried: 6/1

Res: 131/15

Reason for change: Council believed that they needed to adopt the plans that were put out for public comment. The Public had not seen Plan A and felt it would not be appropriate to adopt plans that the community had not had a chance to make comment on.

Cr Dickinson requested that her vote be recorded against Res: 131/15

Against: Cr Dickinson

10.4.2 RAVENSTHORPE LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING**File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 9 November, 2015**Author:** Ashley Peczka – Community Emergency Services Officer**Authorising Officer:** Ian Fitzgerald – Chief Executive Officer**Attachments:** Yes – Minutes

Summary:

The minutes of the Shire of Ravensthorpe Local Emergency Management Committee meeting held on 9 September, 2015 are presented for the information of Councillors. There are no recommendations for Council to consider.

Background:

Nil.

Comment:

The Local Emergency Management Committee made no recommendations for Council to consider at this meeting. The Minutes are presented to Council to be received

Consultation:

Nil

Statutory Obligations:

Emergency Management Act, 2005

Policy Implications:

Shire of Ravensthorpe Local Emergency Management Committee operational guidelines.

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 10.4.2
Moved: Cr Gairen	Seconded: Cr Smith
That the Minutes of the Shire of Ravensthorpe Local Emergency Management Committee meeting held on 9 September, 2015 be received.	
Carried: 7/0	Res: 132/15

10.4.3 MINUTES BFAC MEETING – SEPTEMBER 2015**File Ref:**

Applicant:	Not applicable
Location:	Shire of Ravensthorpe
Disclosure of Officer Interest:	Not applicable
Date:	9 November, 2015
Author:	Ashley Peczka – Community Emergency Services Officer
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	Yes – Ravensthorpe BFAC Minutes

Summary:

Consideration of recommendation from the Shire of Ravensthorpe Bush Fire Advisory Committee meeting held on 29 September, 2015.

There is one recommendation that requires simple majority vote from council. BFAC Item 7.1 the endorsement of Stott Redman of Fire Control Officer for the Hopetoun Rural Fire District within the Shire of Ravensthorpe.

Background:

Stott has been recommended as Fire Control Officer by BFAC after the departure of Richard Foulds who was a Deputy Chief Bushfire Control Officer. Unfortunately, Stott's recommendation as Fire Control Officer did not get minuted within BFAC minutes previously for council to endorse. Stott is also the Captain of the Hopetoun Rural Bushfire Fire Brigade.

Comment:

The Bush Fire Advisory Committee recommendations are in the main procedural matters and should be supported.

Consultation:

Nil

Statutory Obligations:

Bushfires Act 1954

Shire of Ravensthorpe Bushfire Brigades Local Law 2010.

Policy Implications:

Shire of Ravensthorpe Bush Fire Advisory Committee operational guidelines.

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 10.4.3
Moved: Cr Dickinson	Seconded: Cr Gairen
That the Minutes of the Shire of Ravensthorpe Bush Fire Advisory Committee meeting held on 29 September, 2015 be received and the recommendation there in be adopted. Council endorses Stott Redman to be gazetted as Fire Control Officer for the Hopetoun Rural Fire District within the Shire of Ravensthorpe.	
Carried: 7/0	Res: 133/15

**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**

The Chief Executive Officer Ian Fitzgerald gave Council an update on the bushfires in the Shire of Esperance. The Ravensthorpe Shire had sent equipment to Esperance and FQM have supplied accommodation to some of the volunteers.

13. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION	Item 13.1
Moved: Cr Gairen	Seconded: Cr Kelton
That Council sit behind closed doors to discuss Item 13.1 which involves a commercial business matter.	
Carried: 7/0	Res: 134/15

13.1 AUTOMATIC TELLER MACHINE - RAVENSTHORPE**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	15 th November, 2015
Author:	Ian Fitzgerald – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	

Summary:

With the imminent closure of the Westpac In-Store bank agency currently located within the Shire Offices Council requested the installation of an automatic teller machine (ATM) be investigated.

Three companies/banks were approached to provide an ATM with two supplying quotations. It should be noted that no bank approached was prepared to consider installing some form of bank agency in Ravensthorpe.

Based on the information contained within this item Council is requested to authorise the administration to formalise their commitment to the installation of an ATM and the level of financial contribution to the project.

Background:

There has not been a commercial ATM in Ravensthorpe with the community relying on the Westpac Bank, more recently an In-Store within the Shire Offices, the Post Office, or some businesses had a small ATM.

Comment:

With the Westpac In-Store to close on December 3rd and no businesses offering an ATM and only limited cash out with purchases the availability of cash will largely be left to the Post Office agencies in either Ravensthorpe or Hopetoun.

The administration has approached three different companies, one being a bank, to look at installing an ATM in Ravensthorpe that would provide access to cash withdrawals 24 hours per – 7 days per week. Two companies, one a recognised bank, have provided quotes.

In both cases the proposal is for the ATM to be installed into the wall of the Shire Offices.

The non-bank company install generic ATM's in a range of locations including businesses and shopping centres and are not associated with any bank and therefore all users of the ATM will incur a usage fee – currently \$2.50 per transaction. This organisation currently provides an ATM to the Shire of Leonora for the Leonora townsite. Cash would be delivered and placed in the ATM by a security agency on a regular frequency – most likely fortnightly in the first instance – until usage patterns can be determined.

The quoted fee for the provision of this ATM is \$4,518 per month – provision of the ATM and installation is met by the supplier. There are a range of service fees for callouts for advice and/or repairs. Once the machine achieves 501 transactions in any calendar month a rebate of 48 cents per transaction above the 501 would be payable to Council. A 5 year contract would need to be entered into.

The bank option includes a quote for 2 separate types of machine – a straight withdrawal machine and a machine that provides withdrawals and allows for cash and cheque deposits. The annual rental fee for the withdrawal ATM is quoted at \$42,272 per annum (\$3,522 per month) with the combined withdrawal/deposit machine quoted at \$69,999 per annum (\$5,833 per month). The bank recommends the straight withdrawal machine because of the difficulties in clearing the cash and cheques deposited which would need to be done daily. They normally only install these machines into their banks with staff able to clear daily.

The big difference with the bank quote is that Council is in a position to negotiate the level of contribution to the annual running costs. Based on the suggested contribution of 2/3, the monthly fee would be approximately \$2,350 or \$28,200 per annum – possibly based on a weekly cash delivery to the machine. Again a 5 year contract would be entered into. Existing bank customers would not be charged a usage fee – all other bank cards would attract a \$2.50 fee.

With the decrease in bank transactions since the announcement of the closure of the Westpac In-Store the cost to Council of providing the current banking service is estimated to be in the order of \$30 – 40,000 per annum.

In the case of both options Council's staff would be responsible for what is deemed first level faults and whilst this varies a little between the two relates to clearing paper jams, card jams

and in the case of the bank cash jams. This is not seen as an overly onerous task but may require a weekend roster to cover incidents that occur either after hours or on weekends.

Another service I have requested both companies to consider is a cash delivery service for our local businesses. In this way the local businesses could arrange with a cash delivery firm to bring cash and change for their businesses given the limitations the Post Office agencies have in this regard. Both companies have indicated this would not be a problem and in fact may be able to offer a service where they take away the businesses banking and deposit on their behalf. It would be established in such a way as to be an arrangement between the local business and the contractor and not involve Council directly.

It should be noted that in both cases there would be an 8 – 10 week period from confirmation of Council's interest and the machine being installed and being operational – possibly a little longer with the upcoming Christmas period.

To assist in obtaining a better deal with the bank option it has been proposed Council would look to transfer their banking services across. The general banking proposal provided indicates there would be minimal change in fees charged and may in fact offer a slight reduction in fees paid over a 12 month period. In addition this bank has a support team of 5 in the region which is far better than that currently offered by Westpac.

Consultation:

Bendigo Bank

Bankwest

Prosegur Pty Ltd

Statutory Obligations:

N/A

Policy Implications:

N/A

Budget / Financial Implications:

Council currently incurs expense in providing a bank service the community. The installation of an ATM would not adversely affect the budget and amount provided for the banking service.

Strategic Implications:

It is important to both the local community and the many travellers that pass through our community have access to cash. This will assist businesses with their operations. In addition the possibility of the associated cash deliveries for local businesses as an added service would benefit many of our local small businesses.

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

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 13.1
Moved: Cr Norman	Seconded: Cr Dickinson
That Council:	
<ul style="list-style-type: none"> a) Authorise the Chief Executive Officer to enter into formal discussions with Bankwest for the provision of an Automatic Teller Machine in Ravensthorpe b) That an offer to meet up to 2/3 of the annual running costs to a maximum of \$30,000 per annum be made by Council c) That Council offer to engage Bankwest to provide their banking services as a part of the negotiations to have an Automatic Teller Machine installed in Ravensthorpe 	
Carried by absolute majority: 7/0	Res: 135/15

COUNCIL DECISION	Item 13.1
Moved: Cr Gairen	Seconded: Cr Dickinson
That Council come out from behind closed doors.	
Carried: 7/0	Res: 136/15

14. CLOSURE OF MEETING – 6.42PM

These minutes were confirmed at the meeting of the _____

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

Date: _____