



Minutes **Confirmed**

Ordinary Meeting of Council
Tuesday, 18 July 2023



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INDEX OF MINUTES

1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	5
2.	RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE	5
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
4.	PUBLIC QUESTIONS TIME.....	7
5.	DECLARATIONS OF INTEREST	7
6.	APPLICATIONS FOR LEAVE OF ABSENCE.....	7
7.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	7
	7.1 ORDINARY COUNCIL MEETING MINUTES 20 JUNE 2023	7
8.	ANNOUNCEMENTS/REPORTS BY ELECTED MEMBERS	8
9.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION.....	8
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS.....	8
11.	MATTERS ARISING FROM COMMITTEES OF COUNCIL.....	8
12.	REPORTS OF OFFICERS.....	9
12.1	EXECUTIVE SERVICES.....	9
	12.1.1 PROGRESS REPORT – CORPORATE BUSINESS PLAN 2022/23	9
	12.1.2 NEW POLICY – G26 COUNCIL MEMBER ELECTRONIC MEETING ATTENDANCE. 13	
	12.1.3 NEW POLICY – F10 FRAUD AND RISK POLICY.....	17
12.2	CORPORATE SERVICES	20
	12.2.1 MONTHLY FINANCIAL REPORTS – 30 JUNE 2023.....	20
	12.2.2 SCHEDULE OF ACCOUNT PAYMENTS – JUNE 2023.....	22
	12.2.3 FEES AND CHARGES 2023/2024 OPERATIVE DATE	25
12.2	INFRASTRUCTURE SERVICES.....	28
	12.3.1 CORDINGUP DAM TRANSFER.....	28
	12.3.2 REGIONAL ROAD GROUP FUNDING 2023-24	33
12.4	DEVELOPMENT AND COMMUNITY SERVICES.....	37
	12.4.1 DEVELOPMENT APPLICATION – WORKFORCE ACCOMMODATION CAMP – LOT 205 (99) OLD NEWDEGATE-RAVENSTHORPE ROAD, RAVENSTHORPE	37
	12.4.2 DEVELOPMENT APPLICATION – FOOD VAN – LOT 24 (56) MORGANS STREET, RAVENSTHORPE.....	50
13.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	59
	13.1 ROAD 11 – 21 FEBRUARY 2023 BUSH FIRE.....	59
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	60
15.	MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS.....	60
16.	CLOSURE 60	

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MINUTES

Mission Statement *To grow our community through the provision of leadership, services and infrastructure.*

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 6.04pm.

The Shire President acknowledged the Traditional Owners of the land on which we meet, and pays respect to Elders past, present, and emerging.

The Shire President advised visitors in adhering to both the *Local Government Act 1995*, and the Shire of Ravensthorpe Meeting Procedures Local Law 2022, it is an offence to record the proceedings of this meeting and visitors are to switch off any recording devices, including phones.

2. RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Elected Members:

Cr Keith Dunlop (Shire President)
Cr Sue Leighton (Deputy Shire President)
Cr Julia Bell
Cr Thomas Major
Cr Mark Mudie
Cr Graham Richardson

Officers:

Matthew Bird (Chief Executive Officer)
Les Mainwaring (Executive Manager Corporate Services)
Paul Spencer (Executive Manager Infrastructure Services)
Natalie Bell (Acting Executive Manager Development and Community Services)

VISITORS

G. Vivian (Esperance Weekender), K. Norman, S. Ryan, and M Van der Klugt.

APOLOGIES

Meredith Lee-Curtis (Executive Assistant)

LEAVE OF ABSENCE

Cr Rachel Livingston

3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

At the June Ordinary Council Meeting held 20 June the following question was posed.

Mr Andrew Chapman
Moir Road, Ravensthorpe

Question

Mr Chapman referred to a wildfire that occurred as a result of lightning strike on 21 February this year and to the fire mitigation works carried out between John Forrest Track and Road Eleven. Mr Chapman advised that although he supports fire mitigation work, the damage done to the area, particularly the felling of large Yates trees in the woodland area was excessive and also that a bee hive site may have also been impacted.

Mr Chapman advised that an historic mineshaft had been pushed in, that a creek line had been impacted by pushed up debris and that the scenic amenity value of the area had been compromised.

Mr Chapman asked who authorised the fire mitigation work, who paid for it and who set the specifications for the mitigation works to be carried out?

Answer

At the meeting the Chief Executive Officer took the question on notice and provided the following response.

Thank you for your question Mr Chapman. The bushfire on Tuesday 21 February in the area noted in Mr Chapman's question was caused by lightning strike within Unallocated Crown Land. The fire was initially under the control of the Shire of Ravensthorpe through their Volunteer Bush Fire Brigades. This particular fire, known as the Road 11 fire, was to eventually become part of the Ravensthorpe Complex, a term used by DFES where multiple fires are managed under their direction, resourcing and expertise, with assistance from the Shire, DBCA and external contractors where necessary. The Ravensthorpe Complex was handed over to DFES under a S13 request by the Shire, with DFES taking control of the fires at approximately 2100hrs on the 21st of February.

The fire was tracked by the Shire volunteer brigades, having attended the initial callout, and continued under DFES. However, given the situation of multiple fires at the time, and with information about the following days weather patterns, additional containment and fall-back measures were requested by the Shire to be carried out on John Forrest/Moir Road. With technical advice provided, and limited available resources with fires continuing on multiple fronts, these fall-back works were approved within the cost for the incident management by DFES, however were at the direction of the Shire. The Shire accepts the responsibility for the extent of the works undertaken, noting that on inspection after the fact, some of these works were deemed excessive and did not fall within the standard procedures for parkland clearing. The Shires emergency management team has undertaken an inspection and review of the works post the fire and have commenced a review of training and standard operating procedures, and production of a Standard

Operating Procedures Manual for all Shire volunteers, staff and emergency management team members.

With respect to the registered apiary site, future use and productivity should not be impacted. With respect to the creek line and historic mineshaft, these were also impacted by the fall-back works under the same conditions as above.

With respect to rehabilitation, unfortunately, at present, funding is only available for suppression efforts during a bushfire response, not subsequent recovery in the form of rehabilitation. This issue has been discussed in the regional South East Fire Working Group and the Shire will continue to advocate for the inclusion of rehabilitation as part of the recovery phase post bushfires in our Shire, through both DFES and DBCA.

4. PUBLIC QUESTIONS TIME

No other public questions were received.

5. DECLARATIONS OF INTEREST

Item 12.4.1 Development Application Workforce Accommodation

Cr Graham Richardson – Financial

6. APPLICATIONS FOR LEAVE OF ABSENCE

Two elected member applications for leave of absence were received.

Moved by Cr Major, seconded by Cr Leighton

Resolution: 56/23

That Council approve the following requests for leave of absence.

- 1. Cr Graham Richardson requested leave of absence from 19/7/2023 to 18/8/2023 inclusive, and**
- 2. Cr Mark Mudie requested leave of absence from 2/8/2023 to 21/8/2023 inclusive.**

Motion put and CARRIED

6/0

Cr Rachel Livingston absent for the vote

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY COUNCIL MEETING MINUTES 20 JUNE 2023

Moved by Cr Richardson, seconded by Cr Leighton

Resolution: 57/23

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Ravensthorpe held 20 June 2023 be confirmed as a true and correct record.

Motion put and CARRIED

6/0

Cr Rachel Livingston absent for the vote

8. ANNOUNCEMENTS/REPORTS BY ELECTED MEMBERS

Cr Sue Leighton (DSP)

- Attended the Munglinup Football Exhibition Game, noting it was a very good event.

Cr Graham Richardson

- Attended the Development Assessment Panel training from DPLH
- Attended a meeting with the Hopetoun Progress Association with the CEO
- Passed on thank to the EMIS Paul Spencer for good feedback received from local resident Mr Pyke.

Cr Tom Major

Nil

Cr Julia Bell

- Attended Council meeting with Shelley Payne – very informative and productive

Cr Mark Mudie

- Attended the Development Assessment Panel training from DPLH
- Attended Council meeting with Shelley Payne
- Attended WALGA professionally speaking training event
- Passed on thanks to EMIS Paul Spencer and works crew for good work undertaken on Koornong Road.

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil.

12. REPORTS OF OFFICERS

12.1 EXECUTIVE SERVICES

12.1.1 PROGRESS REPORT – CORPORATE BUSINESS PLAN 2022/23

File Reference:	CM.PL.5
Location:	N/A
Applicant:	N/A
Author:	Chief Executive Officer
Authorising Officer	Chief Executive Officer
Date:	11 July 2023
Disclosure of Interest:	Nil
Attachments: <u>BLUE</u>	1. CONFIDENTIAL Report Corporate Business Plan and 22/23 Budgeted Projects
Previous Reference:	N/A

PURPOSE

1. That Council receives the year to date Corporate Business Plan 2020-2024 (CBP) progress report for the period up to 30 June 2023 including;
 - i. Corporate Business Plan; and
 - ii. Budgeted Projects.

BACKGROUND

2. The CBP is Council's core strategic document for the 4 year period 2020 to 2024. This CBP activates the Shire of Ravensthorpe Strategic Community Plan (2020-2030) (SCP) and integrates with other informing strategies, including the Long Term Financial Plan and Workforce Plan.
3. This report also provides the status on projects that were endorsed as part of the 2022/23 budget adoption.

COMMENT

4. The CEO is required to present to Council an update on the Shire's Corporate Business Plan to keep them informed of the organisation's progress through the year.
5. This report is provided for the period up to 30 June 2023 and reports against the status of the Corporate Business Plan Objectives and Strategies.
6. The purpose of this report is to:
 - i. Provide a status update as at 30 June 2023 on the key actions undertaken by the Shire for 2022/23 financial year of the Corporate Business Plan;
 - ii. Demonstrate how the Shire, through the Corporate Business Plan is meeting the Shire's Strategic Community Plan's goals and strategies; and,
 - iii. Meet the reporting guidelines of the Integrated Planning Framework.
7. The CBP is structured to meet the SCP objectives and as such is grouped into 5 priority areas addressing Economy; Community; Built Environment; Natural Environment; and Governance and Leadership aspirations of the Ravensthorpe community.
8. Table 1 provides a status report of the CBP actions as at 30 June 2023. Of the 50 actions 1 is complete, 44 on track (most actions are ongoing in nature), and 5 actions to monitor.

Table 1 - Corporate Business Plan Status Report

Objective	Actions	Status Complete	Status On track	Status Monitor	Status Intervene
Economy	6	0	5	1	0
Community	15	1	13	1	0
Built Environment	9	0	8	1	0
Natural Environment	8	0	8	0	0
Governance & Leadership	12	0	10	2	0
Total	50	1	44	5	0

9. Table 2 provides a report of the 2022/23 Budgeted Projects as at 30 June 2023. A total of 104 budgeted projects have been reported for the 2022/23 period with 49 projects completed, 28 on track and 27 to monitor (the majority of monitor designations are to be carried over into the 23/24 period).

Table 2 - Budgeted 2022/23 Projects

Projects	Completed	On Track	Monitor	Intervene
104	49	28	27	0

CONSULTATION

10. Executive Managers and Shire officers.

STATUTORY ENVIRONMENT

11. *Local Government Act 1995* Part 5 Division 5, s 5.56.
12. *Local Government (Administration) Regulations 1996* Part 5, Division 3, r19DA.

POLICY IMPLICATIONS

13. Nil

FINANCIAL IMPLICATIONS

14. Nil

RISK MANAGEMENT

15. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance; (operational); CEO does not provide regular updates to Council on performance of strategic objectives.	Possible	Major	High	A CEO KPI is to report on a regular basis to Council on organisational performance each year.
Financial; the failure to regularly report to Council on achievement of strategic objectives and project delivery inhibits Council's ability to make informed budget decisions	Possible	Major	High	A CEO KPI is to report on a regular basis to Council on organisational performance each year.

Reputational; the failure to provide accurate and timely reporting to Council may cause reputational damage to both Shire organisation and Council.	Possible	Major	High	Regular reporting will ensure the Executive Management team effectively manages delivery of strategic objectives and projects and that Council is provided strong oversight of overall shire performance.
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ALTERNATE OPTIONS

16. Council may decide not to accept the report as presented and request the CEO to either provide more information and/or represent the report once new information is supplied.

STRATEGIC ALIGNMENT

17. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2020-2024.

Outcome 1: Economy - The population is growing, in tandem with a thriving, resilient local economy.

Item	Objectives and Strategies
1.1	To grow business and employment
1.2	The right resources and infrastructure are in place to support local commerce and industry

Outcome 2: Community - This is a safe and family-friendly community where people of all ages have access to services and facilities, and there is plenty to blow your socks off.

Item	Objectives and Strategies
2.1	Social services and facilities are designed and delivered in a way that fits community needs and aspirations
2.2	Community groups function well with strong volunteer effort and feel supported by the community
2.3	People feel that their community is safe for all, free of nuisance and protected from risk of damage
2.4	People have access to attractive community facilities, activities and events which support activity and health, community involvement and enjoyment of life
2.5	Young people, older people and people with disability feel valued and have access to resources which provide opportunities for their development and enjoyment

Outcome 3: Built Environment - The built environment is accessible, honours history and provides for the economic and social needs of residents, industry and visitors.

Item	Objectives and Strategies
3.1	The Shire of Ravensthorpe has appropriate housing choice available to the community
3.2	New development (including commercial) is of a high quality and contributes positively to the character and appearance of the town
3.3	The towns of the Shire have attractive streetscapes in keeping with local character
3.4	It is easy and safe to move around and in and out of the district
3.5	The Shire's heritage structures, heritage and cultural places are valued and protected, and are integrated into community life and economic activity.

Outcome 4: Natural Environment - Our unique world class biosphere is valued and protected for the enjoyment of current and future generations.

Item	Objectives and Strategies
4.1	Maximised resource recovery from waste and safe disposal of residual waste
4.2	Water conservation and water harvesting opportunities are maximised

Item	Objectives and Strategies
4.3	The Shire's valued natural areas and systems are protected and enhanced
4.4	Energy is used efficiently and there is an increased use of renewable energy in the Shire

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward.

Item	Objectives and Strategies
5.1	The Shire's community is engaged and involved
5.2	The Council ensures its decisions are well informed and considered
5.3	The Council, with the support of the community, is an effective advocate for resources and facilities which support the vision for the future
5.4	The Shire of Ravensthorpe is known as a good employer, and staff have the capacity and skills to deliver identified services and strategies
5.5	The value of community owned assets is maintained
5.6	Financial systems are effectively managed
5.7	Customer service and other corporate systems are of high quality

VOTING REQUIREMENTS

18. Simple Majority

COUNCIL DECISION

Moved by Cr Mudie, seconded by Cr Richardson

Resolution 58/23

That Council RECEIVE the following progress reports for the 2022/23 period as at 30 June 2023:

- **Corporate Business Plan; and**
- **Budgeted Projects.**

Motion put and CARRIED

6/0

Rachel Livingston absent for the vote

12.1.2 NEW POLICY – G26 COUNCIL MEMBER ELECTRONIC MEETING ATTENDANCE

File Reference:	CM.PO.1
Location:	N/A
Applicant:	Shire of Ravensthorpe
Author:	Chief Executive Officer
Authorising Officer	Chief Executive Officer
Date:	11 July 2023
Disclosure of Interest:	Nil
Attachments: <u>GREEN</u>	1. Draft New Policy G26 Council Member Electronic Meeting Attendance 2. WALGA eMeetings Guide
Previous Reference:	Nil

PURPOSE

1. This item seeks Council consideration of a new policy (as attached to this report) that will guide Electronic attendance at meetings for elected members.

BACKGROUND

2. As part of the State Government's package of local government reforms, the Local Government Administration Regulations 1996 (Regulations) were amended on 9 November 2022 to enable local governments to continue to conduct Council and Committee meetings outside of emergency situations.
3. The Department of Local Government, Sport and the Cultural Industries (the Department) issued "Guidelines for Developing Policies on Electronic Attendance and Meetings", which recommended that local governments develop a policy in relation to dealing with requests for electronic attendance at meetings and the expectations of council in relation to equipment and location.
4. WALGA has prepared a draft policy template for conducting electronic meetings and attendance by electronic means which is the basis for the proposed draft policy in the attachment.

COMMENT

5. A draft Council Member Electronic Meeting Policy is presented in Attachment 1. The overarching purpose of the policy is to establish parameters for requests for electronic attendance at meetings and set out expectations of Council and Committee members attending meetings electronically in relation to equipment and location.
6. This Policy applies to electronic attendance at Ordinary Council Meetings, Special Council Meetings and Committee Meetings for Elected Members.
7. There are provisions for electronic attendance at these types of meetings in the Regulations. The Regulations mandate who may provide approval for electronic attendance (the President or Council for electronic attendance at meetings, and Council for meetings which are held entirely by electronic means). The regulations also stipulate that electronic attendance must be from a "suitable location" and utilising "suitable equipment".

8. As per the WALGA eMeetings guide, "a person is regarded as 'in attendance' at a meeting, whether or not they are physically present, provided they are in contact by electronic means with each other member present at the meeting [Admin.r.14CA(3) and 14E(3)]. Note that there are formal approval requirements before eMeeting attendance can take place".
9. The new provisions deal primarily with two types of eMeeting issues, which are addressed separately in the Administration Regulations. These include:
 - i. Members attending electronically an in-person meeting [Admin.r.14C and 14CA]; and
 - ii. Meetings being held by electronic means [Admin.r.14D and 14E].
10. Members attending electronically an in-person meeting [14C and 14CA].
 - i. Where there is a Declared Emergency - During a declared emergency (public health emergency, state of emergency or where there is a natural disaster) [Admin.r.14C (2)(a)(i and ii)], a member may attend a meeting by electronic means with the approval of the President or Council [Admin.r.14C(2)(a)(iii)]. Note that the meeting attendance cap in Admin.r.14C(3) does not apply where there is a declared emergency.
 - ii. Where there is not a declared emergency - Members can attend a meeting by electronic means with the approval of the President or Council [Admin.r.14C (2)(b)]. Where a decision by Council is made to authorise electronic attendance, this can be carried through a simple majority (as there is no requirement for an absolute majority) [LGA s.5.20 (1)].
 - iii. Electronic Attendance Cap – Any approval to attend electronically an in-person meeting (where there is no declared emergency) is subject to a 'more than 50%' cap on an individual's electronic attendance [Admin.r.14C(3)] in the relevant period [Admin.r.14C(1)]. This requirement is intended to strike a balance between the benefits of in-person meetings with the flexibility of remote attendance. This cap is not applicable to those members living with a disability [Admin.r.14C (4)].
 - iv. The cap for members attending electronically more than 50% of in-person meetings is determined through a rolling 'backwards looking test' by counting the number of meetings the member has already attended by electronic means in the preceding 12 months [Admin.r.14C(3)].
 - v. This cap only applies to calculating in-person meetings conducted from 9 November 2022 onwards and is calculated separately for each type of meeting. Local governments should maintain a Record of Meetings held, with details of each individual member's electronic attendance at an in-person meeting for each type of meeting.
11. Meetings held by electronic means [14D and 14E].
 - i. Where there is a Declared Emergency - During a declared emergency (public health emergency or state of emergency (but not a natural disaster) [Admin.r.14D(2)(a)(i)], a meeting can be held by electronic means with the approval of the President or Council [Admin.r.14D(2)(a)(ii)], subject to Admin.r.14D(2B) having regard to a suitable location and equipment, and being able to maintain confidentiality [Admin.r.14D (5-8)]. Similarly, if there is a direction issued under the Public Health Act 2016 or the Emergency Management Act 2005 that prevents the meeting from being held in person [Admin.r.14D(2)(b)(i)], a meeting can be held by electronic means with the approval of the President or Council

- [Admin.r.14D(2)(b)(ii)], subject to Admin.r.14D(2B) having regard to a suitable location and equipment, and being able to maintain confidentiality [Admin.r.14D (5-8)].
- ii. Where there is not a declared emergency - Council can call an electronic meeting - Meetings can be conducted entirely by electronic means outside of a declared state of emergency, with approval by Council through a simple majority [Admin.r.14D(2)(c)] where the other formal requirements have been met.
 - iii. Meeting Attendance Cap - Similar to electronic attendance at in-person meetings having a 'more than 50%' cap, a similar cap [Admin.r.14D(2A)] applies to each type of meeting held electronically from 9 November 2022, determined through a rolling backward-looking test over the relevant period, the previous 12 months [Admin.r.14D(1)].
12. Open to the Public - An electronic meeting is considered 'open to the public' [as per LGA s5.23(1)], provided that:
- i. in the case of a local government with a salary Band 3 or 4 allocation, the requirement to publish unconfirmed meeting minutes [Admin.r.13(1)(a)], within 14 days for a council meeting [Admin.r.13(2)] or 7 days for a committee meeting [Admin.r.13(3)], is complied with; or
 - ii. in any case the council or committee broadcasts the meeting on a website, or the meeting, or a broadcast of the meeting is accessible to the public [Admin.r.14E(3A)].
13. The policy in Attachment 1 also applies to Elected Member attendance at Agenda Briefing meetings, Council Corporate Discussion sessions and any Council Workshops. Although electronic attendance at these types of meetings is not covered by legislation, it is considered important to include them in the policy to provide clarity for members around how to apply for electronic attendance at these types of meetings and to provide controls to ensure confidentiality is able to be maintained at meetings, and to enable all members to effectively engage in communications and deliberations during these types of meetings.

CONSULTATION

14. WALGA Governance team
Shire Executive Team

STATUTORY ENVIRONMENT

15. *Disability Services Act 1993, s3.*
Local Government Act 1995.
Local Government (Administration) Regulations 1996, r.14C-r14E.

POLICY IMPLICATIONS

16. If approved by Council the new policy will be included in the Council Policy Manual.

FINANCIAL IMPLICATIONS

17. Nil

RISK MANAGEMENT

19. The following risks have been identified as part of this proposed policy;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) & Reputational – the lack of clear guidelines for elected members to participate in Council meetings remotely leads to inconsistency and lack of transparency.	Likely	Major	High	Council adopts a policy that introduces controls to manage risks associated with electronic attendance at meetings.

ALTERNATE OPTIONS

18. Nil

STRATEGIC ALIGNMENT

19. This item is relevant to the Councils approved Strategic Community Plan 2020-2030 and Corporate Business Plan 2020-2024;

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward.

Item	Objectives and Strategies
5.1	The Shire’s community is engaged and involved
5.2	The Council ensures its decisions are well informed and considered

VOTING REQUIREMENTS

20. Absolute Majority

COUNCIL DECISION

Moved by Cr Major, seconded by Cr Bell

Resolution 59/23

That Council by Absolute Majority ADOPT the proposed G26 Council Member Electronic Meeting Attendance Policy as per Attachment Budgeted Projects.

Motion put and CARRIED

6/0

Rachel Livingston absent for the vote

12.1.3 NEW POLICY – F10 FRAUD AND RISK POLICY

File Reference:	CM.PO.1
Location:	N/A
Applicant:	Shire of Ravensthorpe
Author:	Chief Executive Officer
Authorising Officer	Chief Executive Officer
Date:	8 July 2023
Disclosure of Interest:	Nil
Attachments: <u>RED</u>	Draft New Policy F10 Fraud and Risk Policy
Previous Reference:	Nil

PURPOSE

1. This item seeks Council consideration of a new policy (as attached to this report) that clearly documents Council's approach to controlling fraud and corruption at both strategic and operational levels.

BACKGROUND

2. The Shire of Ravensthorpe Elected Members and Council's administration are committed to policies and practices that prevent, deter and detect fraudulent and corrupt behaviour in the performance of Council activities.
3. The Western Australian Office of the Auditor-General (OAG) has recommended all Councils adopt specific fraud control policies that address the risk of fraud and corrupt conduct. The Shire of Ravensthorpe has experienced an incidence of fraud at the highest level in 2021, therefore after forensic analysis from external auditors it has been important to follow the directions of the OAG and implement a Fraud and Corruption Control Policy.

COMMENT

4. The Shire of Ravensthorpe is committed to the prevention, deterrence, monitoring and investigation of all forms of fraud and corruption. Fraud and corruption can be damaging to Council through financial loss, loss of public confidence (either perceived or real), reputational damage and adverse publicity.
5. Council is the custodian of significant public funds and assets therefore it is important that the community has assurance that these are adequately protected from fraud and corruption.
6. At the conclusion of the 2020-21 External Audit, completed on the 28 July 2022, in the aftermath of a complete forensic audit of all of the Shire's data transactions in the wake of fraudulent behaviour at the highest level in 2021, the number one significant finding in the Final Management Letter related to Evidence of Management Overriding of Controls. Given the lateness of the 2020-21 audit, this significant finding was repeated in the 2021-22 External Audit that was concluded on 27 February 2023.
7. The External Audit recommendation included that the Shire builds appropriate safeguards against management override of controls by establishing a Fraud and Corruption Control Plan that allows a coordinated approach to the identification and management of fraud risks.
8. The Shire has sought guidance from the OAG Fraud Risk Management Better Practice Guide, the Department of Local Government, Sport and Cultural Industries Guide to managing fraud and corruption risks, Australian Standard AS/ISO 8001:2021 and LGIS Insurance Crime Protection Policy and developed a draft Fraud and Corruption Control Policy in June 2023.

9. This Fraud and Corruption Control Policy (Attachment 1 to this report) is to clearly document Council’s approach to controlling fraud and corruption at both strategic and operational levels and is to be read in conjunction with the Shire's Risk Management Policy, Code of Conduct for Employees and Council Members and relevant legislation.

CONSULTATION

10. Executive Team

STATUTORY ENVIRONMENT

11. Local Government Act 1995
 12. Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

13. If approved by Council the new policy “F10 Fraud and Risk Policy” will be included in the Council Policy Manual.

FINANCIAL IMPLICATIONS

14. Nil

RISK MANAGEMENT

15. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) & Reputational – the lack of specific fraud and risk policy may result in inconsistency and lack of transparency.	Likely	Major	High	Council adopts a policy that clearly details how fraud and risk issues are managed within the Council and the Shire.

ALTERNATE OPTIONS

16. Nil.

STRATEGIC ALIGNMENT

17. This item is relevant to the Councils approved Strategic Community Plan 2020-2030 and Corporate Business Plan 2020-2024;

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward.

Item	Objectives and Strategies
5.2	The Council ensures its decisions are well informed and considered
5.6	Financial systems are effectively managed
5.7	Customer service and other corporate systems are of high quality

VOTING REQUIREMENTS

18. Absolute Majority

COUNCIL DECISION

Moved by Cr Leighton, seconded by Cr Mudie

Resolution 61/23

That Council by Absolute Majority ADOPT the proposed F10 Fraud and Risk Policy.

Motion put and CARRIED

6/0

Rachel Livingston absent for the vote

12.2 CORPORATE SERVICES

12.2.1 MONTHLY FINANCIAL REPORTS – 30 JUNE 2023

File Reference:	N/A
Location:	Shire of Ravensthorpe
Applicant:	Nil
Author:	Accountant
Authorising Officer	Executive Manager Corporate Services
Date:	12 July 2023
Disclosure of Interest:	Nil
Attachment: <u>LIGHT BLUE</u>	Monthly Financial Reports for 30 June 2023
Previous Reference:	Nil

PURPOSE

1. In accordance with the Local Government Financial Management Regulations (1996), Regulation 34, a local government is to prepare a monthly Statement of Financial Activity for approval by Council.

BACKGROUND

2. Council is requested to review the June 2023 Monthly Financial Reports.

COMMENT

3. The June 2023 Monthly Financial Reports are presented for review.

CONSULTATION

4. Executive Team

STATUTORY ENVIRONMENT

5. Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the Local Government (Financial Management) Regulations 1996 apply.

POLICY IMPLICATIONS

6. Nil.

FINANCIAL IMPLICATIONS

7. All expenditure has been approved via adoption of the 2022/23 Annual Budget, or resulting from a Council Motion for a budget amendment.

RISK MANAGEMENT:

8. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the financial activity statements as required by S6.4 of the <i>Local Government Act 1995</i> .	Rare	Insignificant	Very Low	That Council receives the financial activity statements as required by legislation.

ALTERNATE OPTIONS

9. Nil.

STRATEGIC ALIGNMENT

10. This item is relevant to the Councils approved Strategic Community Plan 2020-2030 and Corporate Business Plan 2020-2024.

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward

Item	Objectives and Strategies
5.5	The value of community owned assets is maintained
5.5.1	Assets renewals and upgrades are funded to the level required to maintain asset value and agreed service levels
5.5.2	Projects are well-planned planned and delivered on time and on budget, with effective and thorough risk management and reporting
5.6	Financial systems are effectively managed
5.6.1	Financial management and reporting systems are able to deliver on all administrative and management functions (including reporting), and long-term financial planning requirements

VOTING REQUIREMENTS

11. Simple Majority

COUNCIL DECISION

The CEO brought to the attention of Council that a revised version of attachment "Monthly Financial Reports for 30 June 2023" had been provided at the meeting and this would replace the previous version in attachments.

Moved by Cr Bell, seconded by Cr Leighton

Resolution 62/23

That Council RECEIVE the June 2023 Monthly Financial Reports as presented.

Motion put and CARRIED

6/0

Rachel Livingston absent for the vote

12.2.2 SCHEDULE OF ACCOUNT PAYMENTS – June 2023

File Reference: GR.ME.8
Location: Shire of Ravensthorpe
Applicant: Shire of Ravensthorpe
Author: Finance Officer
Authorising Officer: Executive Manager of Corporate Services
Date: 10 July 2023
Disclosure of Interest: Nil
Attachment: ORANGE Schedule of Payments to 30 June 2023
 Credit Card Transactions 01 June 2023
 Creditors List of Accounts Paid June 2023
Previous Reference: Nil

PURPOSE

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

BACKGROUND

2. Period 01/06/2023 – 30/06/2023

Month	Cheques	EFT Pymts	Direct Debits	Credit Card	Trust	Total Creditors	Payroll
Jul	9,412	1,344,302	67,653	5,967	0	1,427,333	309,447
Aug	13,186	1,135,858	130,685	3,466	0	1,283,195	302,671
Sep	7,250	996,136	43,399	7,971	0	1,054,756	302,386
Oct	9,643	769,594	76,558	7,747	0	863,543	337,295
Nov	6,218	870,407	59,909	6,864	0	943,397	455,624
Dec	10,270	1,866,819	71,121	6,537	0	1,954,748	314,391
Jan	8,802	287,567	43,935	6,337		346,641	304,371
Feb	10,798	822,870	123,746	12,870	0	970,284	345,470
Mar	6,299	982,560	133,501	3,670	0	1,126,031	306,943
Apr	10,134	771,671	59,820	6,726	0	848,351	332,900
May	7,250	948,469	60,495	5,487	0	1,021,701	366,175
Jun	15,300	1,648,797	72,607	8,202	0	1,744,905	485,088
Total	114,562	12,445,050	943,431	81,842	0	13,584,885	4,162,759
21/22	109,610	11,455,728	1,217,128	101,107	0	12,883,572	4,057,812
20/21	219,357	8,442,181	965,406	135,103	0	9,762,047	3,790,863
19/20	197,977	8,450,678	997,212	102,791	6,319	9,754,977	3,174,082
18/19	147,967	21,298,438	1,329,904	70,241	13,590	22,860,140	2,219,053
17/18	327,905	18,507,404	209,587	65,010	317,445	19,427,351	2,601,283

COMMENT

3. These schedules 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

4. Accountant and Executive Manager Corporate Services

STATUTORY ENVIRONMENT

5. Regulation 13 (1) – (3) of the Local Government (Financial Management) Regulations

POLICY IMPLICATIONS

6. Nil.

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT

8. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational; That Council does not receive the list of payments.	Rare	Insignificant	Very Low	That Council receives the list of payments as required by legislation

ALTERNATE OPTIONS

9. Nil.

STRATEGIC ALIGNMENT

10. This item is relevant to the Councils approved Strategic Community Plan 2020-2030 and Corporate Business Plan 2020-2024.

Outcome 1: Economy - The population is growing, in tandem with a thriving, resilient local economy.

Item	Objectives and Strategies
1.2	The right resources and infrastructure are in place to support local commerce and industry

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward.

Item	Objectives and Strategies
5.2	The Council ensures its decisions are well informed and considered
5.3	The Council, with the support of the community, is an effective advocate for resources and facilities which support the vision for the future
5.6	Financial systems are effectively managed
5.7	Customer service and other corporate systems are of high quality

VOTING REQUIREMENTS

11. Simple Majority

Moved by Cr Richardson, seconded by Cr Major

Resolution 63/23

That Council pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, the payment of accounts for the month of June 2023 be noted.

Motion put and CARRIED

6/0

Cr Rachel Livingston absent for the vote

12.2.3 FEES AND CHARGES 2023/2024 OPERATIVE DATE

File Reference:	N/A
Location:	Shire of Ravensthorpe
Applicant:	Nil
Author:	Executive Manager Corporate Services
Authorising Officer	Chief Executive Officer
Date:	10 July 2023
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	OCM 20 June 2023 Resolution 55/23

PURPOSE

1. As part of the budget preparation process council reviews the fees and charges which it intends to set for the coming financial year, effective from 1 July 2023.

BACKGROUND

2. A review of the fees and charges to be imposed is carried out annually as part of the budget process. The 2023/24 schedule of fees and charges was considered at the Ordinary Council Meeting 20 June 2023 and Council resolved the following:

That Council:

1. ***Adopt the 2023/2024 Schedule of Fees and Charges as presented; and***
2. ***Endorse the adopted 2023/2024 Schedule of Fees and Charges to be implemented and effective from the 1 July 2023.***

COMMENT

3. Included in the review of the fees and charges were charges relating to airport operations, with the following fees and charges updated for the 2023/2024 year commencing on 1 July 2023.

Ravensthorpe Airport (YNRV)	
Landing Fees – Per landing	
Weight > 15,000kg per 1,000kg or part thereof (MTOW)	\$33.00
Passenger Handling Fees	
Adult per passenger	\$57.75

4. Airport fees have been increased to cover the cost of two additional airport staff, a range of capital improvements and to make provision for infrastructure replacement contributions for future renewal requirements.
5. Feedback was received jointly by three airport stakeholders that expressed disappointment at the short notice provided for the implementation of the raised fees and the lack of consultation to justify the increases.
6. Council has noted that more notice could have been given for the increase and therefore will consider an extension to 1 August 2023 before these fees listed above become effective.

7. There is also an undertaking that future changes to fees and charges will be given more timely consideration to allow for adequate notice to stakeholders.

CONSULTATION

8. Internal Managers and Staff

STATUTORY ENVIRONMENT

9. Sections 6.16 and 6.17 of the *Local Government Act 1995* (Imposition of fees and charges and Setting the level of fees and charges) Clauses 24 & 25 of the Local Government (Financial Management) Regulations 1996 (Service charges & fees and charges).

POLICY IMPLICATIONS

10. Nil

FINANCIAL IMPLICATIONS

11. Setting of fees and charges is an integral part of the budget preparation and will assist in predicting other revenue forecasts, other than rates.

RISK MANAGEMENT

12. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial	Unlikely	Minor	Low	Fees allow for services to be provided on a user pays principle and reduces subsidy

ALTERNATE OPTIONS

13. Nil proposed.

STRATEGIC ALIGNMENT

14. This item is relevant to the Councils approved Strategic Community Plan 2020-2030 and Corporate Business Plan 2020-2024.

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward.

Item	Objectives and Strategies
5.5	The value of community owned assets is maintained
5.6	Financial systems are effectively managed

VOTING REQUIREMENT

15. Absolute Majority

COUNCIL DECISION

Moved by Cr Major, seconded by Cr Mudie

Resolution 64/23

That Council by Absolute Majority re-endorse the adopted 2023/2024 Fees and Charges specifically for:

- a) Passenger Handling Fees – Adult per Passenger \$57.75; and**
- b) Landing Fees per Landing – Weight >15,000kg per 1,000kg or part thereof (MTOW) \$33.00; to be implemented and effective from the 1 August 2023, whilst all other fee increases previously adopted remain effective 1 July 2023.**

Motion put and CARRIED

6/0

Rachel Livingston absent for the vote

12.3 INFRASTRUCTURE SERVICES

12.3.1 CORDINGUP DAM TRANSFER

File Reference:	A14117
Location:	Shire of Ravensthorpe
Applicant:	N/A
Author:	Executive Manager Infrastructure Services
Authorising Officer	Chief Executive Officer
Date:	12 July 2023
Disclosure of Interest:	Nil
Attachments: <u>GREY</u>	WaterCorp Letter dated 4th July 2023
Previous Reference:	Nil

PURPOSE

1. To obtain Council's direction on the opportunity to secure ownership of the Cordingup Dam and surrounding land from Water Corporation (WaterCorp).

BACKGROUND

2. WaterCorp no longer require water from the Cordingup Dam and wish to reduce their public safety risks associated with the dam, particularly a potential failure of the dam wall which could impact road users and downstream residents. They commenced this process by considering a full upgrade of the dam but found this to be cost prohibitive, they then looked at full decommissioning of the dam, but this received unfavourable review from the Ravensthorpe community.
3. As a compromise, WaterCorp have developed a plan that uses similar funding levels as full decommissioning to do a partial upgrade of the dam and transfer the asset to the Shire of Ravensthorpe. A copy of their proposal is labelled Option 3 within Attachment 1 WaterCorp letter dated 4 July 2023.
4. Option 3 is a partial upgrade proposal focusing works on the strengthening of the dam wall structure (to lower the chances of dam failure) and housekeeping activities. The proposal retains the same water flow path as the current dam configuration and does not change the possibility or extent of flooding due to high rainfall events where the dam wall does not fail.
5. The Shire engaged Tetra Tech Coffey (a third party / independent engineer) to review the dam and WaterCorp's proposal, the cost of this work was reimbursed by WaterCorp. Their key findings were that :
 - The Dam Failure Consequence is classified as "Significant" under national ANCOLD assessment criteria, based on several factors.
 - Dam break analysis indicates:
 - Possible 300mm deep flooding over Hopetoun-Ravensthorpe Road with potential damage to vehicles, and
 - Affects to two downstream and neighbouring farms/land owners.
 - The most credible events leading to dam break are:

- heavy rain event filling dam and overtopping,
 - seismic event causing liquefaction damage to dam wall, or
 - other damage to dam wall.
 - The risk of dam failure is assessed as "Low" with adequate control measures in place.
6. Tetra Tech Coffey proposed the following control measures:
- Excessive seepage through the wall is reduced by using 30% clay content in construction. Monitor for seepage and observe turbidity,
 - Divert water to ensure dam has adequate freeboard (500mm) to absorb new weather event inflows,
 - Maintain dam wall surface (rock protection, gully erosion, cracks, vegetation control, etc.)
 - Inspections (weekly, monthly, annual, 5 yearly),
 - Monthly reporting,
 - Independent audits (3rd party),
 - Developing a Dam Safety Emergency Plan & Evacuation Plan, and
 - Remediating the spillway channel rock protection.
7. The potential benefits of the transfer of Cordingup dam and surrounding land parcel to the Shire of Ravensthorpe are as follows:
- The retention of a substantial water resource located centrally in the Shire that could be available for firefighting, road construction, stock and other uses at Council's discretion, and
 - The possibility of new tourism and recreation developments, such as walking trails, campsites etc.
8. The risks associated with the transfer of the Cordingup Dam to the Shire of Ravensthorpe are as follows:
- Dam safety risks :
 - Dam wall: the partial dam upgrade will strengthen the dam wall structure and lower failure risk, however a small risk always remains, and
 - Spillway channel: minimal improvements are nominated on this structure in the WaterCorp proposal. Significant erosion is already evident and Council Officers believe this will continue and possibly accelerate to become a major issue and could result in significant costs to the Shire of Ravensthorpe in the future.
 - Road risks: the current single concrete pipe culvert under the MRWA's Hopetoun-Ravensthorpe Rd is not large enough to carry the flows associated with high flow events and water often flows across the road and does create a hazard to road users. Ideally this culvert should be enlarged to increase flow capacity and reduce or eliminate water flowing over the road.
 - Property risks: the spillway channel is located on privately owned land between the dam spillway structure and the Hopetoun – Ravensthorpe Rd. The WaterCorp proposal does propose the purchase of approximately 4Ha to ensure that the channel is located on Shire owned land guaranteeing full access as required for routine maintenance and works.

- Budget risks
 - A regular annual budget for the inclusion of the control measures suggested by Tetra Tech Coffey such as ongoing inspections, audits, minor maintenance of dam wall surface, vegetation control, developing a dam safety plan etc., these are considered to be relatively minor ongoing costs, and
 - the possibility of larger costs associated with the structure for unexpected repair works as they arise in the future, and worst case the potential decommissioning of the dam at some stage in future at the Shire's expense.
- Bushfire risks: the 286 Ha site area contains a significant fuel load, mechanical mitigation works of \$175,000 per year for the first five years have been estimated by Shire bushfire mitigation staff.

COMMENT

9. There are significant benefits to the Ravensthorpe community for retaining Cordingup Dam as a future water resource. Water quality from the dam fluctuates due to rainfall received and resulting dam water levels. As a minimum the water can be used for bushfire response and some construction works. Stock water and other uses also become available as water quality improves.
10. As a potential drought prone region, there are strong arguments to retain the dam as a water source regardless of ownership.
11. A range of remediation works are required to be undertaken if the dam is to remain.
12. The Shire officer recommendation is for Council to approve the transfer of ownership of the dam and surrounding land subject to WaterCorp undertaking a range of remediation works as outlined in their proposal as Option 3, plus additional works that have been identified by the independent report and Shire officers (identified as additional conditions in the officer's recommendation).

CONSULTATION

13. Executive Team, WaterCorp, Local resident

STATUTORY ENVIRONMENT

14. *Planning and Development Act 2005*
15. *Land Administration Act 1997*

POLICY IMPLICATIONS

16. Nil

FINANCIAL IMPLICATIONS

17. All works required as part of management/ownership handover agreement as detailed in the officer recommendation (Option 3 plus additional conditions) will be the responsibility of WaterCorp.

Some minor allocations will need to be made each year to the Shire's operating budget to ensure proper ongoing monitoring and management of the dam and surrounding land parcel.

RISK MANAGEMENT

18. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational); WaterCorp proceed to decommission the dam and water resource is lost to the community.	Possible	Moderate	Medium	Council consider taking ownership of dam and surrounding land to ensure continuation of water resource for benefit of the community
Financial; Council agree to dam ownership without understanding full implications of transfer.	Unlikely	Major	High	Independent report undertaken identifying risks plus officer recommendation for inclusion of additional conditions.
Reputational; risk to both Council and WaterCorp reputations if a negotiated agreement is not achieved and dam resource is lost to the community	Possible	Major	High	Council endorse officer recommendation as presented enabling formal agreement negotiations to commence.

ALTERNATE OPTIONS

19. Council do not agree to taking ownership of the dam and surrounding land parcel and WaterCorp move to decommission the dam.

STRATEGIC ALIGNMENT

20. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2020-2024

Outcome 1: Economy - The population is growing, in tandem with a thriving, resilient local economy

Item	Objectives and Strategies
1.2	The right resources and infrastructure are in place to support local commerce and industry

Outcome 2: Community - This is a safe and family-friendly community where people of all ages have access to services and facilities, and there is plenty to blow your socks off

Item	Objectives and Strategies
2.1	Social services and facilities are designed and delivered in a way that fits community needs and aspirations
2.4	People have access to attractive community facilities, activities and events which support activity and health, community involvement and enjoyment of life

Outcome 3: Built Environment - The built environment is accessible, honours history and provides for the economic and social needs of residents, industry and visitors

Item	Objectives and Strategies
3.5	The Shire's heritage structures, heritage and cultural places are valued and protected, and are integrated into community life and economic activity.

Outcome 4: Natural Environment - Our unique world class biosphere is valued and protected for the enjoyment of current and future generations

Item	Objectives and Strategies
4.2	Water conservation and water harvesting opportunities are maximised

Item	Objectives and Strategies
4.3	The Shire's valued natural areas and systems are protected and enhanced

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward

Item	Objectives and Strategies
5.2	The Council ensures its decisions are well informed and considered
5.3	The Council, with the support of the community, is an effective advocate for resources and facilities which support the vision for the future
5.5	The value of community owned assets is maintained

VOTING REQUIREMENTS

21. Simple Majority

COUNCIL DECISION

Moved by Cr Mudie, seconded by Cr Bell

Resolution 65/23

That Council ENDORSES accepting the transfer of ownership of Cordingup Dam and surrounding land parcel to the Shire of Ravensthorpe subject to inclusion of the following conditions;

- 1. WaterCorp agrees to be responsible for, and undertake all remedial works as outlined in the proposal letter Option 3 as per attachment 1 to this report;**
- 2. WaterCorp agrees to be responsible for, and undertake full remediation of the neighbouring spillway channel;**
- 3. WaterCorp either funds improvements to the concrete pipe under Hopetoun Ravensthorpe Rd at its cost, or provides written communication from MRWA that they will not hold the Shire of Ravensthorpe responsible for any improvement works required at this location in the future;**
- 4. WaterCorp funds all costs associated with the purchase of the land (spillway channel) required (approximately 4Ha) from a local resident, including the costs of surveying, property conveyancing and legal, and the physical works required, such as access tracks, fencing, gates etc to the concrete pipe under Hopetoun Ravensthorpe Rd or provides evidence of communication with MRWA that it will not hold the Shire of Ravensthorpe responsible for any improvement works at this location in the future; and**
- 5. That WaterCorp provides funds to the Shire of up \$875,000 to cover all costs associated with fire mitigation works expected in the first 5yrs of dam and surrounding land parcel ownership.**

Motion put and CARRIED

6/0

Cr Rachel Livingston absent for the vote

Cr Mudie thanked EMIS Paul Spencer for his work on this item and believed it should lead to a good outcome for the Shire. Cr Bell agreed with Cr Mudie's comments.

12.3.2 REGIONAL ROAD GROUP FUNDING 2023-24

File Reference:	RD.PR.5
Location:	Shire of Ravensthorpe
Applicant:	N/A
Author:	Executive Manager Infrastructure Services
Authorising Officer	Chief Executive Officer
Date:	13 July 2023
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

PURPOSE

1. State administered local government road funding is applied for via the Great Southern Regional Road Group (GSRRG) which has ratified funding for projects in the 2023-24 financial year. This report illustrates the projects awarded to the Shire of Ravensthorpe and notes the funding required in the 2023-24 budget necessary to support these projects

BACKGROUND

2. Road Project Grant Process

The State provides road funds for a number of programs administered by the State Road Funds to Local Government Advisory Committee. The Great Southern Regional Road Group (GSRRG) coordinates an annual application process to determine the distribution of these funds. Currently there are four sources of competitive road funding available through this process.

- (a) Road Project Grants

- (b) State Blackspot

- (c) National Blackspot

- (d) Commodity Routes Supplementary Funding

- (a) Road Project Grants

- Identified Roads of Regional Significance (Roads 2040) are eligible for Road Project Grants. State funding is spread across 10 WA Regional Road Groups and is based on a percentage of the vehicle licence fee revenue which varies from year to year.
- State funding provides two thirds (67%) of total project costs with the other third coming from Council's own resources. The GSRRG has also enacted a cap for Road Project Grants of 20% which limits the amount that any one Council can receive from that funding pool each year.
- The GSRRG Policy and Procedure Guideline and Project Prioritisation Guidelines govern the assessment of projects put forward for funding. Projects are scored and then ranked into four broad categories – preservation, concluding, continuing, and new projects.

- (b)(c) State and National Blackspot

- State Black Spot Program funds are also allocated to individual Regional Road Groups for distribution. The GSRRG also processes the National Black Spot Program which sources federal funding for complying projects.

- State Program funding covers two thirds (67%) and the National Program covers all (100%) of total project costs. For the national program cash criteria is required to demonstrate a benefit cost ratio (BCR) of over 2 to comply. For the state program either a BCR or a road safety audit are required to comply.
 - The Great Southern Technical Working Group (GSTWG) members each assess the applications and rank them on being the most appropriate and cost effective
 - The Shire of Ravensthorpe (SoR) does not have a project under this grant at the current time.
- (d) Commodity Routes Supplementary Funding
- Commodity Routes Supplementary Funding (CRSF) is provided for roads which are not Roads of Regional Significance (Roads 2040) but where there is a significant high priority transport task associated with the transport of a commodity.
 - CRSF funding provides two thirds (67%) of total project costs and is limited to a maximum of \$275,000 per submitted project.
 - The SoR has one ongoing Commodity Route Project worth \$415,000 on Tamarine Road, works on this project commenced in 2022-23 and will be completed in 2023-24, the project is funded 2/3rd by the Commodity Route Grant and 1/3rd by FQM.
2. Roads 2040 is a MRWA document documenting regionally significant Local Government roads in the Great Southern region. Roads included in this document are considered in the Road Group "Direct Grant" calculation and are eligible to receive merit based project grants on application.

The full document can be downloaded from:

<https://walga.asn.au/getattachment/Policy-Advocacy/Our-Policy-Areas/Infrastructure/Roads/Roads-2030-Regional-Road-Development-Strategies/Roads-2040-Great-Southern.PDF?lang=en-AU>

The following road corridors are in the Roads 2040 document:

- HOPETOUN LAKE MAGENTA ROUTE (West River Rd & Hamersley Rd)
- JERDACCUTTUP ROAD
- KOORNONG ROAD
- SOUTHERN OCEAN ROUTE (Southern Ocean Rd and Esplanade Ed)
- SPRINGDALE ROAD

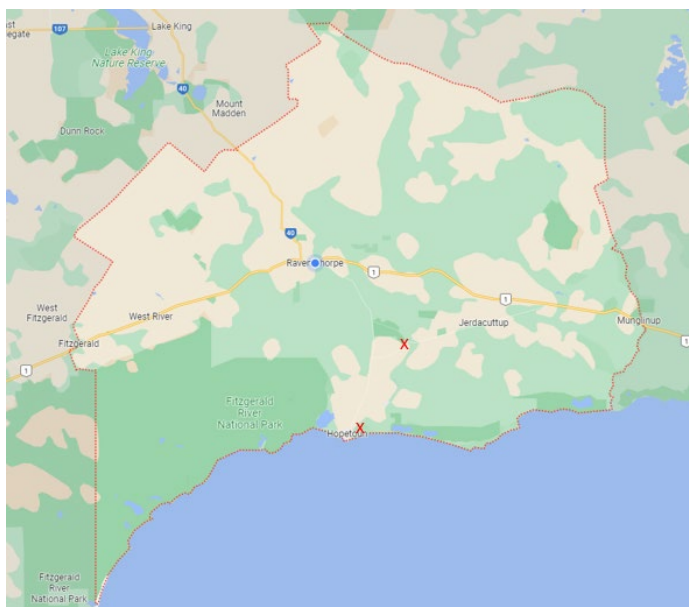
3. The 2023-24 Road Group program includes three grants for the Shire of Ravensthorpe:
- (a) Direct Grant : \$228,707 (to be used in general maintenance at council's discretion) (was \$212,802 in 2022-23).
 - (b) Project Grants: As per table below.
(Note these projects were prepared and submitted by the SoR before 31 July 2022 with evaluation, ranking and selection by the GSRRG, these projects require ongoing progress reporting to MRWA and completion certificates before 30 June 2024.

Road / Location	Project Description	State Funds (2/3rds)	Shire Funds (1/3rd)	Total Project Value
Jerdacuttup Rd SLK10.0 to SLK15.0 (starting just east of Horner Rd and running 5km to the east)	Reseal	\$147,633	\$73,817	\$221,450
Southern Ocean Rd SLK 0.0 – 2.0 (starting 2km east of Veal St and running 2km to the east)	Reseal	\$66,667	\$33,333	\$100,000
Total		\$214,300	\$107,150	\$321,450

NOTE – Road Group funded Projects in 2022-23 were:

- Tamarine Rd = \$176,667 (Commodity Route)
- Springdale Road = \$206,667 (Project Grant)
- Jerdacuttup Road = \$166,667 (Project Grant)
- Total = \$650,000

4. Resealing projects involve the addition of a new hot emulsion seal with 10mm aggregate on an existing sealed surface. The process extends the life of the existing seal by filling cracks and imperfections and providing a new running surface. If not done in a timely manner (10-15yr cycle depending on traffic and local factors) then water can penetrate the seal layer and weaken the gravel pavement below.
5. 2023-24 Project locations are shown on the map below:



COMMENT

- 6. Improving the quality and volume of Road Project Grant applications could lead to receiving increased grant funding in the future.
- 7. Adding new roads to the Roads 2040 list will increase opportunities for additional funding.

CONSULTATION

- 8. Executive Team, Engineering Technical Officer & Works Supervisor

STATUTORY ENVIRONMENT

- 9. *Local Government Act 1995*
- 10. Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

- 11. Nil

FINANCIAL IMPLICATIONS

- 12. Shire of Ravensthorpe contributions to the 2023-24 Road Group projects amounting to \$107,150 will be included in the 2023-24 Budget.

RISK MANAGEMENT

- 13. Re-seal projects are normally outsourced with minimal risk to Council.

ALTERNATE OPTIONS

- 14. Nil

STRATEGIC ALIGNMENT

- 15. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2020-2024

Outcome 1: Economy - The population is growing, in tandem with a thriving, resilient local economy

Item	Objectives and Strategies
1.2	The right resources and infrastructure are in place to support local commerce and industry

VOTING REQUIREMENTS

- 16. Simple Majority

COUNCIL DECISION

Moved by Cr Richardson, seconded by Cr Leighton

Resolution 66/23

That Council note the indicative 2023-24 Regional Road Group Funding allocation to the Shire of Ravensthorpe.

Motion put and CARRIED

6/0

Cr Rachel Livingston absent for the vote

12.4 DEVELOPMENT AND COMMUNITY SERVICES

12.4.1 DEVELOPMENT APPLICATION – WORKFORCE ACCOMMODATION CAMP – LOT 205 (99) OLD NEWDEGATE-RAVENSTHORPE ROAD, RAVENSTHORPE

File Reference:	P23-13
Location:	Lot 205 (99) Old Newdegate-Ravensthorpe Road, Ravensthorpe
Applicant:	BM Projects Collective Pty Ltd on behalf of Galaxy Lithium Australia Pty Ltd and Allkem Limited
Author:	Peter Wilks
Authorising Officer	Chief Executive Officer
Date:	20 June 2023
Disclosure of Interest:	Cr Richardson - Financial
Attachments: <u>PURPLE</u>	1. Cover Letter 2. Drawings 3. Survey Plans 4. Bushfire Attack Level Report
Previous Reference:	N/A

Cr Richardson left the Chambers at 6.19pm

PURPOSE

1. For Council to consider Development Application DAP/23/02522 being determined by the Regional Joint Development Assessment Panel for a workforce accommodation camp at Lot 205 (99) Old Newdegate-Ravensthorpe Road, Ravensthorpe.

RECOMMENDATION IN BRIEF

2. That Council approve DAP Application DAP/23/02522 and accompanying plans (Attachments 1 - 4) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development Regulations 2015 and the provisions of Shire of Ravensthorpe Local Planning Scheme No. 6 subject to conditions.

BACKGROUND

3. A development application was received by the Shire of Ravensthorpe that was over the mandatory threshold for referral to a development assessment panel (DAP). As part of the DAP process if no delegation is in place Council must make a decision on the application and the resolution is contained in the Responsible Authority Report (RAR) that is sent to the DAP. In the instance where Council make an alternative resolution to the officer's recommend, the officer's recommendation is also contained in the RAR.

COMMENT

4. The subject land is zoned "Rural" under the Shire's Local Planning Scheme No. 6. Land to the north and west is zoned "Reserve – Environmental Conservation", and land to the east and south is zoned "Rural". The Lithium Mine is located approximately 1 kilometre to the south-east.

The Scheme provides objectives for zones in Part 3. The objectives of the Rural zone are as follows:

(i) Rural

- I. To provide for the maintenance or enhancement of specific local rural character.
- II. To protect and promote broad acre and intensive and innovative uses that focus on food and agricultural production such as horticulture as the primary uses in productive agricultural areas, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use or are located in areas of lower productivity.
- III. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.
- IV. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.
- V. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
- VI. To facilitate mining within the Shire including the construction of workforce accommodation where required.

The specific standards that apply to the "Rural" zone are contained in Schedule 2.

Zone	Site Coverage %	Plot Ratio	Minimum Setback			Landscaping %	Special Conditions/ Comments
			Front	Rear	Side		
Rural	N/A	N/A	20	10	10	N/A	

The specific development standards with Local Planning Scheme No. 6 that would impact on the proposal:

Item	Requirement	Proposal	Compliance
Part 3 – Zones and use of Land	<ol style="list-style-type: none"> I. To provide for the maintenance or enhancement of specific local rural character. II. To protect and promote broad acre and intensive and innovative uses that focus on 	<p>Proposal is for a large workforce accommodation camp for use in association with a nearby mine. The subject land proposed for use is too small to support broadacre agricultural when considered in isolation.</p>	Complies

	<p>food and agricultural production such as horticulture as the primary uses in productive agricultural areas, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use or are located in areas of lower productivity.</p> <p>III. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.</p> <p>IV. To provide for the operation and development of existing, future and potential</p>	<p>The subject land is relatively isolated from other agricultural concerns by the environmental conservation Reserve to the north and west and the mine to the south</p>	
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	<p>rural land uses by limiting the introduction of sensitive land uses in the Rural zone.</p> <p>V. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</p> <p>VI. To facilitate mining within the Shire including the construction of workforce accommodation where required.</p>		
3.2 Zoning Table	Workforce Accommodation is a 'D' use in the Rural zone.	Workforce Accommodation is a 'D' land use.	Complies.
Front Setback	20 Metres	Between 347 and 637 metres (approximate) depending on where on the front setback is used for measurement.	Complies
Side Setback	10 Metres	Approximately 112 metres.	Complies
Rear Setback	10 Metres	Approximately 145 metres.	Complies
Workforce Accommodation	On land within the Rural, Residential, Mixed Use or Rural Townsite Zones, the local government may consider an application for Workforce	Applicant will need to make arrangements for adequate provision of services and infrastructure. Proposal is to support mining projects	No plans provided for servicing, however this requirement can be handled via conditions on any approval for provision of adequate services.

	<p>Accommodation associated with an existing or proposed construction, resource, agricultural or industrial operation to accommodate the worker(s), provided that: (a) the local government is satisfied that the Workforce Accommodation can be adequately serviced with water, power and effluent disposal; (b) where an operation is proposed and not yet operational, it can be adequately demonstrated to the local government that the operation will proceed to construction and operation prior to the approval for Workforce Accommodation being issued; (c) a management plan is prepared and submitted with the local government that outlines how the Workforce Accommodation will be decommissioned should it no longer be required; and</p>	<p>including existing active projects. No decommissioning or management plans provided</p>	<p>Complies with requirement that evidence be provided that associated operations will proceed to construction and operation due to proposed use of workforce accommodation to include existing active lithium mine. No management or decommissioning plans provided, however this can be handled via conditions on an approval.</p>
<p>Development in Rural Zone</p>	<p>In considering an application for Development Approval in the Rural Zone the local government will have due regard for the following, in addition to</p>	<p>Workforce Accommodation Camp does not include any activity that would result in spray drift. No waterways, wetlands or remanent</p>	<p>Complies.</p>

	<p>the provisions of the Scheme: (a) any sensitive or incompatible uses that may require buffer separation from the proposed use, including the potential for spray drift and the need to contain any spray drift within the land the subject of the application; (b) any wetland, waterway, remnant vegetation or other sensitive feature, and how the application has addressed the protection of the feature; (c) evidence of a sustainable water supply that does not rely on catchment outside the lot, or damming of a stream that will impact on the water availability for another lot or lots; (d) soil conditions, slope, soil type, rock, potential for water logging, foundation stability, and how the application has addressed these site characteristics; and (e) proposals for treatment and disposal of waste products.</p> <p>The local government may require a Nutrient Management Plan for developments which involve high levels of nutrients and have potential to export</p>	<p>vegetation on the property. No damming of streams proposed.</p>	
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	nutrients waterways.	into	
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CONSULTATION

5. The application was referred to Main Roads WA due to concerns regarding general vehicle access and potential use of the Brookton Highway – Old Newdegate-Ravensthorpe Road intersection.

Main Roads indicated that they have no current “in principle” objections to the proposal but provided the following list of concerns regarding the impact of any increased traffic volumes that may be generated by the proposed development.

- The existing intersection of Old Newdegate Rd and Brookton Highway is poorly located in regard to the LGA road Approach Angle, Approach Sight distance and Entering Sight Distance to the State Rd.
- There have been reported concerns regarding the suitability of the intersection and the Shire of Ravensthorpe instigated a road safety review in 2013.
- The review identified a number of safety concerns and recommended both Short and Long Term treatments to address those concerns.
- The Long Term recommendation recommended the realignment of the Old Newdegate Rd to form a standard T-junction with Brookton Highway to the south of its current location, the Shire prepared a cost estimate and submitted a black spot nomination.
- Main Roads supported those recommendations from 2013.
- The estimated cost in 2013 was approximately \$250K, these works would have included design, land acquisition, clearing, drainage, earthworks, pavement construction, sealing and rehabilitation costs.
- An estimate of costs in 2023 is approximately \$500k and conceivably considerably more as the works would need to comply with current environmental requirements and recent significant construction cost increases.
- These works are likely to require the clearing of additional native vegetation, obtaining the necessary Environmental permits and approvals may cause delay.
- Relocating the Old Newdegate Road intersection to the south is likely to be problematic due to the existing location of Airdrome Rd and Main Road would not support the installation of 4 way intersections.
- The Old Newdegate Road may be considered an unreasonable liability due to its alignment and connection with the Brookton Highway.
- The cost of an upgrade of the Old Newdegate Road intersection with Brookton Highway may be appropriated to the developer due to the increased traffic volumes generated by the proposed 248 bed Workforce Accommodation Camp at Lot 250.
- The developer has already incurred the cost of the recently realigned and reconstructed Floater Road and the intersection with Brookton Highway.
- Floater Road now provides a more suitable connection to Brookton Highway which meets both the communities and the mine’s needs.
- The proposed Workforce Accommodation Camp at Lot 250 on the Old Newdegate Rd has direct access to the recently realigned and constructed Floater Rd.

- Rehabilitation of the Old Newdegate Road reserve may provide an opportunity for an Environmental offset to the developer.

A meeting between Allkem Limited and the Shire in regards to access arrangements raised the following points:

- The shire stated that there was a want to close Old Newdegate Road at the Brookton Highway Intersection.
- There is a need to maintain local access to the house on the Southern side of Old Newdegate Road.
- Allkem does not see any reason not to utilise the Old Newdegate Road/Floater Road intersection to access the Ravensthorpe village.
- Allkem can place material at the end of Old Newdegate road in order to close it off to access to Brookton Highway.
- Formal closure of the road will be required to be managed between Main Roads and the Shire, such as legal closures and the removal of signage on Brookton Highway designating the junction and the road.
- Allkem propose to complete the installation of material at the junction once the camp construction works commence.
- Proposed location would be at the narrow point of the road at the intersection.

The proposal was also referred internal to Shire Health, Building and Works staff for comment due to concerns regarding effluent disposal, water supply, building requirements, traffic impact and intersection upgrade requirements.

STATUTORY ENVIRONMENT

6. *Planning and Development Act 2005.*

Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 Deemed Provisions).

- Part 8 cl 64. – Advertising applications;
- Part 9 cl. 67. – Matters to be considered by local government;
- Part 9 cl. 68. – Determination of applications.

Local Planning Scheme No. 6

- Part 3 – Zones;
- Clause 4.14 – Development in the Rural Zone
- Clause 4.17 – Workforce Accommodation
- Schedule 2 – Additional Site and Development Requirements

It should also be noted that pursuant to Section 211(1) of the Planning and Development Act 2005, a person aggrieved by the failure of a local government to enforce or implement effectively the observance of a local planning scheme may make representation to the Minister. If the Minister considers it appropriate to do so, representation may be referred to the State Administrative Tribunal for its report and recommendation. Following subsequent actions and recommendation by the SAT the Minister may order the local government to do all things considered necessary for enforcing the observance of the Scheme or any provisions of the Scheme.

POLICY IMPLICATIONS

7. None

FINANCIAL IMPLICATIONS

8. Application fees totalling \$34,196.00 were received as part of this application.

RISK MANAGEMENT

9. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environmental	Rare	Insignificant	Very Low	Development on a cleared Rural zoned property utilised for cropping and/or grazing within 1km of an existing Mine. Further environmental impact considered unlikely assuming adequate provisioning of effluent disposal and waste disposal services and infrastructure.
Reputational	Rare	Insignificant	Very Low	Consistency with decision making.

ALTERNATE OPTIONS

10. Nil.

STRATEGIC ALIGNMENT

11. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Outcome 3: Built Environment - The built environment is accessible, honours history and provides for the economic and social needs of residents, industry and visitors

Item	Objectives and Strategies
3.2	New development (including commercial) is of a high quality and contributes positively to the character and appearance of the town
3.3	The towns of the Shire have attractive streetscapes in keeping with local character
3.4	It is easy and safe to move around and in and out of the district

VOTING REQUIREMENTS

12. Simple Majority

COUNCIL DECISION

The CEO advised Council that an amendment to the officer recommendation had been made under conditions 4 and 8 as detailed in below motion.

Moved by Cr Mudie, seconded by Cr Leighton

Resolution 67/23

That Council:

1. Approve DAP Application reference DAP/20/1851 and accompanying plans (Attachments 1 - 4) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development Regulations 2015*, and the provisions of the Shire of Ravensthorpe Local Planning Scheme No. 6, subject to the following conditions:

Conditions:

- 1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Ravensthorpe.**
 - 2. The land and buildings the subject of this approval shall be used for the purposes of Workforce Accommodation only and for no other purpose unless otherwise approved in accordance with the provisions of Local Planning Scheme No. 6 (refer attached definition as extracted from Schedule 1 – Definitions of LPS 6).
Workforce accommodation means premises, which may include modular or relocatable buildings, used –
 - (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and**
 - (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.****
- 3. During the construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).**
 - 4. The development is to be clearly incidental to the predominant permissible use - mining operations. If the predominant use - mining operations, ceases and enters into caretaker mode, or care and maintenance, for more than 5yrs, or diminishes to a point where the workforce accommodation is no longer required, this approval will be deemed to have lapsed and the development is to be decommissioned and removed, with the site returned to its natural state, including removal of effluent disposal infrastructure.**
 - 5. Prior to cessation of use, a management plan is be prepared and submitted to the local government that outlines how the Workforce Accommodation will be decommissioned should it no longer be required.**
 - 6. All retaining walls, earthworks and/or associated drainage shall be undertaken in accordance with plans and specifications certified by a qualified Engineer as being consistent with standard engineering practices, as approved by the Shire of Ravensthorpe.**

7. **The vehicle crossover is to be constructed, drained and sealed to the satisfaction and specifications of the Shire of Ravensthorpe.**
8. **All driveways and accessways are to be sealed to a bitumen or asphalt or concrete standard to facilitate access to the development by two (2) wheel drive vehicles, to the satisfaction of the Shire of Ravensthorpe (Works Division).**
9. **Vehicle parking is to be provided as per the approved plans.**
10. **All car parking areas and access ways shall be maintained for their stated purpose at all times and shall not be used for display or general storage purposes.**
11. **No parking or display of vehicles and/or equipment shall occur within the road verge area at any time.**
12. **The subject land is not to be used for the storage of vehicles associated with mining operations.**
13. **All vehicle movements are to be via the Floater Road/Old Newdegate-Ravensthorpe Road intersection.**
14. **No vehicle movements are to occur via the Brookton Highway/Old Newdegate-Ravensthorpe Road intersection**
15. **All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Ravensthorpe (Building Services).**
16. **The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Ravensthorpe.**
17. **The approved development shall provide a supply of potable water adequate to meet the needs of the development. A building permit is required for a water storage tank with a capacity of over 5,000 Litres. Where use of water bores is proposed for supply of potable water, it is the responsibility of the applicant to ensure that any required water testing is undertaken and that the water is safe for consumption.**
18. **PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Ravensthorpe (Health Services), in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.**
19. **The approved development is to comply with the provisions of Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas.**
20. **The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants.**

21. The proposed operations, during and after construction, are required to comply with the *Environmental Protection (Noise) Regulations 1997*.
22. The applicant is responsible for the removal of any waste, refuse or discarded materials from adjoining properties where the material has originated from the development hereby approved.
23. All vehicles must be located entirely on the site during loading and unloading of goods and passengers associated with the use of the site.
24. The works involved in the implementation of the development must not cause sand drift and/or dust nuisance. In the event that the Shire of Ravensthorpe is aware of, or is made aware of, the existence of a dust problem, measures such as installation of sprinklers, use of water tanks, mulching, or other land management systems as appropriate may be required to be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and manner directed by the Shire of Ravensthorpe.
25. PRIOR TO THE APPLICATION FOR A BUILDING PERMIT, a waste management plan shall be submitted to and approved by the Shire of Ravensthorpe (Environmental Health Services). The waste management plan shall be implemented at all times to the satisfaction of the Shire of Ravensthorpe (Environmental Health Services).

In relation to the requirements of the waste management plan, the applicant is advised to contact the Shire of Ravensthorpe (Environmental Health Services). Generally the plan shall detail how all refuse generated from the site will be dealt with, including the location of all refuse storage areas and the means by which waste disposal vehicles will access the bins.

26. A bin storage area shall be provided on-site and screened from public view to the satisfaction of the Shire of Ravensthorpe (Environmental Health Services).
27. Rubbish enclosure areas adequate to service the development are to be constructed prior to the occupation or use of the development to the satisfaction of the Shire of Ravensthorpe (Environmental Health Services).

And the following advice notes:

1. THIS IS NOT A BUILDING PERMIT. An application for a building permit is required to be submitted and approved by the Shire of Ravensthorpe (Building Services) prior to any works commencing on-site.
2. The development is to comply with the *Building Code of Australia, Building Regulations* and the *Local Government Act*.
3. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-

pegging the site. The Shire of Ravensthorpe will take no responsibility for incorrectly located buildings.

4. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.
5. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.
6. Electricity Providers have requested the Shire to advise Applicants that certain restrictions apply regarding the installation of conductive materials near network assets. Applicants are advised to contact the local electricity providers for the Ravensthorpe region to ascertain whether any restrictions affect their proposed development.
7. The Department of Water and Environment Regulation has prepared dust control guidelines for development sites, which outline the procedures for the preparation of dust management plans. Further information on the guidelines can be obtained from the Department of Water and Environment and Regulation's website www.dwer.wa.gov.au under air quality publications.
8. The developer is to liaise with Shire of Ravensthorpe to determine any requirement for additional approvals for any signage proposed to be erected on site.
9. The development is defined as a "Food Business" under the *Food Act 2008*. The development must comply with the *Food Act 2008* and *Food Regulations 2009* and the *Australian New Zealand Food Standards Code*.
10. In accordance with the provisions of the *Food Act 2008* and *Food Regulations 2009* an application to register the food business hereby permitted must be submitted and approved by the Shire of Ravensthorpe (Health Services) prior to the commencement of operations.
11. The development the subject of this development approval is required to comply with the Shire of Ravensthorpe Health Local Laws.
12. Any Applications for the on-site treatment of effluent must be submitted to Shire of Ravensthorpe (Environmental Health Services) demonstrating that a system of suitable capacity can be accommodated within the site and that adequate land area will be set aside for the system, and shall include the following information:

Two (2) copies of a modified site plan drawn to a 1:100 scale are requested within 21 days from the date of this correspondence detailing the following information:
 - Proposed location of the onsite waste water treatment and disposal system;
 - Setbacks of the system to buildings, boundaries, trafficable areas, bores and water courses; and

- For non-residential premises, the number of persons on the premises and the type of fixtures and fittings on the premises (e.g. toilets, showers, parts washing troughs, wash down bays etc).

13. The approved development is to comply with the requirements of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*, including the following criteria:

- Disposal of septic effluent may require an amended soil disposal system or an approved alternative treatment unit for the treatment of sewage as approved by the Department of Health.
- Disposal of septic effluent may require inverted drainage depending on site conditions.
- A person shall not, without the permission of the relevant local government, cause or permit a receptacle for drainage -
 - a) to have any structure erected above it; or
 - b) to be subject to vehicular traffic or be located less than 1.2m from an area that is subject to vehicular traffic; or
 - c) to be paved or covered with a surface treatment.
- Septic tanks are to be located a minimum of 1.2 metres from all buildings, footings and boundaries. Leach drains to be 1.8 metres from all buildings, any septic tanks, any other leach drains or soak wells and boundaries.
- No person should permit or cause the discharge of effluent into an on-site sewage system unless otherwise approved by the Local Government or Executive Director Public Health.

14. The approved development is required to comply with the following legislation (as amended from time to time):

- *Health (Miscellaneous Provisions) Act 1911*
- *Work Health and Safety (General) Regulations 2022*
- *Sewerage (Lighting, Ventilation & Construction) Regulations 1971*
- *Environmental Protection (Noise) Regulations 1997*
- *Food Act 2008 and Food Regulations 2009*
- *Health Act (Laundries and Bathrooms) Regulations 1971*
- *Tobacco Products Control Regulations 2006*

Motion put and CARRIED

5/0

- Cr Rachel Livingston absent for the vote

Cr Richardson returned to the Chambers at 6.21pm

12.4.2 DEVELOPMENT APPLICATION – FOOD VAN – LOT 24 (56) MORGANS STREET,
RAVENSTHORPE

File Reference:	P23-17
Location:	Lot 24 (56) Morgans Street, Ravensthorpe
Applicant:	Robert Frank Moerva
Author:	Senior Planning Officer
Authorising Officer	Chief Executive Officer
Date:	18 July 2023
Disclosure of Interest:	None
Attachments: <u>LIGHT GREEN</u>	Supporting Documentation, including plans and photographs
Previous Reference:	N/A

PURPOSE

1. For Council to consider Development Application P23-17 for a Food Van at Lot 24 (56) Morgans Street, Ravensthorpe.

BACKGROUND

2. Shire of Ravensthorpe received Development Application P23-17 for a Food van at Lot 24 (56) Morgans Street, Ravensthorpe on 26 June 2023. Lot 24 (56) Morgans Street, Ravensthorpe is zoned Rural Townsite, has a lot area of 1012 square metres and is developed with several sheds.

As per Local Planning Scheme No. 6, there is no set use for Food Vans and thus this proposal is considered an Unspecified Land Use with similarities to a Home Business, Shop and Car Park, none of which have an advertising requirement in the Rural Townsite zone.

COMMENT

3. Lot 24 (56) Morgans Street, Ravensthorpe is zoned Rural Townsite, has a lot area of 1012 square metres and is developed with several sheds.

A Food Van is not a defined use under the Local Planning Scheme, and as such is considered as an unspecified use, under Clause 3.3.4 of Local Planning Scheme No.6. The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table;

- a. determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- b. determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- c. determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

The objectives of the Rural Townsite zone are as follows:

Rural Townsite Zone

- i. To provide for a range of land uses that would typically be found in a small country town.
- ii. To provide a flexible approach to development to encourage the growth of the townsites within the Shire of Ravensthorpe.
- iii. Ensure the existing amenity and character of the townsites within the Shire of Ravensthorpe are retained by ensuring the compatibility of considered land uses.
- iv. Ensure the efficient use of services and infrastructure within the Shire's townsites.

In this instance it is the position of the Planning Officer that the proposed use is consistent with the objectives of the Rural Townsite zone and can be considered without advertising.

Noting that the Itinerant Trading Policy would not apply in this situation as the applicant will be trading from private property strictly under consent of the landowner, refer LPP13.1, it is recommended the Council takes into consideration the policy as a guide to informing itself of the intent of the policy and its relationship to this application;

- Whilst the applicant is proposing to operate from a fixed private site, there is a likelihood that the operator may also intend or decide to operate from other locations (such as markets and events) in the future;
- The policy enables Council, at the discretion of the CEO, to approve locations other than an approved site so long as they are within 500 metres of the post office. In this case the proposed location is between 200 and 250 metres from the post office.
- Permits will not be issued for itinerant trading within 100m of a competing static business (does not include other itinerant traders at the same opening times and trading in predominantly similar products unless it is in association with an approved event). For clarity, types of food e.g. pizza, hamburgers, fish and chips are not considered similar products. In this instance the application is for a food van serving a range of burgers, drinks and meals. The only similar business serving food is the Service Station on the opposite side of Morgans Street. The chosen location is more than 100 metres from the Ravensthorpe Hotel. As the product being supplied is specifically listed as types of food which are not considered similar product, it is deemed that there is no conflict and that as such the proposed location is appropriate for an itinerant trader such as the proposed food van.

Consideration is also to be given that the applicant has indicated that the food van will be stored at a residential property at Unit 3 (51) Dunn Street, Ravensthorpe, with produce stored in an on-site freezer at the property. While the Planning Officer would prefer that the Food Van be stored in an area that is not noise-sensitive (such as an industrial property), it is acknowledged that so long as all equipment in the food van is shut down when the vehicle is stored at the residential premises, wastes are disposed of appropriately and any associated equipment (such as the freezer) is capable of operating quietly and is well maintained, that the

impact on other residential landowners in proximity from noise, waste and odours should be minimal.

CONSULTATION

- The application was referred to the Health Officers for comment due to the proposal being for a food business. The comments from Health Officers have been included as conditions and advice notes as appropriate.

As per Local Planning Scheme No. 6, there is no set use for Food Vans and thus this proposal is considered an Unspecified Land Use with similarities to a Home Business, Shop and Car Park, none of which have an advertising requirement in the Rural Townsite zone.

STATUTORY ENVIRONMENT

- Local Planning Scheme No. 6
- The applicant has a right of review to the State Administrative Tribunal if aggrieved by any planning decision.
- It should also be noted that pursuant to Section 211(1) of the *Planning and Development Act 2005*, a person aggrieved by the failure of a local government to enforce or implement effectively the observance of a local planning scheme may make representation to the Minister. If the Minister considers it appropriate to do so, representation may be referred to the State Administrative Tribunal for its report and recommendation. Following subsequent actions and recommendation by the SAT the Minister may order the local government to do all things considered necessary for enforcing the observance of the Scheme or any provisions of the Scheme.

POLICY IMPLICATIONS

- None

FINANCIAL IMPLICATIONS

- Application fees totalling \$221.70 were received as part of this application.

RISK MANAGEMENT

- The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational)	Unlikely	Minor	Low	Comply with all planning and health regulations
Financial	Rare	Insignificant	Very Low	Traders pay annual fee. Regular inspections carried out
Environmental	Unlikely	Minor	Low	Regular health inspections Approval conditions to be adhered to

Reputational

Unlikely

Minor

Low

Compliance with Corporate
Business Plan and Strategic
Community Plan

ALTERNATE OPTIONS

11. Determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

STRATEGIC ALIGNMENT

12. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Outcome 1: Economy - The population is growing, in tandem with a thriving, resilient local economy

Item	Objectives and Strategies
1.1	To grow business and employment
1.2	The right resources and infrastructure are in place to support local commerce and industry

Outcome 2: Community - This is a safe and family-friendly community where people of all ages have access to services and facilities, and there is plenty to blow your socks off

Item	Objectives and Strategies
2.4	People have access to attractive community facilities, activities and events which support activity and health, community involvement and enjoyment of life

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward

Item	Objectives and Strategies
5.1	The Shire's community is engaged and involved
5.2	The Council ensures its decisions are well informed and considered
5.3	The Council, with the support of the community, is an effective advocate for resources and facilities which support the vision for the future

VOTING REQUIREMENTS

13. Simple Majority

Cr Mudie proposed laying this motion on the table so that Shire officers could undertake further investigation of the matter including any issues with the proposed land lot.

OFFICER RECOMMENDATION

That Council APPROVE Development Application P23-17 for a Food Van at Lot 24 (56) Morgans Street, Ravensthorpe subject to the following conditions:

- 1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Ravensthorpe.**
- 2. This planning approval relates to the land the subject of the application and the applicant only, and cannot be assigned to any other person or transferred to any other property or premises.**

- 3. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Ravensthorpe.**
- 4. The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Ravensthorpe.**
- 5. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants.**
- 6. The trader/applicant is responsible for ensuring that all solid and liquid wastes from the Food Van are disposed of legally, does not cause odour nuisance and do not result in excessive amounts of wastes being disposed of via a residential bin.**
- 7. The trader is responsible for containment and removal off all waste arising from their operations. The site and surrounds must be maintained in a clean manner with all waste removed and legally disposed of.**
- 8. Greywater from the food van is to be disposed of via the dump point at the Ravensthorpe caravan dump point.**
- 9. A copy of the public liability insurance for the business is to be provided to the Shire of Ravensthorpe prior to commencement of use. All Itinerant Traders operating within the Shire must hold a public liability policy of insurance in respect of the activities being undertaken, providing cover of at least \$5,000,000.**
- 10. All food preparation is to be undertaken in the Food Van.**
- 11. The proposed operations, including storage of the Food Van and operation of associated equipment (freezer, etc.) at Unit 3 (51) Dunn Street, Ravensthorpe are required to comply with the *Environmental Protection (Noise) Regulations 1997*.**
- 12. No fixed advertising at Lot 24 (56) Morgans Street, Ravensthorpe is included with this approval. A single moveable advertising sign may only be displayed during the operating times of the business.**
- 13. This approval is valid for a period of 12 months from the date of issuance. Renewal for a period longer than 12 months may be considered by the Shire of Ravensthorpe subject to no complaints being received regarding the operation of the food van.**
- 14. Rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied, so as to avoid nuisance from smells or attracting pests / rodents.**
- 15. The applicant is to provide mechanical ventilation (rangehood) above the oven/stove which is to be ducted to the outside air.**

16. Where grease, oil or greasy/oily matter is likely to be discharged, it shall be discharged through a solid arrestor to an approved Class 1 separation system (in accordance with EN858-1). The Class 1 separator system must be maintained in accordance with the manufacturers operation and maintenance manual with a manifest recording all maintenance operations kept on site at all times. Maintenance to be performed every 6 months or whenever the early alert probe is activated.
17. Any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries (in accordance with Australian Standard AS4282/1997).
18. The location of external fans, compressors, pumps, air conditioning apparatus, swimming pool motors and the like being installed to prevent loss of amenity to the area by its noise, emission or otherwise and in accordance with the Environmental Protection Act 1986, and Environmental Protection (Noise) Regulations 1997.

And the following advice notes:

1. The development is to comply with the *Building Code of Australia, Building Regulations* and the *Local Government Act*.
2. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.
3. Electricity Providers have requested the Shire to advise Applicants that certain restrictions regarding the installation of conductive materials near network assets. Applicants are advised to contact the local electricity providers for the Ravensthorpe region to ascertain whether any restrictions affect their proposed development.
4. The approved development is required to comply with the following legislation (as amended from time to time):
 - *Health (Miscellaneous Provisions) Act 1911*
 - *Work Health and Safety (General) Regulations 2022*
 - *Sewerage (Lighting, Ventilation & Construction) Regulations 1971*
 - *Food Act 2008*
 - *Food Regulations 2009*
 - *Health Act (Laundries and Bathrooms) Regulations 1971*
5. The development is defined as a "Food Business" under the *Food Act 2008*. The development must comply with the *Food Act 2008* and *Food Regulations 2009* and the *Australian New Zealand Food Standards Code*.
6. In accordance with the provisions of the *Food Act 2008* and *Food Regulations 2009* an application to register the food business hereby permitted must be submitted and approved by the Shire of Ravensthorpe (Health Services) prior to the commencement of operations.

7. **A food business not connected to an approved water scheme requires a water supply service to the satisfaction of the Shire of Ravensthorpe and will require regular water monitoring to ensure potability and compliance with the Australian Drinking Water Guidelines No 6.**
8. **The development the subject of this development approval is required to comply with the Shire of Ravensthorpe Health Local Laws.**
9. **The developer is to liaise with Shire of Ravensthorpe to determine any requirement for additional approvals for any signage proposed to be erected on site.**
10. **All Mobile Food Vendors are required to apply for a Food Business Registration /Certificate.**
11. **Should excessive amounts of noise, odour or waste be reported at Unit 3 (51) Dunn Street, Ravensthorpe, relocation of the food van and associated activities to a non-noise sensitive site may be required by the Shire of Ravensthorpe.**
12. **An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left, in, on or about the premises any matter or thing which is liable to attract or be a breeding place for flies, cockroaches, other pests or rodents.**
13. **Special attention should be given to the following:**
14. **Please refer to below guidelines and information pertaining to your business.**
 - ***Food Act 2008 (WA)* which can be viewed in its entirety at https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_3595_homepage.html**
 - ***Food Regulations 2009 (WA)* which can be viewed in its entirety at https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1123_3_homepage.html**
 - **Australia New Zealand Food Standards Code which can be viewed in its entirety at <http://www.foodstandards.gov.au/code/Pages/default.aspx>**
15. **Please note that untreated water taken from the environment can be considered to be unsafe for human consumption. Both groundwater and surface water will generally contain dissolved minerals and chemicals, and sometimes microbes, some of which may pose a risk to your health and comfort or be unfit for an intended use. You have to obtain your drinking water from a safe source (treated and tested) where its quality continuously meets health-related drinking water criteria. If you are in doubt, you need to take appropriate precautions by testing your water supply and getting expert advice.**

Moved: _____

Seconded: _____

Carried: /

PROCEDURAL MOTION

Moved by Cr Mudie, seconded by Cr Major

Resolution: 68/23

Council AGREED by unanimous consensus to lay the document on the table so that officers could further investigate any issues with the proposed land area.

Motion put and CARRIED by simple majority

6/0

Cr Rachel Livingston absent for the vote

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

13.1 ROAD 11 – 21 FEBRUARY 2023 BUSH FIRE

The Shire President drew attention to the Notice of Motion received from Cr Bell in relation to a request for Council to;

- Request the Shire CEO, through the Bush Fire Advisory Committee (BFAC) and Shire officers, to review the Road 11 bushfire incident with the aim to identify any appropriate learnings for future fire management activities, and
- The Shire to investigate possible rehabilitation to the affected areas of the Road 11 incident, to prevent risks of erosion, spread of dieback and weeds due to excessive 4WD access in this area.

CR BELL REASON FOR MOTION

1. Following on from Mr Chapman's public question made at the June Ordinary Council Meeting regarding the Road 11 bush fire event ignited by lightning strikes on Tuesday 21 February 2023, Cr Bell wants to ensure the Shire's response to the Road 11 bush fire incident is properly considered and that any lessons learnt be identified and incorporated into the Shire's future fire management response.
2. Cr Bell is supportive of the Shire's approach to Bush Fire Management however believes a critical review of the Shire's response to the Road 11 incident may improve future response activities.

OFFICER COMMENT

3. The Shire's detailed response to Mr Chapman's public question regarding the Road 11 bushfire on 21 February 2023 is included in these agenda minutes under section 3 – Response to Public Questions Taken on Notice.
4. In relation to potential rehabilitation this will need to consider land tenure, the responsible managing authorities, and any potential funding sources for recovery phase rehabilitation.

The Shire President to put the motion to the vote.

VOTING REQUIREMENTS

5. Simple Majority

COUNCIL DECISION

Moved by Cr Bell, seconded by Cr Major

Resolution 69/23

That Council ENDORSE the Chief Executive Officer to;

- a) **Request the Bush Fire Advisory Committee (BFAC) and appropriate Shire officers to review the Road 11 bushfire incident on 21 February 2023 with the aim to identify any appropriate learnings for future fire management activities;**

- b) **For the Shire to investigate the framework for a rehabilitation plan to the affected areas of the Road 11 incident, to prevent risks of erosion, spread of dieback and weeds due to excessive 4WD access in this area; and**
- c) **Report back to Council with findings from above.**

Elected Member Motion put and CARRIED

6/0

Cr Richardson noted that this matter was recently raised at a DBCA meeting and the Shire's Chief Bush Fire Control Officer confirmed that this matter would be reviewed.

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil.

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil.

16. CLOSURE

There being no further business to discuss the Presiding Member declared the meeting closed at 6.30pm.

These minutes to be confirmed at the meeting of 15 August 2023.



Signed by the Shire President:

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

Date: 15 August 2023