



MINUTES

for the Council Meeting held on

Monday 19th July, 2010

Commencing at 5 p.m.

in the Council Chambers, Ravensthorpe

ORDINARY MEETING OF COUNCIL
HELD IN THE RAVENSTHORPE COUNCIL CHAMBERS
ON 19th JULY, 2010 COMMENCING AT 5PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.10pm – The Presiding Person, Cr Goldfinch, opened the meeting

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS: Cr Ian Goldfinch (Shire President)
Cr Keith Dunlop (Deputy Shire President)
Cr Don Lansdown
Cr Jan Field
Cr Brenda Tilbrook
Cr Julianne Townsend
Cr Damien Van De Velde

STAFF: Pascoe Durtanovich (Chief Executive Officer)
Kobus Nieuwoudt (Manager Planning & Development)
Patrick Steinbacher (Consulting Engineer)
Evelyn Arnold (Manager Finance & Administration)
Kelsey Butler (Executive Secretary)

APOLOGIES:
Nil

ON LEAVE OF ABSENCE:
Nil

ABSENT:
Nil

VISITORS:
Nil

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE
Nil**4. PUBLIC QUESTION TIME**
Nil**5. APPLICATIONS FOR, AND PREVIOUSLY APPROVED, LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST**Disclosures of Interest

Cr Townsend	10.4.2	Financial
Cr Dunlop	10.4.5	Financial

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS
Nil**7. CONFIRMATION OF MINUTES**

7.1 ORDINARY COUNCIL MEETING – 24th June 2010

OFFICER RECOMMENDATION	ITEM 7.1
MOVED: CR TILBROOK	SECONDED: CR VAN DE VELDE
<p>That the minutes of the Ordinary Meeting of Council held on the 24th June 2010 be confirmed as a true and correct record or proceedings.</p>	
CARRIED 6/0	RES 447/10

8. SUSPENSION OF STANDING ORDERS

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 8
MOVED: CR FIELD	SECONDED: CR LANSDOWN
<p>That all Standing Orders be suspended for the remainder of the agenda items to enable detailed discussion, Councillor's questions and briefing by staff on the agenda items in accordance with Council's policy that the meeting on the third Monday of each month is a briefing/discussion meeting only and no decisions will be made on agenda items at this meeting. Decisions on the agenda items listed will be made at the meeting on the third Thursday of the month.</p>	
CARRIED 6/0	RES 448/10

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSIONS
Nil**10. REPORTS OF OFFICERS****10.1 Manager - Finance and Administration****10.1.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30th June 2010**

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	14 th July, 2010
Author:	Evelyn Arnold – Manager Finance & Administration
Authorising Officer:	Not applicable
Attachments:	Yes – Financial Statements

Summary:

The attached financial statements provide details of the Council's financial activities for the period ending 30th June 2010.

Background:

Nil

Comment:

Nil

Consultation:

Not Applicable

Statutory Obligations:

Section 6.10 of the Local Government Act 1995 (as amended) makes provision for Regulations to be established for the general financial management of the local government.

Regulation 35 of the Local Government (Financial Management) Regulations 1996 requires monthly financial reports to be prepared in a prescribed manner.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

Details as per attached reports.

Strategic Implications:

Nil

Sustainability Implications:

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION**ITEM 10.1.1**

That pursuant to section 6.10 of the Local Government Act 1995 (as amended) and Regulation 35 of the Local Government (Financial Management) Regulations 1996, the Financial Reports for the periods ended 30th June 2010 be accepted.

Discussion

10.1.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 30th June 2010

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	14 th July 2010
Author:	Evelyn Arnold – Manager Finance & Administration
Authorising Officer:	Not applicable
Attachments:	Yes – List of Accounts

Summary:

The lists of accounts paid during the months ending 30th June 2010 are attached for Council's information.

Background:

Nil

Comment:

Nil

Consultation:

Not applicable

Statutory Obligations:

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

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

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

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

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

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

Details as per report attached.

Strategic Implications:

Nil.

Sustainability Implications:

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 10.1.2

That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of June 2010, be noted.

Nil

10.2 Manager of Planning and Development

Nil

10.3 Consulting Manager of Engineering Services

Nil

10.4 Chief Executive Officer**10.4.1 DOMESTIC CAT CONTROL LEGISLATION****File Ref:**

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: None

Date: 13th July 2010

Author: Steven Ball – Ranger Services

Authorising Officer: Pascoe Durtanovich – Chief Executive Officer

Attachments: Yes - Proposal for Domestic Cat Control – Under separate cover.
Legislation – Consultation Paper and feed back form

Summary:

The State Government has introduced a proposal for domestic Cat Control Legislation. The Department of Local Government is seeking written comments on the proposal, prior to 31st July, 2010.

Background:

There are three main categories used to define cats; these are,

- Owned – Belong to a household
- Semi owned – Do not belong to a household but are fed
- Feral – unowned and wild

The paper points out that there are estimated to be, conservatively 650,000 feral cats in WA.

The introduction of Cat Legislation is designed to encourage responsible pet ownership by Microchipping and registering the animal and controlling its movements. Also by sterilisation of cats so as to control the numbers which are dumped at shelters or in the bush or just abandoned.

The Legislation would be very similar to the current Dog Act & Regulations, in that it would empower Local Governments to impound wandering cats from public and private areas & provide a means of compulsory registration, the later being solely for the use of the Local Government.

Comment:

This legislation would take some time to implement State wide due to educating communities as to their roles and responsibilities, but once in place would benefit all.

The Shire Ranger has provided comment on the attached feed back form.

Consultation:

Nil

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

The cost of building a cat pound and the acquisition of Cat Traps would be offset by the registration fees.

Strategic Implications:

Nil.

Sustainability Implications:

- **Environmental:**
Reduced numbers of wandering cats both owned and feral and allowing for a greater proliferation of wild life.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 10.4.1

That:

Council provide feed back to the Cat Legislation proposal as per the attached document to DLGRD

*Discussion***10.4.2 GALAXY MINING – COMMUNITY LIAISON GROUP****File Ref:****Applicant:** Not Applicable**Location:** Not Applicable**Disclosure of Officer Interest:** None**Date:** 10th July 2010**Author:** Pascoe Durtanovich – Chief Executive Officer**Authorising Officer:** Not Applicable**Attachments:** None

5.34pm – Cr Townsend declared a Financial Interest on the basis that she is an employee of Galaxy. Cr Townsend left the room and did not participate in the discussion on the item.

Summary:

To consider the formation of a Community Liaison Group to liaise with Galaxy Mining.

Background:

Following a number of issues raised by the community in respect to the Galaxy mine operations it has been suggested by the Ravensthorpe Historical Society that a Community Liaison Group be established to work with and assist Galaxy in the dissemination of information and addressing issues of community concern.

Comment:

It is suggested that such a group comprise of 1 member from each of the following organizations:

- Council
- Historical Society
- Ravensthorpe Progress Association
- LEMAC
- Ravensthorpe Health Service
- Galaxy Resources

Consultation:

N/A

Statutory Obligations:

There are no statutory obligations. The group would be a community group, not a committee of council.

Policy Implications:

Nil

Budget / Financial Implications:

Nil

Strategic Implications:

Section 124, Page 95 of the Shire of Ravensthorpe Strategic Plan requires council to establish a formal process to liaise with the local mining industry.

Sustainability Implications:

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 10.4.2

That:

- 1) Council support the establishment of a Community Liaison Group to liaise with Galaxy Mining.
- 2) Membership of the Galaxy Community Liaison Group consist of one representative from each of the following organisations:
 - Council
 - Ravensthorpe Historical Society
 - Ravensthorpe Progress Association
 - LEMAC
 - Ravensthorpe Health Service
 - Galaxy Mining
- 3) Cr _____ be appointed council's representative on the Galaxy Community Liaison Group

Discussion

5.45pm- Cr Townsend returned to the meeting.

10.4.3 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM – ROUND 3
File Ref:**Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 10th July, 2010**Author:** Pascoe Durtanovich –Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** Yes – Project Categories**Summary:**

The Shire of Ravensthorpe will receive \$30,000 from Round 3 of the Federal Government Stimulus Package. This report recommends council approve a project for the expenditure of the funds.

Background:

This is the third and final round of the Governments stimulus package. From round 1 Ravensthorpe received \$100,000. This was spent as follows:

- Disabled Access – Hopetoun Sports Pavilion - \$10,000
- McCulloch Park – Toilet Block - \$70,000
- Starvation Bay Facilities- \$ 20,000

Under round 2 Ravensthorpe received \$30,000, which was spent on the replacement the solar heating system for the swimming pool.

Comment:

Project categories are the same as for round 1 and 2 (see details attached). Administration suggests that the funds be allocated to one or more of the following projects.

- Ravensthorpe Town Hall – Reduce Council’s contribution
- Museum Building - \$15,000 to be allocated in the 2010/2011 budget (\$10,000 carried forward from 2009/2010)
- Playgroup Equipment at the Ravensthorpe recreation precinct
- Shade sails – Jubilee Park - \$15,000 carried forward from the 2009/2010 budget . A further \$15,000 is required to erect the sails

All of the above projects are ready to go.

The deadline for application lodgement is 30th July, 2010.

Consultation:

Nil

Statutory Obligations:

Normal grant acquittal requirements

Policy Implications:

Nil

Budget / Financial Implications:

Nil

Strategic Implications:

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

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION

ITEM 10.4.3

That the following project/s be submitted for funding under the Regional and Local Community Infrastructure Program – Round 3

-
-
-

*Discussion***10.4.4 LEASE FOR RAVENSTHORPE GOLF AND BLOWING CLUB****File Ref:****Applicant:**

Ravensthorpe Golf and Bowling Club

Location:

Portion of Reserve 32874 and Portion of Reserve 7369

Disclosure of Officer Interest:

None

Date:

10th July, 2010

Author:

Pascoe Durtanovich – Chief Executive Officer

Authorising Officer:

Not applicable

Attachments:

Yes – Draft Lease

Summary:

The lease with the Ravensthorpe Golf and Bowling Club expired on the 30th June, 2010. This report recommends a new lease, for a term of 10 years with an option of a further 10 years be granted.

Background:

Nil

Comment:

The club has had a lease over the premises in question for many years and has fulfilled all its obligations under the lease. The proposed lease reflects the responsibilities of the club, as determined by council at the 22nd April, 2010 Council meeting, that is the club is responsible for:

- Public liability insurance
- Contents insurance
- Pest Control
- Fire extinguisher maintenance
- Water, electricity, communication charges
- Rubbish removal

Consultation:

The draft lease has been discussed with club representatives and is acceptable to the club.

Statutory Obligations:

Lease/ Management arrangements are required to be in place to protect Council and Community group members from certain liability. Leases are required to be approved by the Minister of Lands.

Disposal of property requirements under the Local Government Act 1995. Community groups and government instrumentalities are exempt.

Policy Implications:

Nil

Budget / Financial Implications:

Costs for the preparation of the lease are the responsibility of council, approximately \$3,000. The lease document used on this occasion will be similar for all other community groups therefore the cost, when apportioned over all the leases will be minimal.

Strategic Implications:

Nil.

Sustainability Implications:

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 10.4.4

That portion of Reserve 32874 and portion of reserve 7369, be leased to the Ravensthorpe Golf and Bowling Club for a further term of 10 years with an option of a further 10 years and a draft lease document, identified as attachment 10.4.4 be adopted

*Discussion***10.4.5 RAVENSTHORPE TOWN HALL REFURISHMENT TENDER****File Ref:****Applicant:** Not applicable**Location:** Lot 178 Carlisle Street, Ravensthorpe**Disclosure of Officer Interest:** None**Date:** 10th July, 2010**Author:** Pascoe Durtanovich – Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** None – Plans & Specifications Tabled

5.54pm – Cr Dunlop declared a Financial Interest on the basis that his is partially involved with R & L Constructions. Cr Dunlop left the room and did not participate in the discussion on the item.

Summary:

Council previously called tenders for the refurbishment of the Ravensthorpe Town Hall. Determination of the hall tenders received was deferred pending the outcome of a funding application for the project.

Funds have now been approved and this report recommends that the tender be accepted.

Background:

Council first considered funding this project in March 2009. At the meeting on the 24th March Council resolved to allocate \$160,852 for the upgrading work.

In the officer's report presented to Council at the 24th March meeting it was advised that the allocation of \$160,852 was part funding and that a further \$250,000 would be applied for through the Goldfields Esperance Development Commission (GEDC) Royalties for Regions allocation.

An application was lodged with GEDC but was unsuccessful for a number of reasons, including the lack of plans, specification and costings.

In order to submit a more comprehensive funding application for the 2010 round of GEDC funding, plans and specifications were prepared by MCA Architects Pty Ltd and tender were invited. At the close of tenders, only one tender was received, that being \$677,416.30 from R & L Constructions.

The tender received was higher than expected however the project is substantial.

Major works include:

- Removal of all external and internal asbestos, including all external walls and roof.
- New colourbond roof and gutters.
- New external wall cladding (compressed fibre cement sheets)
- New wet areas, including disabled access.
- New kitchen and bar.
- Bin storage area.
- New entrance canopy and disabled access ramp.
- New timber loading platform at rear of hall.
- Internal and external painting.
- Sanding and sealing timber floor.
- Electrical upgrade to meet standards.
- New entrance (from hall area) to store room.

In discussions with the tenderer the cost can be reduced to \$500,000 plus GST if the following changes are made:

- External wall cladding to remain.
- Delete steel ramp and walkway to entry.
- Delete loading platform.
- Delete entrance canopy.
- All wet areas to be clad in 6mm villaboard instead of 18mm compressed fibre cement.
- \$25,000 PC amount for kitchen appliances.

The cost is therefore \$550,000 inclusive of GST or \$500,000 net. It was suggested that Council increase its contribution to \$300,000 and seek funding of \$200,000.

At the meeting on the 18th February, 2010 Council gave further consideration to the project and resolved as follows:

That:-

- 1) The plans and specifications for the refurbishment of the Ravensthorpe Town Hall, drawing number A01 dated 2nd December, 2009, be adopted.
- 2) The application for funding to the Goldfields Esperance Development Commission for the refurbishment of the Ravensthorpe Town Hall be proceeded with.
- 3) Determination of the tender for the refurbishment of the Ravensthorpe Town Hall deferred until such time as the outcome of the funding application to the Goldfields Esperance Development Commission is known.

Comment:

Advice has now been received that council's application for funding of \$200,000 for the project was successful. The project can now proceed and the tender received from R & L constructions can be determined.

Consultation:

Upgrading of this facility was one of the projects raised at the public meeting in December, 2008 when the Plan for the Future was discussed.

Users of the hall and Councillors also undertook an inspection of the facility and acknowledged the need for the works detailed in this report.

A copy of the plans has been provided to the Arts Council, no feedback has been received. The assumption is that the group is happy with the plans given they reflect the improvements discussed with their representatives.

Statutory Obligations:

- Occupational Health and Safety Issues.
- Disabled Access.
- Compliance with Royalties for Regions project guidelines.

Policy Implications:

Nil

Budget / Financial Implications:

The total project cost is \$500,000 if council accepts the amendments to the scope of works, as outlined in this report.

Funding is made up as follows:

- Royalties for Regions – 2008/2009 - \$160,852
- Royalties for Regions – GEDC Grant - \$200,000
- Council funds - \$139,148

Council contributions can be funded either from the building reserve account or the 2010/2011 CLGF (R4R) allocation.

Strategic Implications:

Nil

Sustainability Implications:

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 10.4.5

That the tender of \$500,000 from R & L Constructions for the refurbishment of the Ravensthorpe Town Hall, in accordance with the adopted plan A01 and with the amended scope of works outlined in this report, be accepted.

Discussion

6.10pm – Cr Dunlop returned to the meeting.

10.4.6 SHIRE OF RAVENSTHORPE WASTE SERVICES LOCAL LAW 2010**File Ref:**

Applicant:	Shire of Ravensthorpe
Location:	Shire of Ravensthorpe Municipal District
Disclosure of Officer Interest:	None
Date:	10 th July, 2010
Author:	Consultant
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	Yes – Draft Local Law

Summary:

The purpose of this item is to allow the Presiding Person to give notice to the meeting of the purpose and effect of the proposed Shire of Ravensthorpe Waste Services Local Law 2010, for the Council to resolve to make the proposed local law and to allow for advertising of the proposed local law for public comment.

Background:

Council has previously resolved to develop a number of additional local laws. Matters relating to the removal of waste from households, ownership and maintenance of bins and the imposition of an annual charge for the removal of rubbish or maintenance of waste facilities has been transferred from the Health Act to the Waste Avoidance and Recovery Act (the Act). The Act states that if adopting a new Health Local Law a Local Law to address waste removal and waste facilities must be adopted under that Act and not the Health Act. The Department of Environment and Conservation (DEC) has responsibility for the Act.

DEC has not yet gazetted a model waste local law as it can under the Act, however, the proposed Waste Services Local Law as presented to Council has been adopted by other local governments and endorsed by DEC.

Every local law, whether it is the introduction of a new local law, the amendment of an existing local law or the repeal of an existing local law, is considered to be a local law and must follow the process outlined in the Local Government Act 1995 to ensure that its validity cannot be challenged.

Section 3.12(2) of the Act requires that the person presiding give notice to the meeting of the purpose and effect of the proposed local law. The person presiding gives notice by ensuring that the purpose and effect is included in the agenda and minutes of the meeting.

The **Purpose** of this local law is to provide for the administration of waste services, the establishment, provision, use and control of receptacles for the deposit and collection of waste and related matters.

The **Effect** of this local law is to control the collection and disposal of waste for the benefit of the community and protection of the environment.

If Council adopts the recommendation in this report the amendment local law will be advertised for a period of 42 day to allow for public comment. Copies of the proposed local law will be made available for public viewing at the Shire Office.

Comment:

The proposed Waste Services Local Law 2010 is based on the Waste Services Local Law developed in conjunction with DEC and adopted by other local governments. The local law has been reviewed to address concerns raised by the Joint Standing Committee on Delegated Legislation.

The Joint Standing Committee reviews local laws after they have been made and Gazetted. The Committee can recommend to the Parliament that local laws be disallowed.

A copy of the proposed local law will be sent to the Minister for Environment for comment during the submission period. A copy will also be sent to the Department of Environment and Conservation and the Department of Local Government.

The Waste Services Local Law will require the endorsement of the Director General of the Department of Environment and Conservation prior to gazettal.

Consultation:

Consultation will be undertaken by providing a 42 day submission period and the consideration of submissions received.

Statutory Obligations:

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

1. At a Council meeting the person presiding is to give notice of the purpose and effect of the proposed local law by ensuring that:-
 - (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
 - (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.
2. A local government is to -
 - (a) give Statewide public notice stating that –
 - (i) the local government proposes to make a local law, the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to a local government before a date to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice is to be forwarded to the relevant Minister.
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

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

The local law must be then endorsed by the Director general of DEC, it is then published in the Government Gazette, advertised and a copy sent to the Minister for Environment and the State Parliament Joint Standing Committee on Delegated Legislation.

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

Policy Implications:

Nil

Budget / Financial Implications:

A consultant has been engaged to develop and or review the required local laws. The proposed local law needs to be advertised in a newspaper circulating throughout the State and once made by Council is required to be advertised in the Government Gazette.

Strategic Implications:

Nil

Sustainability Implications:

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 10.4.6

That:

Council proposes to make the Shire of Ravensthorpe Waste Services Local Law 2010 as attached as Attachment No 10.4.6 and the proposed Local Law be advertised for public comment.

Presiding Person read the Purpose and Effect of the proposed Local Law.

Discussion

10.4.7 SHIRE OF RAVENSTHORPE HEALTH LOCAL LAW 2010
File Ref:**Applicant:**

Shire of Ravensthorpe

Location:

Shire of Ravensthorpe Municipal District

Disclosure of Officer Interest:

None

Date:

10th July, 2010

Author:

Consultant

Authorising Officer:

Pascoe Durtanovich – Chief Executive Officer

Attachments:

Yes – Draft Local Law

Summary:

The purpose of this item is to allow the Presiding Person to give notice to the meeting of the purpose and effect of the proposed Shire of Ravensthorpe Health Local Law 2010, for the Council to resolve to make the proposed local law and to allow for advertising of the proposed local law for public comment.

Background:

Council has previously resolved to develop a number of additional local laws, including a local law relating to public and environmental health in the Shire.

Every local law, whether it is the introduction of a new local law, the amendment of an existing local law or the repeal of an existing local law, is considered to be a local law and must follow the process outlined in the Local Government Act 1995 to ensure that its validity cannot be challenged.

Section 3.12(2) of the Act requires that the person presiding give notice to the meeting of the purpose and effect of the proposed local law. The person presiding gives notice by ensuring that the purpose and effect is included in the agenda and minutes of the meeting.

The **Purpose** of the local law is to provide a statutory means to effectively control issues that have the ability to adversely impact on the health and well being of the community.

The **Effect** of the local law is that the legislative power will allow the abovementioned issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public health in the community.

If Council adopts the recommendation in this Report the amendment local law will be advertised for a period of 42 days to allow for public comment. Copies of the proposed local law will be made available for public viewing at the Shire Office.

Comment:

As the Local Law is made under the head of power of the Health Act 1911 the approval of the Chief Officer of Public Health will be required for the Local Law.

The proposed Health Local Law 2010 is based on the model Local Law developed by the WA Health Department. The local law has been reviewed to incorporate legislative changes made by the Health Department to the model

local law, ensure compliance with current terminology and the findings of the Joint Standing Committee on Delegated Legislation.

The Joint Standing Committee reviews local laws after they have been made and Gazetted. The Committee can recommend to the Parliament that local laws be disallowed.

A copy of the proposed local law will be sent to the relevant Minister for comment during the submission period. A copy will also be sent to the Health Department and the Department of Local Government.

Consultation:

Consultation will be undertaken by providing a 42 day submission period and the consideration of submissions received.

Statutory Obligations:

Section 342(1) of the Health Act 1911 states that –
Every local government —

- (a) may, if the Executive Director, Public Health consents;
and
- (b) shall, if the Commissioner or the Executive Director, Public Health so directs,

make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* for the purposes specified in this Act or generally for carrying into effect the provisions of this Act.

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

1. At a Council meeting the person presiding is to give notice of the purpose and effect of the proposed local law by ensuring that:-
 - (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
 - (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.
 2. A local government is to -
 - (a) give Statewide public notice stating that -
 - (i) the local government proposes to make a local law, the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to a local government before a date to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice is to be forwarded to the relevant Minister.
- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

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

The local law is then sent to the Chief Officer of Public Health for approval, published in the *Government Gazette*, advertised and a copy sent to the relevant Minister and the State Parliament Joint Standing Committee on Delegated Legislation.

Health local laws come into effect on the date of publication in the *Government Gazette*.

Policy Implications:

Nil

Budget / Financial Implications:

A consultant has been engaged to develop and or review the required local laws. The proposed local law needs to be advertised in a newspaper circulating throughout the State and once made by Council is required to be advertised in the *Government Gazette*.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION**ITEM 10.4.7**

That:

Council proposes to make the Shire of Ravensthorpe Health Local Law 2010 as attached as Attachment No 10.4.7 and the proposed Local Law be advertised for public comment.

Presiding Person read the Purpose and Effect of the proposed Local Law.

Discussion

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

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**12.1 ELECTED MEMBERS**

Nil

12.2 OFFICERS

Nil

13. MATTERS BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING – 6.15pm

These minutes were confirmed at the meeting of the _____

Signed: _____

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

Date: _____

