



## **MINUTES**

for the Council Meeting held on

Thursday, 20<sup>th</sup> May, 2010

Commencing at 5.03 p.m.

in the Council Chambers, Ravensthorpe



**MINUTES - ORDINARY MEETING OF COUNCIL  
HELD IN THE RAVENSTHORPE COUNCIL CHAMBERS  
ON 20<sup>th</sup> MAY, 2010 COMMENCING AT 5PM**

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**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

*5.03pm – The Presiding Person, Cr Goldfinch, declared the meeting open.*

**2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE**

MEMBERS: Cr Ian Goldfinch (Shire President)  
Cr Keith Dunlop (Deputy Shire President)  
Cr Don Lansdown  
Cr Jan Field  
Cr Brenda Tilbrook  
Cr Julianne Townsend  
Cr Damien van de Velde (5.12pm)

STAFF: Pascoe Durtanovich (Chief Executive Officer)  
Kobus Nieuwoudt (Manager Planning & Development)  
Evelyn Arnold (Manager Finance & Administration)

APOLOGIES:  
Nil.

ON LEAVE OF ABSENCE:  
Nil

ABSENT:  
Nil

VISITORS:  
Nil

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

Nil

**4. PUBLIC QUESTION TIME****4.1 Mr Roger Walker – NRM Officer – RAIN****4.1.1 Rabbit Baiting**

Mr Walker advised that RAIN will be undertaking rabbit baiting in Hopetoun and Ravensthorpe, both on private and public land.

This involves 44 gallon drums placed over ice cream containers topped full of Pindone oat rabbit bait. Markers placed on the bait stations and around will alert the public to keep any domestic animals away from them. The bait is safe to humans and domestic pets provided they don't ingest huge quantities of it. The use of drums will prevent birds from attempting to get to the bait. Only small ground animals including rabbits, will be able to enter into the enclosure to get the bait.

*The Shire President noted RAIN's proposal and stressed the need for appropriate safety precautions to be taken.*

#### 4.1.2 Hawkes Nest Area

Requested Council investigate the protection of the Hawkes Nest area, in respect to historical significance.

5.12pm – Cr van de Velde entered the meeting.

5.15pm – There being no further speakers, public question time concluded.

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

#### Disclosures of Interest

Mr Nieuwoudt	Item 10.4.1	financial
Mr Durtanovich	Item 10.4.9	financial
Cr Lansdown	Item 10.4.2	financial
Cr Lansdown	Item 10.4.8	impartiality

### 6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

Nil.

### 7. CONFIRMATION OF MINUTES

#### 7.1 ORDINARY COUNCIL MEETING – 17<sup>th</sup> MAY, 2010

COUNCIL DECISION	ITEM 7.1
MOVED: CR FIELD	SECONDED: CR LANSDOWN
That the minutes of the Ordinary Meeting of Council held on the 17 <sup>th</sup> May 2010 be confirmed as a true and correct record or proceedings.	
CARRIED 7/0	Res: 401/10

### 8. SUSPENSION OF STANDING ORDERS

Nil.

### 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 30<sup>th</sup> APRIL 2010

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	11 <sup>th</sup> May 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 30<sup>th</sup> April 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.

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 10.1.1
MOVED: CR TILBROOK	SECONDED: CR DUNLOP
That pursuant to section 6.10 of the Local Government Act 1995 (as amended) and Regulation 35 of the Local Government (Financial Management) Regulations 1996, the Financial Reports for the periods ended 30 <sup>th</sup> April 2010 be accepted.	
CARRIED 7/0	Res: 402/10

**10.1.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 30<sup>th</sup> APRIL 2010**

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	11 <sup>th</sup> May 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 30<sup>th</sup> April 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.

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 10.1.2
MOVED: CR LANSDOWN	SECONDED: CR FIELD
That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of April 2010, be noted.	
CARRIED 7/0	Res: 403/10

**10.1.3 WRITE OFF OF UNRECOVERABLE DEBT**

<b>File Ref:</b>	
<b>Applicant:</b>	Not applicable
<b>Location:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	11 <sup>th</sup> May 2010
<b>Author:</b>	Evelyn Arnold – Manager Finance & Administration
<b>Authorising Officer:</b>	Not applicable
<b>Attachments:</b>	None

**Summary:**

This report recommends that Council resolve to write off \$32,778 as an unrecoverable debt.

**Background:**

During 2005/2006 Council undertook three large projects for which Federal Government funding was secured federal funding. These were:

- Hopetoun Rural Transaction Centre
- Hopetoun Collocation Facility
- Ravensthorpe Entertainment Centre

The initial intention had been to include a fourth project being the Hopetoun Community Centre. But this project was cancelled and funds were redistributed amongst the other three. Some invoices were raised to facilitate payment of the grant money including SI02014 for \$1,069,135 of which \$1,036,357 was subsequently paid. This left a balance of \$32,778 outstanding.

In January 2009 staff filed the audited acquittals for the projects and since that time have been liaising with the Department of Infrastructure, Transport, Regional Development and Local Government in an attempt to get final Departmental sign off.

**Comment:**

After recent communications with representatives of the Department of Infrastructure, Transport, Regional Development and Local Government, it was



agreed that it would be best to treat the three projects in total and established the following financial information:

Total RP Funding Available	\$	4,099,607.10
Funds Spent	\$	4,196,025.15
Less Cash Contribution from Council	\$	130,000.00
RP Funding to be returned	\$	33,581.95

However, as both the department and Councils record keeping during this period has been less than perfect, which has not been assisted by staff turnover on both sides. It has been submitted that if Council won't pursue the \$32,778 the department will apply to the delegate responsible to have the acquittals accepted and the file on the matter closed.

Given the time elapsed on these projects and the other circumstances this would be a good result for Council.

**Consultation:**

Department of Infrastructure, Transport, Regional Development and Local Government.

**Statutory Obligations:**

Nil

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

The write off of this debt will reduce the amount of funds Council will carry forward as closing funds. However, it will not impact directly on our cash flow.

**Strategic Implications:**

Nil

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION		ITEM 10.1.3
MOVED: CR TILBROOK	SECONDED: CR LANSDOWN	
That Council resolve to write off the outstanding debt of \$32,778.00 owing by the Department of Infrastructure, Transport, Regional Development and Local Government.		
CARRIED 7/0		Res: 404/10

## 10.2 Manager of Planning and Development

### 10.2.1 PROPOSED PLANTATION FOR BIO SEQUESTRATION OF CARBON DIOXIDE

File Ref:	13.0.0ROC849
Applicant:	CO2 Australia Ltd
Location:	Lots 999 and 1004 Rockhole Road, Munglinup
Disclosure of Officer Interest:	None
Date:	12 <sup>th</sup> May 2010
Author:	Kobus Nieuwoudt – Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	Yes – Copy of Plantation Management Plan

#### Summary:

Council is asked to consider an application for planning approval (land use change) for a plantation for biosequestration of carbon dioxide at Lots 99 and 1004 Rockhole Road, Munglinup.

The application is recommended for conditional approval.

#### Background:

Council received an application from CO2 Australia Ltd for the establishment of a plantation for biosequestration of carbon dioxide at Lots 99 and 1004 Rockhole Road, Munglinup. The property is located on Rockhole Road approximately 8.5 km north from South Coast Highway. A location plan is attached.



Lot 999 has a legal area of 1118ha and Lot 1004 an area of 1496ha. Both these properties abut Crown Reserve No. 31756 (Oldfield River Reserve) to the southwest.

The current land use of the property is broadacre cropping.

It is proposed to plant *Eucalyptus polybractea* and the target stocking is 1,500 stems per hectare. The plantable area is **69ha** over the two properties.

The trees in this proposed plantation will **not** be harvested. This plantation will be dedicated to the \*biosequestration of carbon dioxide (CO<sub>2</sub>).

- \* *(When carbon is absorbed faster than it decomposes, the standing stock of forest-carbon increases and the net increase is known as biological sequestration or "biosequestration".)*

**Comment:**

Sequestration of CO<sub>2</sub> in trees is an environmentally friendly way to offset greenhouse gas emissions. Planting trees and reducing deforestation has additional environmental benefits, including minimising erosion and increasing wildlife habitat.

From a land use perspective, this type of plantations provides a range of environmental, social and economic benefits including, *inter alia*:

- reducing atmospheric greenhouse gas levels;
- reducing erosion by stabilising soils;
- reducing surface salinity by lowering water tables;
- providing wildlife corridors between forests;
- providing habitat for threatened species;
- enhancing biodiversity; and
- enhancing job opportunities.

Given the above, it is recommended that the application be approved subject to appropriate conditions.

**Consultation:**

Given that the properties abut the Oldfield River Reserve, the proposal was referred to the Department of Environment and Conservation for comment. At the time of writing the comments of the DEC have not yet been received.

**Statutory Obligations:**

The property is zoned 'General Agriculture' under the *Shire of Ravensthorpe Town Planning Scheme No.5* ('the Scheme').

Council has previously assessed similar proposals under the Use Class 'Plantations' of the Zoning Table in the Scheme.

It is, however, Council's Manager Planning & Development Service's professional opinion that plantings for the biosequestration of carbon dioxide do not entirely suit the definition of 'Plantation' in the Scheme as these plantings will not be harvested.

Clause 4.2.2 of Part 4 of the Scheme, however, determines that:

*"If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:*

- a) *determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*

- b) *determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- c) *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted."*

**Policy Implications:**

Nil.

**Budget / Financial Implications:**

Nil.

**Strategic Implications:**

Nil.

**Sustainability Implications:**

- **Environmental:**

The proposal will reduce atmospheric greenhouse gas levels and erosion by stabilising soils, reduce surface salinity by lowering water tables and provide wildlife corridors between forests and habitat for threatened species.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

The proposal will enhance job opportunities both during and after the establishment phase of the plantation.

**Voting Requirements:**

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION ITEM 10.2.1  
MOVED: CR DUNLOP SECONDED: CR TILBROOK

That Council grant Planning Approval for the change of land use at Lots 999 and 1004 Rockhole Road, Munglinup as outlined in the application received 9 April 2010 (P10-016) and indicated on the approved plans, subject to the following conditions:

1. The development hereby permitted must substantially commence within two (2) years from the date of this decision;
2. The development hereby permitted taking place in accordance with the approved plans;
3. Prior to commencement of planting, a Fire Management Plan being prepared, submitted and approved by both the CEO and the Fire and Emergency Services Authority; and
4. No objection being received from the Department of Environment and Conservation.

CARRIED 7/0

Res: 405/10

**10.2.2 PROPOSED ROAD NAME**

File Ref:	14.0.3.0
Applicant:	Urban & Rural Perspective Town Planners
Location:	341 Hopetoun-Ravensthorpe Road, Hopetoun
Disclosure of Officer Interest:	None
Date:	12 <sup>th</sup> May 2010
Author:	Kobus Nieuwoudt – Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	Yes – Draft Deposited Plan No. 67968

**Summary:**

Council is asked to assign a name for a road to be constructed at Lot 9000 (341) Hopetoun-Ravensthorpe Road, Hopetoun.

**Background:**

The Western Australian Planning Commission approved the subdivision of Lot 9000 Hopetoun-Ravensthorpe Road on 8<sup>th</sup> July 2009. The application was referred to Council for a recommendation in March 2009 where Council resolved to support the application subject to conditions (Resolution 54/09).

The applicants have indicated that the project is now nearing the first stage which constitutes the land assembly phase of the subdivision. As such, the applicants have asked officers to issue clearance to conditions of subdivision approval that are relevant to the first stage.

The Shire will have ample opportunity to ask for completion of all the required works in subsequent stages of development that are relevant to those stages. This approach is common practice when dealing with the staged implementation of subdivision projects.

As part of the works required in Stage 1, a major access road will be constructed. This road is depicted on Draft Deposited Plan No. 67968 (attached).

The applicants have requested Council assign a name for this road.

The owners have advised that they would like to assign the name **Lechenaultia Drive**. This name was taken from the list of names (indigenous flora species) assigned by Council for roads in rural residential areas near Hopetoun.

**Comment:**

Council has identified a number of road name themes to be used for roads in the district. **Lechenaultia Drive** is derived from Council's Botanical Species Register which is used primarily for rural residential areas.

**Consultation:**

Consultation was not considered necessary in relation to the recommendations of this report.

**Statutory Obligations:**

The State Government Geographic Names Committee is responsible for naming of roads in Western Australia. Should Council resolve to request the name be placed on the proposed road reserve, this name will be forwarded for the approval of the Committee, which will then gazette the name under the *Land Administration Act 1997*.

**Policy Implications:**

Nil.

**Budget / Financial Implications:**

Nil.

**Strategic Implications:**

Nil.

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority.

<b>COUNCIL DECISION &amp; OFFICER RECOMMENDATION</b> MOVED: CR LANSDOWN That Council request the Geographical Names Committee to name the road depicted on Draft Deposited Plan No. 67968 as "Lechenaultia Drive", this name being from Council's Local Botanical Species Name register. CARRIED 7/0	<b>ITEM 10.2.2</b> SECONDED: CR FIELD  Res: 406/10
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**10.3 Manager Engineering Services****10.3.1 SPEED LIMITS, HAMERSLEY DRIVE, HOPETOUN**

File Ref:	5.3.10.3
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	5 <sup>th</sup> May 2010
Author:	Patrick Steinbacher – Consultant Engineer
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	No

**Summary:**

This report discusses speed limits on Hamersley Drive in Hopetoun.

**Background:**

Currently there is no posted speed limit on Hamersley Drive from the Ravensthorpe – Hopetoun Road to the border of the National Park. Recent increases in traffic volume due, in part, to the road works on Hamersley Drive within the National Park have made this issue more apparent and officers feel that the introduction of a posted speed limit would be a sensible move.

**Comment:**

The lack of a posted speed limit on a road outside a townsite generally means that that road's speed limit defaults to 110 km/h. Given the prevailing conditions on Hamersley Drive this speed is far in excess of what could be considered to be a safe speed.

Officers have had discussions with Main Roads WA who are the body responsible for the application of speed limits and, while further research by Main Roads is needed before a suitable speed limit can be arrived at, they have agreed in principle. These preliminary discussions resulted in the suggestion that a 60km/h limit be posted from the intersection of the Ravensthorpe – Hopetoun Road to a point somewhere past the golf club entrance (a distance of approximately 520 metres) where the speed limit would increase to 80 or 90 km/h. Main Roads will collect traffic speed data to determine what the speeds are on the road now which will assist them in arriving at suitable limits.

**Consultation:**

This item was written with consultation from Main Roads Albany's Technical Officer – Traffic.

**Statutory Obligations:**

Nil.

**Policy Implications:**

Nil.

**Budget / Financial Implications:**

Nil. Speed limit signage is the responsibility of Main Roads WA.

**Strategic Implications:****Sustainability Implications:**

- **Environmental:**  
There are no known significant environmental considerations.
- **Economic:**  
There are no known significant economic considerations.
- **Social:**  
A reduction in the speed limit will go some way to improving the social amenity and safety of the road for all road users.

**Voting Requirements:**

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 10.3.1
MOVED: CR VAN DE VELDE	SECONDED: CR DUNLOP
That Council, via the CEO, formally approach Main Roads Western Australia requesting that they assess the requirement for speed limits to be imposed on the shire controlled section of Hamersley Drive in Hopetoun with the suggestion that a speed limit of 60 kilometres per hour apply from the intersection of Hamersley Drive with the Ravensthorpe – Hopetoun Road and increasing to 80 or 90 kilometres an hour further to the west, dependent on traffic speeds and Main Roads Western Australia's requirements.	
CARRIED 7/0	Res: 407/10

**10.3.2 BUS SHELTER FOR TRANSWA SERVICE, RAVENSTHORPE**

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	12 <sup>th</sup> May 2010
Author:	Patrick Steinbacher – Consultant Engineer
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	Yes – various bus shelter designs

**Summary:**

Council has been successful in gaining grant funding from the Public Transit Authority (PTA) for the installation of a bus shelter at the TransWA bus stop on Queen Street adjacent to the BP Roadhouse. This shelter seeks Council endorsement on an 'in principle' design for the shelter.

**Background:**

Council included funds in the current budget for the purchase and installation of a bus shelter for the use as described above. During the course of the year the PTA announced that funding was available this year through its Bus Shelter Grant Scheme 2009/10, therefore an application was drawn up and submitted by Council's Community Services Officer.

Officers were recently advised that this application was successful. This means that Council now have additional funds to expend on the project and as such a higher level of service can be achieved.

**Comment:**

A number of designs were obtained and these are attached. These designs are presented as 'in principle' only as in some case some minor adjustments need to be made to the standard designs to ensure that they comply with PTA guidelines. However, the minor nature of these adjustments mean that essentially the finished product will be as per the designs.

Officers recommend the design labelled 'JSD' on sheet number 4 of the attachments be accepted as the 'in principle' design, with the annexed roof option rather than the rolled roof.

**Consultation:**

This item was written with consultation from staff at bus shelter manufacturing companies.

**Statutory Obligations:**

Nil.

**Policy Implications:**

Nil.

**Budget / Financial Implications:**

Grant funds total \$6,974 which has to be matched at least dollar for dollar with Council funds. Council included funds of \$10,000 in its current budget to carry out these works initially therefore it is anticipated that savings will be made.

**Strategic Implications:**

Nil.



**Sustainability Implications:**

- **Environmental:**  
There are no known significant environmental considerations.
- **Economic:**  
There are no known significant economic considerations.
- **Social:**  
A shelter at this location will increase the amenity for users and provide social benefits.

**Voting Requirements:**

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 10.3.2
MOVED: CR LANSDOWN	SECONDED: CR TOWNSEND
That the bus shelter design labelled 'JSD' from Jason Signmakers be purchased and installed at the TransWA bus stop in Queen Street.	
CARRIED 7/0	Res: 408/10

**10.4 Chief Executive Officer****10.4.1 CONTRACT RENEWAL – MANAGER, PLANNING AND DEVELOPMENT**

File Ref:	Personal File
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	Mr Kobus Nieuwoudt
Date:	7 <sup>th</sup> May 2010
Author:	P Durtanovich, Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None - Copy of Contract of Employment provided to Councillors under separate cover.

*5.24pm - Mr Nieuwoudt declared a financial interest in this item on the basis that he is the relevant employee and left the meeting.*

**Summary:**

Mr Nieuwoudt's contract of employment concludes on the 18<sup>th</sup> November 2010.

This report recommends Mr Nieuwoudt be offered a new five year contract.

**Background:**

Mr Nieuwoudt commenced employment with Council in December 2007, as Shire Planner. In 2009 his position was reclassified as Manager Planning and Development, he was also designated as a "senior employee" under the Local Government Act 1995, by Council.

The position he now holds is also responsible for managing the Health and Building responsibilities of the local government.

**Comment:**

Under the current contract of employment clause 5 covers "further contracts" and states:

*"There is no compulsion on either the CEO or the Manager Planning and Development to agree to a new contract. The CEO and/or the Manager Planning and Development shall initiate discussions not later than 12 months prior to the expiry of the Term for the parties to enter into a new Contract for a further term with the CEO making a decision to finalise those discussions not later than 9 months prior to the expiry of the term of this Contract. In the event that the CEO and the Manager Planning and Development agree to a new contract, a new contract will be executed."*

A new contract has been discussed in accordance with clause 5. Both parties have agreed to a new five year contract, with similar conditions to the current contract. Variation to the salary component to be discussed.

**Consultation:**

Not applicable.

**Statutory Obligations:**

Requirements under the Local Government Act 1995, are as follows:

Sec. 5.37 Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

Sec. 5.38 Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

Sec. 5.39 Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.

(1a) Despite subsection (1) –

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

**Policy Implications:**

Policy G 9 Senior Employees refers and states:

*“The following are designated senior employees for the purpose and compliance with section 5.37 of the Local Government Act 1995:*

- *Manager of Finance and Administration;*
- *Manager of Engineering Services*
- *Manager of Planning and Development”*

**Budget / Financial Implications:**

Funding for the continued employment of a Manager Planning and Development is allowed for in the annual budget.

**Strategic Implications:**

Nil.

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 10.4.1
MOVED: CR LANSDOWN	SECONDED: CR TILBROOK
That Mr Nieuwoudt's contract of employment for the position of Manager Planning and Development be renewed for a further period of five (5) years, commencing 19 <sup>th</sup> November 2010.	
CARRIED 6/0	Res: 409/10

5.25pm – Mr Nieuwoudt returned to the meeting.

**10.4.2 SHIRE OF RAVENSTHORPE BUSHFIRE CONTROL OFFICERS MEETING**

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	7 <sup>th</sup> May 2010
Author:	Pascoe Durtanovich, Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – meeting minutes

*5.26pm – Cr Lansdown declared a financial interest in this item on the basis that he is a contractor to the Telecentre for weather readings and the placement of an additional BOM automatic weather station may affect his income.*

*Cr Lansdown left the meeting and did not take part in discussion or vote on the matter.*

**Summary:**

Consideration of recommendations from the Shire of Ravensthorpe Bushfire Control Officers meeting held on the 12<sup>th</sup> April 2010.

**Background:**

Nil.

**Comment:**

The following recommendations are contained in the Committee Minutes.

Item 3.1 Fuel Reduction – Fitzgerald National Park

*“That Council facilitate a meeting between DEC, local FCOs and land owners whose boundaries are shared by the Fitzgerald National Park to put in place a fuel reduction strategy to protect adjoining farming assets against wildfire burning within the Park.”*

Item 6.3 Amendments to Bush Fire Act 1954

*“That the Ravensthorpe Bush Fire Advisory Committee endorse the motion that the implementation of all bans be left to local government in regional areas and the implementation of total fire bans be limited to the metropolitan area.”*

Item 6.5 Oldfield Coastal and Oldfield Inland Weather Regions

*“That Council write to the Bureau of Meteorology requesting that the feasibility of placing an additional automatic weather station within the Shire of Ravensthorpe be investigated.”*

Item 6.6 Bush Fire Brigade Local Laws

*“It be recommended to Council that the Shire of Ravensthorpe Bush Fire Brigade Local Law 2010 be adopted.”*

Item 6.11 Lovegrass on Road Reserves

*“That Council undertake a maintenance programme focussing of table drains and back slopes throughout the Shire.”*

**Item 6.12 Fast Fill Trailers**

*"That Council investigate all avenues for funding for fast fill trailers."*

**Consultation:**

Not applicable.

**Statutory Obligations:**

Bushfire Act 1954

**Policy Implications:**

Nil.

**Budget / Financial Implications:**

In the main the recommendations involve administration time therefore there is no impact on the current budget.

Funding for the Fast Fill Trailers can be considered in the 2010/11 budget.

**Strategic Implications:**

Nil.

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 10.4.2
MOVED: CR VAN DE VELDE	SECONDED: CR TOWNSEND
That the minutes of the Shire of Ravensthorpe Bushfire Officers meeting, held on the 12 <sup>th</sup> April 2010, be received and the recommendations therein be adopted.	
CARRIED 6/0	Res: 409/10

5.27pm – Cr Lansdown returned to the meeting.

#### 10.4.3 SHIRE OF RAVENSTHORPE STANDING ORDERS AMENDMENT LOCAL LAW 2010

File Ref:	
Applicant:	Shire of Ravensthorpe
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	7 <sup>th</sup> May 2010
Author:	Consultancy
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	Yes – Draft Amendments

#### 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 Standing Orders Amendment 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:

The Shire is required under section 3.16(1) of the Local Government Act 1995 to undertake a review of a local law within a period of eight (8) years of when the local law commenced.

As part of the development of local laws for the Shire approved by Council the Standing Orders Local Law 2003 has been reviewed. The review was needed to ensure that the Standing Orders comply with the amendments to the Local Government Act to prescribe for Rules of Conduct and complaint procedures and the Local Government (Rules of Conduct) Regulations 2005.

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 amendment local law is to bring the current Standing Orders Local Law into line with current legislative requirements for rule of conduct and terminology.

The **effect** of this amendment local law is to ensure that the Standing Orders Local Law can be enforced in an effective manner.

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:

The proposed Standing Orders Amendment Local Law is the result of the review undertaken to ensure compliance with Rules of Conduct amendments to the Act

and Regulations, 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 Local Government for comment during the submission period. A copy will also be sent to 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:**

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

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

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

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

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

**Policy Implications:**

Policy G 1 Meetings of Council refers.

**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.

Costs will be in the vicinity of \$1,500 to \$2,000.

**Strategic Implications:**

Nil.

**Sustainability Implications:**

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

**Voting Requirements:**

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION		ITEM 10.4.3
MOVED: CR TILBROOK	SECONDED: CR FIELD	
That Council propose to make the Shire of Ravensthorpe Standing Orders Amendment Local Law 2010 as attached as Attachment 10.4.3 and the proposed Local Law be advertised for public comment.		
CARRIED 7/0		Res: 410/10

**10.4.4 SHIRE OF RAVENSTHORPE BUSH FIRE BRIGADES LOCAL LAW 2010**

File Ref:

Applicant:

Shire of Ravensthorpe

Location:

Not applicable

Disclosure of Officer Interest:

None

Date:

7<sup>th</sup> May 2010

Author:

Consultancy

Authorising Officer:

Pascoe Durtanovich – Chief Executive Officer

Attachments:

Yes – Draft Bush Fire Brigades 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 Bush Fire Brigades 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 the operation of Bush Fire Brigades 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 this local law is to legislate for the establishment and dissolution of Bush Fire Brigades, the appointment of Bush Fire Control Officers, types of membership of Brigades, role and the operation of a Bush Fire Advisory Committee and establish rules for the effective operation and management of Bush Fire Brigades.

The **effect** of this local law is to ensure an effective Bush Fire Brigade structure to protect life and property throughout the Shire and that Bush Fire Brigades are well resourced and have a sound organisational structure.

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 Bush Fire Brigades Local Law is based on the model Local Law developed by WALGA. The Local Law has been reviewed to 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 relevant 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:**

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

1. At a Council meeting the person presiding is to give notice of the purpose and effect of the proposed local law by ensuring that:-
  - (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
  - (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

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

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

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

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

**Policy Implications:**

Nil.

**Budget / Financial Implications:**

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.

Costs involved will be in the vicinity of \$1,500 to \$2,000.

**Strategic Implications:**

Nil.

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority.

<p>COUNCIL DECISION &amp; OFFICER RECOMMENDATION</p> <p>MOVED: CR VAN DE VELDE</p> <p>That Council propose to make the Shire of Ravensthorpe Bush Fire Brigades Local Law 2010 as attached as attachment 10.4.4 and the proposed Local Law be advertised for public comment.</p> <p>CARRIED 7/0</p>	<p>ITEM 10.4.4</p> <p>SECONDED: CR DUNLOP</p> <p>Res: 411/10</p>
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#### 10.4.5 SHIRE OF RAVENSTHORPE PEST PLANTS LOCAL LAW 2010

File Ref:	
Applicant:	Shire of Ravensthorpe
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	7 <sup>th</sup> May 2010
Author:	Consultancy
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 Pest Plants 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 the declaration and control of pest plants 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 this local law is to provide a process for requiring landowners to control and eradicate declared pest plants on their properties.

The **Effect** of this local law is to control the spread of declared pest plants.

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:**

The proposed Pest Plants Local Law 2010 is based on the Pest Plant Local Laws adopted by other local governments. The local law has been reviewed to 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.

**Plants that Council wants to designate as Pest Plants will have to be identified in the Schedule to the local law before advertising.**

A copy of the proposed local law will be sent to the Minister for Agriculture for comment during the submission period. A copy will also be sent to the Department of Agriculture 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:**

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

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

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

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

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

**Policy Implications:**

Nil.

**Budget / Financial Implications:**

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.

Costs involved will be in the vicinity of \$1,500 to \$2,000.

**Strategic Implications:**

Nil.

**Sustainability Implications:**

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

**Voting Requirements:**

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION      ITEM 10.4.5 (1)  
MOVED: CR VAN DE VELDE      SECONDED: CR TILBROOK  
That Council propose to make the Shire of Ravensthorpe Pest Plants Local  
Law 2010 as attached as Attachment 10.4.5 and the proposed Local Law be  
advertised for public comment.

CARRIED 7/0

Res: 412/10

COUNCIL DECISION      ITEM 10.4.5 (2)  
MOVED: CR FIELD      SECONDED: CR LANSDOWN  
That the Chief Executive Officer apply to the Department of Agriculture and  
Food to have Apple of Sodom (*solanum linnaeanum*) declared a declared  
plant, category P1 and P2, under the Agriculture and Related Resources  
Protection Act 1976.

CARRIED 7/0

Res: 413/10

**10.4.6 SHIRE OF RAVENSTHORPE PARKING AND PARKING FACILITIES LOCAL LAW 2010**

<b>File Ref:</b>	
<b>Applicant:</b>	Shire of Ravensthorpe
<b>Location:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	7 <sup>th</sup> May 2010
<b>Author:</b>	Consultancy
<b>Authorising Officer:</b>	Pascoe Durtanovich – Chief Executive Officer
<b>Attachments:</b>	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 Parking and Parking Facilities 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 Parking and Parking Facilities 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 this local law is to:

- constitute a parking region;
- enable the Shire to regulate the parking of vehicles within the parking region;
- provide for the management and operation of parking facilities occupied by the Shire; and
- the issuing of infringement notices for parking offences.

The **effect** of this local law is that all persons parking a vehicle within the parking region are to comply with the provisions of this Local Law.

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 Parking and Parking Facilities Local Law 2010 is based on the model Local Law developed by WALGA. The local law has been reviewed to 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 Minister for Local Government for comment during the submission period. A copy will also be sent to 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:**

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

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

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

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

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

**Policy Implications:**

Nil.

**Budget / Financial Implications:**

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.

Costs involved will be in the vicinity of \$1,500 to \$2,000.

**Strategic Implications:**

Nil.

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority.

<p>COUNCIL DECISION &amp; OFFICER RECOMMENDATION          MOVED: CR TILBROOK          That Council propose to make the Shire of Ravensthorpe Parking and Parking Facilities Local Law 2010 as attached as attachment 10.4.6 and the proposed Local Law be advertised for public comment.          CARRIED 7/0</p>	<p>ITEM 10.4.6          SECONDED: CR LANSDOWN            Res: 414/10</p>
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#### 10.4.7 LOCAL GOVERNMENT STRUCTURAL REFORM

File Ref:	6.1.0.0
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	13 <sup>th</sup> May 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

**Summary:**

To reconsider Council's position in respect to the participation in Phase 3 of the Local Government Reform process.

**Background:**

In February 2009, the Minister for Local Government announced his wide-ranging Local Government Reform Strategies. As part of this, he encouraged local governments within Western Australia to embrace the opportunity for voluntary amalgamations to achieve much needed structural reform. As part of this initiative the Minister also advocated for each council to have an elected member group of between six and nine.



The desired outcome of structural reform is a strong sustainable local government sector. It is anticipated that a range of benefits will be derived through the reform process being:

- Increased capacity for local government to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability.
- Increased capacity for local government to have adequate financial and asset management plans in place.
- Enhanced efficiency in the processing of planning, building and other licence applications made by business and community.
- Greater ability to attract and retain staff including the provision of further career development opportunities.
- Greater competition for positions on council and, in conjunction with other reforms, potential for enhanced governance capacity.
- Larger local governments with greater capacity to partner with State and Federal Government, and the private sector, to further improve services to the community.

The first phase of the reform process was the completion of checklists. The checklists were submitted to the Local Government Reform Steering Committee by the due date of 30<sup>th</sup> April 2009.

The second phase of the reform process involved the preparation of reform submissions, which primarily was to indicate to the Minister which way and to what extent individual local government wished to take the reform process.

As part of this process Council, on the 22<sup>nd</sup> September 2009, resolved as follows:

*“That Council, having considered the issues and options around the structural reform process instigated in February 2009, resolves to advise the Minister for Local Government and the Minister for Regional Development as follows:*

Option 1:

1. *That the Shire of Ravensthorpe not amalgamate with other local authorities;*
2. *The Shire of Ravensthorpe pursue participation with the regional grouping of Councils to the east, consisting of the Shires of Esperance, Coolgardie, Leonora, Dundas, Menzies, Laverton, Ngaanyatjarraku and the City of Kalgoorlie-Boulder;*
3. *Given that from the 2009 October elections, Council will have seven elected representatives only, it is considered that this number is appropriate to ensure that Council achieves good governance; and*
4. *A boundary realignment with the Shire of Esperance to include the Munglinup Townsite and surrounding areas within the Shire of Esperance, to be further progressed.*

Option 2:

*That should 'Option 1' inclusive of parts 1 to 4 above, not be acceptable to the Minister for Local Government and the Minister for Regional Development, the Shire of Ravensthorpe then opt to amalgamate with the Shire of Esperance."*

Following assessment of submissions by the Department of Local Government and the Minister, the State was divided into two areas for the purpose of progressing reform. Local governments from Kalgoorlie South were categorized in a Regional Transition Group and local governments to the North in a Regional Collaborative Group.

The Department of Local Government has provided information on a Regional Transitional Group. A copy of the information has been provided to Councillors. An extract from this document is as follows:

What is a Regional Transition Group?

To assist reform in the sector, the concept of a Regional Transition Group (RTG) has been developed.

An RTG will facilitate the harmonisation of core functions and services across the participating local governments into a single entity by 2013.

Participation in an RTG is 100% voluntary. Once a council is a signatory to a Model Agreement, it confirms its commitment to participate fully in the planning and adoption of common systems and services.

These will be scoped in a Regional Business Plan. At the conclusion of developing a Regional Business Plan, local governments will decide whether or not to proceed.

Local governments that were asked to consider forming an RTG were requested to advise the Minister, by the 26<sup>th</sup> March 2010, of their decision.

Following further consideration of this matter, on the 18<sup>th</sup> February 2010, Council resolved as follows:

*"That:*

- 1. Council participate in a Regional Transition Group and the Minister for Local Government be advised accordingly.*
- 2. The Chief Executive Officer invite the Shire of Esperance and the Shire of Jerramungup and the Shire of Lake Grace to discuss Regional Transition Group issues."*

**Comment:**

In accordance with the Council resolution a meeting was held with the Shire of Esperance. Jerramungup and Lake Grace declined the offer to meet with Council.

Following this meeting the Shire of Esperance resolved as follows:

- 1. The Shire of Esperance continues to support the structural reform of local government in Western Australia.*

2. *The Shire of Esperance supports in-principle a robust transitional process and the philosophy behind reforming local government in WA in a transitional manner.*
3. *The Shire of Esperance has received the following advice from our neighbouring local governments:*
  - (a) *The Shire of Dundas has verbally advised that it does not favour entering into an RTG agreement with the Shire of Esperance.*
  - (b) *The Shire of Ravensthorpe has verbally advised that it will not be in a position to enter into any RTG agreement until it has finalised discussions with its western neighbours (Lake Grace and Jerramungup).*
4. *The Shire of Esperance remains open to the prospect of entering into an RTG agreement with our neighbour/s, subject to comprehensive business planning demonstrating the benefits of amalgamation.*

Council is now required to decide whether to sign an RTG agreement and proceed with the development of a "Regional Business Plan" or, as discussed at a recent workshop, not progress the matter further until such time as the asset management plan and future capital works plan for the Shire of Ravensthorpe is completed. It is considered that this information is required to enable a relevant Regional Business Plan to be developed.

The other option open to Council is to withdraw from the RTG process completely and participate in co-operation and resource sharing with other local governments.

**Consultation:**

During the preparation of the structural reform report, a letter was sent to all Ravensthorpe property owners. The letter explained the structural reform process and announcements made by the Minister and invited individuals to a public meeting. A feedback form for those that were unable to attend was also included.

The public meeting was held on the 15<sup>th</sup> July 2009. Twenty written submissions were also received. As stated earlier in the report, a further two public meetings were held on the 9<sup>th</sup> and 10<sup>th</sup> September 2009.

Two further public meetings were held on the 9<sup>th</sup> September 2009, in Hopetoun and on the 10<sup>th</sup> September 2009, in Ravensthorpe.

51 people attended the Hopetoun meeting and 65 attended the meeting in Ravensthorpe.

**Statutory Obligations:**

Schedule 2.1 of the Local Government Act 1995.

In addition, section 3.12 of the Local Government Act 1995 refers to the general function of Local Government, which is to provide for the good government of persons in the district.

**Policy Implications:**

Nil.

**Budget / Financial Implications:**

The State Government will provide funding for the development of Regional Business Plans.

**Strategic Implications:**

Nil.

**Sustainability Implications:**

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

**Voting Requirements:**

Simple majority for officer recommendation.

Absolute majority for rescission motion.

**OFFICER RECOMMENDATION****ITEM 10.4.7**

That further consideration of the Shire of Ravensthorpe's participation in the local government reform process, through Regional Transition Groups, be deferred until such time as the Shire of Ravensthorpe's Asset Management Plan and Forward Capital Works Plan are completed.

The Minister for Local Government and the Shire of Esperance be advised accordingly.

*Cr Lansdown, Cr Dunlop and Cr van de Velde indicated support for a rescission motion.*

**COUNCIL DECISION****ITEM 10.4.7 (1)****Moved: CR TILBROOK****SECONDED: CR VAN DE VELDE**

That point 1 of Resolution 343/10 of the ordinary council meeting held on the 18<sup>th</sup> February 2010, be rescinded.

**CARRIED BY ABSOLUTE MAJORITY 7/0****Res: 415/10**

**COUNCIL DECISION**

ITEM 10.4.7 (2)

MOVED: CR LANSDOWN

SECONDED: CR FIELD

1. That Council reaffirm its resolution of the 22<sup>nd</sup> September 2009, that is that Council's preferred option is not to amalgamate with other local authorities.
2. That the Minister for Local Government be advised that Council has considered amalgamation options and resolves not to pursue the option of amalgamation or the option of entering into an agreement to form a Regional Transition Group with the Shire of Esperance or any other local authority on the basis that the Shire of Ravensthorpe is a sustainable local government which can provide effective, equitable service and governance to the community into the future.
3. That the Minister for Local Government be advised that the Shire of Ravensthorpe will continue to work collaboratively with the Goldfields Esperance Regional Organisation of Councils.
4. The West Australian Local Government Association and the Shire of Esperance be advised accordingly.

CARRIED 7/0

Res: 416/10

**REASON FOR CHANGE TO OFFICER RECOMMENDATION:**

1. Council is cognisant of the community's direction on this matter, that is, not to amalgamate.
2. Council is confident that it can continue to provide a satisfactory level of service to the community.

**10.4.8 POLICY REVIEW**

<b>File Ref:</b>	Policy Manual
<b>Applicant:</b>	Not applicable
<b>Location:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	13 <sup>th</sup> May 2010
<b>Author:</b>	Pascoe Durtanovich, Chief Executive Officer
<b>Authorising Officer:</b>	Not applicable
<b>Attachments:</b>	Yes – Draft Policy Manual

*Prior to any consideration of Item 10.4.8 Cr van de Velde made the following declaration:*

*"I am a member of the RSL and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."*

*Prior to any consideration of Item 10.4.8 Cr Lansdown made the following declaration:*

*"I am a member of the RSL and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."*

**Summary:**

The purpose of this item is to present a reviewed policy manual for adoption by Council.

**Background:**

Individual policies have been reviewed over the past twelve months at various Council meetings.

All policies, including amended, reviewed and new policies were considered by Councillors at a policy workshop on the 5<sup>th</sup> May 2010.

**Comment:**

Following the review, policies have been consolidated in the Shire of Ravensthorpe Policy Manual. Council is now required to adopt the policies to achieve a common adoption date for all policies. In future all policies will be reviewed annually on a common date, although Council can amend policies outside the review date, if the need arises.

**Consultation:**

Policies requiring advertising, such as some Town Planning policies, will be advertised via the Community Spirit newspaper.

**Statutory Obligations:**

Adopted policies are not legally binding, they are in place to assist/guide Councillors and staff when determining particular issues.

**Policy Implications:**

Nil.

**Budget / Financial Implications:**

Nil.

**Strategic Implications:**

Nil.

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 10.4.8
MOVED: CR FIELD	SECONDED: CR DUNLOP
That policies G1 to G17, A1 to A15, F1 to F13, WS1 to WS16, LO1 to LO4, B1 and TP1 to TP18, as detailed in attachment 10.4.8, be adopted.	
CARRIED 7/0	Res: 417/10

**10.4.9 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW**

File Ref:	Personal File
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	Yes – Chief Executive Officer
Date:	10 <sup>th</sup> May 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

*5.44pm – Mr Durtanovich declared a financial interest in this item on the basis that he is the relevant employee and left the meeting. Other officers left the meeting.*

**Summary:**

The CEO's annual performance review was undertaken by Mr John Gilfellon (Local Government Consultant) in conjunction with all Councillors.

This report recommends Council accept the review.

**Background:**

The review was conducted on the 12<sup>th</sup> and 13<sup>th</sup> May 2010, involving discussion on collated results from the questionnaire completed by the CEO and Councillors and the setting of performance indicators for the ensuing twelve months.

**Comment:**

A copy of the consultant's final report provided to Councillors under separate cover.

A copy of the CEO's contract has previously been provided to Councillors.

**Consultation:**

Not applicable.

**Statutory Obligations:**

Section 5.38 of the Local Government Act 1995, states:

*"The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee is to be reviewed at least once in relation to every year of the employment."*

**Policy Implications:**

Council does not have a policy on this matter.

**Budget / Financial Implications:**

The cost to undertake the performance review is \$3,000. Funds are available in the consultancy budget.

**Strategic Implications:**

Nil.

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority.

**COUNCIL DECISION**

MOVED: CR DUNLOP

SECONDED: CR VAN DE VELDE

That Standing Orders be suspended.

CARRIED 5/2

Res: 418/10

*Crs Tilbrook and Lansdown recorded their votes against the motion.*

**COUNCIL DECISION & OFFICER RECOMMENDATION**

ITEM 10.4.9

MOVED: CR LANSDOWN

SECONDED: CR DUNLOP

That Council -

1. accept the performance review of the Chief Executive Officer; and
2. approve adjustments to the CEO's remuneration package as recommended in the review.

CARRIED 7/0

Res: 419/10

**COUNCIL DECISION**

MOVED: CR TILBROOK

SECONDED: CR VAN DE VELDE

That Standing Orders be resumed.

CARRIED 7/0

Res: 420/10

*5.58pm – Mr Durtanovich returned to the meeting.*

**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 6.01pm**

