

MINUTES

of the Council Meeting held on

Thursday 18th November, 2010
commencing at 5.07 p.m.

in the Council Chambers, Ravensthorpe

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE
ON 18th NOVEMBER, 2010 COMMENCING AT 5PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.07pm – The Presiding Person, Cr Ian Goldfinch, declared the meeting open.

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS:

Cr Ian Goldfinch (Shire President)
Cr Keith Dunlop
Cr Don Lansdown
Cr Brenda Tilbrook
Cr Jan Field
Cr Julianne Townsend

STAFF: Pascoe Durtanovich (Chief Executive Officer)
Kobus Nieuwoudt (Manager Planning & Development)

APOLOGIES:

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

Nil.

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 COUNCIL MEETING – 15th NOVEMBER, 2010

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 7.1
<p>MOVED: CR TILBROOK</p> <p>That the minutes of the meeting of Council held on the 15th November, 2010 be confirmed as a true and correct record of proceedings.</p> <p>CARRIED 6/0</p>	<p>SECONDED: CR DUNLOP</p> <p>Res: 548/10</p>

8. SUSPENSION OF STANDING ORDERS

Nil.

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSIONS

Nil.

10. REPORTS OF OFFICERS

10.1 Manager - Finance and Administration

Nil.

10.2 Manager of Planning and Development

10.2.1 REQUEST TO CLOSE ROADS

File Ref:	14.0.4
Applicant:	RM Foulds
Location:	Unnamed & Unconstructed roads west of Steeredale Road, Hopetoun
Disclosure of Officer Interest:	None
Date:	10 November 2010
Author:	Kobus Nieuwoudt – Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	None

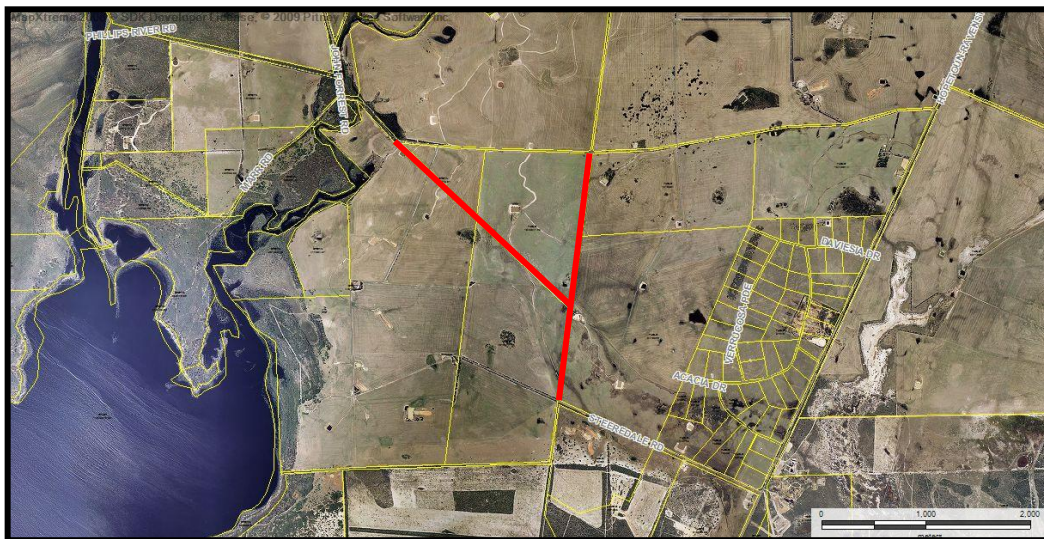
Summary:

Council is asked to consider a request from Mr RM Foulds to initiate the required process to close unmade road reserves west of Steeredale Road.

It is recommended Council initiate the process.

Background:

Council has received a request from Mr RM Foulds to initiate the required process to close unmade road reserves depicted on the map below.



Comment:

As none of the affected road reserves are constructed and open to public access, no public objection is anticipated. Consultation with service agencies will identify any issues relating to services in the affected reserves. Council has no sewer or drainage infrastructure within the affected road reserves.

Consultation:

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

Statutory Obligations:

The roads are dedicated as road reserves vested with Council. Closure of the road reserves under section 58 of the *Land Administration Act 1997* is necessary. Part of this process is that Council needs to inform service agencies, the Department of Planning and adjoining landowners of the proposal and seek comments. Public advertising through a newspaper notice and a sign on site will also be required.

Once consultation has concluded, Council will need to consider any comments received prior to making a recommendation to State Lands department of the Department of Regional Development and Lands concerning the disposal.

Once closed, the land can be disposed of to Mr Foulds under section 87 of the Act by Land Asset Management Services.

Policy Implications:

Nil.

Budget / Financial Implications:

All costs associated with advertising the closures will be met by Mr Foulds. Mr Foulds will also be responsible for all costs associated with survey and purchase of the land once the closure is approved.

Strategic Implications:

The closure of the road reserves in the locality is consistent with the strategies and recommendations contained in the Shire of Ravensthorpe Local Planning Strategy.

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 10.2.1
<p>MOVED: CR LANSDOWN SECONDED: CR FIELD</p> <p>That Council advise Mr RM Foulds that the Shire of Ravensthorpe is prepared to advertise for public and agency comment the proposed closure of unconstructed road reserves in the locality west of Steeredale Road under section 58 of the <i>Land Administration Act 1997</i>, subject to:</p> <ol style="list-style-type: none"> 1. The applicant agreeing that costs associated with the publication of a newspaper notice as required by the <i>Land Administration Act 1997</i> are to be met by the applicant; 2. The applicant being made aware that all costs associated with application, survey, and land purchase are to be met by the applicant; and 	

3. The applicant being advised that agreement to undertake public and agency consultation does not indicate Council's support of the disposal application. This matter will be subject to further consideration once public and agency consultation is complete.

CARRIED 6/0

Res: 549/10

10.2.2 PROPOSED 55 LOT SUBDIVISION

File Ref:	14.6.1.142918
Applicant:	Planwest on behalf of Hopetoun Land Company Pty Ltd
Location:	Lot 61 Hopetoun-Ravensthorpe Road, Hopetoun
Disclosure of Officer Interest:	None
Date:	10 November 2010
Author:	Kobus Nieuwoudt – Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	Plan of Subdivision

Summary:

Council is asked to provide its advice to the Western Australian Planning Commission (WAPC) in regards to an application for approval to subdivide Lot 61 Hopetoun-Ravensthorpe Road, Hopetoun, to create 55 rural conservation lots.

It is recommended Council advise the WAPC that the application is supported, subject to conditions.

Background:

The WAPC has referred for Council comment a proposal to subdivide Lot 61 Hopetoun-Ravensthorpe Road, Hopetoun into a total of 55 lots ranging from 2.6ha to 201.5ha in accordance with the Subdivision Guide Plan (Plan of Subdivision attached) for this property. The average lot size is 13.3ha.

The property is currently being rezoned from 'General Agriculture' to 'Rural Conservation' by Amendment No.15 to Council's Town Planning Scheme No.5. This Amendment is currently with the WAPC for the approval of the Minister for Planning. In order to allow the timely development of the land, the applicant has lodged the subdivision application so that it can be progressed simultaneously with the Amendment.

Comment:

The application for subdivision is entirely consistent with the Subdivision Guide Plan Council approved at the Ordinary Council Meeting held on 19th August 2010. Consequently, Council's Manager Planning & Development Services recommend Council advise the WAPC that the application is supported subject to appropriate conditions.

Consultation:

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

Statutory Obligations:

The land is currently zoned 'General Agriculture' by Council's Town Planning Scheme No.5. However, Amendment 15 proposes the rezoning the land to 'Rural Conservation' (Zone No.8). This Amendment was adopted by Council on 19th August 2010 and is currently with the Western Australian Planning Commission for the approval of the Minister for Planning.

Although the rezoning of the land is yet to be gazetted, Council is able to consider the subdivision application based upon the Subdivision Guide Plan and Scheme Provisions proposed by Amendment 15 as it is a 'seriously considered proposal'. It is noted that it will be necessary for Amendment 15 to be approved by the Minister prior to the WAPC approving the subdivision application.

Policy Implications:

Western Australian Planning Commission Development Control Policy DC1.1 'Subdivision of Land – General Principles' applies to this proposal. Section 3.7 requires all new lots to have direct frontage to a constructed public road. Where no such road exists, the Policy obliges the subdivider to provide suitable road reserves and construct roadways to the satisfaction of the Crown. The proposed subdivision calls for a number of roads to be constructed. The standard WAPC road construction condition is included in the Officer's Recommendation.

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 10.2.2****MOVED: CR TILBROOK****SECONDED: CR FIELD**

That Council advise the Western Australian Planning Commission that Council support the proposed subdivision of Lot 61 Hopetoun-Ravensthorpe Road, Hopetoun as depicted in the attached Plan of Subdivision (WAPC Ref: 142918) and subject to the following conditions being placed on any approval granted by the Commission:

1. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost to the satisfaction of the Shire of Ravensthorpe;
2. Street corners within the subdivision are to be truncated to a truncation of 8 metres;

3. A Fire Management Plan being prepared and implemented to the specifications of the Shire of Ravensthorpe and the Fire and Emergency Services Authority;
4. Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate(s) of Title of the proposed lot(s) advising that no reticulated water supply or sewerage service can be provided to the land and as a consequence owners will be required to make their own arrangements to provide an adequate water supply of potable water and effluent disposal system;
5. Notification in the form of a section 70A notification is to be placed on the Certificate(s) of Title of the proposed lot(s) advising that vegetation outside of the designated building envelope is to be maintained and protected for its conservation values.
6. The subdivider to make arrangements with the Commission for a notification in accordance with section 165 of the Planning and Development Act to be deposited which will inform lot owners and prospective purchasers of the potential mosquito risk and aircraft noise.
7. The subdivider shall prepare and implement a Dieback and Weed Hygiene Plan in order to minimise the risk of introduction or spread of dieback or weeds to the site. The plan shall include:
 - (i) requirements and procedures for clean-down of vehicles engaged in subdivisional or development works prior to entry to the site;
 - (ii) sourcing of any fill materials for subdivision works and lot development from certified dieback and weed-free sources;
 - (iii) requirements and procedures for clean-down of vehicles or machinery engaged in post-development management works including hoeing of firebreaks, prior to entry to the site.
8. The Dieback and Weed Hygiene Plan shall be prepared and implemented prior to the issue of a Development Approval for site works, to the satisfaction of the Shire on advice from the relevant environmental agency.
9. The subdivider shall prepare and implement a weed eradication programme to control weeds and the declared plant *Asparagus asparagoides* prior to the issue of titles to the satisfaction of the Shire on advice from the relevant agency.
10. The subdivider shall prepare a Bushland Management Plan that describes:
 - (i) the value of remnant vegetation to fauna;
 - (ii) the need to maintain bushland in good condition to maintain the fauna population;
 - (iii) the potentially detrimental effects of non-local plants;
 - (iv) the advantages of using local plants to minimise water use, create additional habitat and ameliorate clearing for development;

ADVICE TO WAPC:

NOTE 1: The Commission is requested to advise the applicant of the following:

- a) Roads, drainage and landscaping for this stage are to be in accordance with Council's Policy WS 16 'Technical Specification for Subdivisional Works'; and
- b) All construction works are to comply with Shire of Ravensthorpe Local Planning Policy TP 11 'Subdivision Engineering Administrative Procedures and Specifications'.

NOTE 2: The commission is advised that the land is subject to Amendment No.15 to Shire of Ravensthorpe Town Planning Scheme No.5, currently with the Commission for final approval of the Minister for Planning. Council has assessed the application against the provisions relating to the site proposed by this amendment.

CARRIED 6/0

Res: 550/10

10.2.3 APPLICATION FOR DOMESTIC OUTBUILDING – VARIATIONS TO POLICY ACCEPTABLE DEVELOPMENT PROVISIONS

File Ref:	13.0.0.ESP033
Applicant:	A Stothard & B Finaughty
Location:	33 Esplanade, Hopetoun
Disclosure of Officer Interest:	None
Date:	10 November 2010
Author:	Kobus Nieuwoudt – Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	Site Plan Floor Plan & Elevations of Proposed Outbuilding

Summary:

Council is requested to consider an application for variations to the Policy Acceptable Development Provisions of Council's Local Planning Policy No. TP14 – 'Outbuildings in the Residential and Town Centre Zones' for an outbuilding at Lot 1 (33) Esplanade, Hopetoun.

The application is recommended for conditional approval.

Background:

Council received an application for the erection of an outbuilding on the subject site on 2 November 2010. The location of the site is shown below.



The site is irregularly shaped and has a legal area of 1,308m². The site is currently vacant.

The proposed shed has a total floor area of 96m² (12m X 8m) and a wall height of 3.4m. It will be positioned on the south-eastern part of the lot with a side setback of 1m. Plans of the proposal are attached.

The application has been assessed against the relevant requirements of the *Shire of Ravensthorpe Town Planning Scheme No.5* and the relevant guidelines of *Local Planning Policy No. TP14 - 'Outbuildings in the Residential and Town Centre Zones'* and is consistent with all of the relevant Acceptable Development Criteria set out in the R-Codes (read with TP14), except Part 6, AD3, AD5 and AD6 which respectively limit outbuildings to 60m² or 10% in aggregate of the site area, whichever is the lesser (AD3), not to exceed a wall height of 3.0m, or 2.4m where the outbuilding is located on or less than 1.0m from a boundary (AD5) and not to exceed a roof ridge height of 4.5m, or 3.9m where the outbuilding is located on or less than 1.0m from a side or rear boundary (AD6).

Inconsistency with one or more of the Acceptable Development Criteria of TP14, in and of itself, however, is not reason to refuse the application. Instead the application must be assessed against the relevant Performance Criteria (Part 3, clause 3.10.1, P1) which state as follows-

"Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties."

The owner furnished justification as part of his application stating that he needs to store an expensive boat out of the weather and provide secure parking for his vehicles.

Comment:

The key questions in assessing the application are –

1. Whether the proposal is consistent with the relevant performance criteria of LPP No. TP14; and
2. The total floor area of the proposed outbuilding

With respect to 1 above, the proposal will be located on the lowest point of the block so as not to detract from the streetscape or visual amenity of the locality and eliminate the possibility of casting shadows over the adjoining property.

With respect to 2 above, Council has previously approved a number of domestic outbuildings in Hopetoun with a total floor space greater than 60m².

The site is 1,308m² in extent and the proposed outbuilding cover less than 7.4% of the lot. It is generally considered acceptable to allow outbuildings up to 10% of the lot area for normal residential neighbourhood lots.

It is considered that the proposed domestic outbuilding will not have any significant adverse effect on the streetscape or the amenity of the location and is therefore recommended for conditional approval.

Consultation:

The development proposal was referred for neighbour consultation in regards to the reduced setback on the eastern common boundary. The adjoining owner raised no objection to the reduced 1.0m setback.

Statutory Obligations:

The property is zoned 'Residential R10/25' pursuant to the *Shire of Ravensthorpe Town Planning Scheme No.5*.

Clause 8.2(b) of the Scheme exempts single houses and ancillary outbuildings on land zoned 'Residential' from the need to obtain Planning Approval where a proposal is consistent with the R-Codes and/or any relevant Local Planning Policy, including this Policy.

Policy Implications:

Council's Local Planning Policy No. TP14 – 'Outbuildings in the Residential and Town Centre Zones' apply.

All development that meets the Acceptable Development provisions of this Policy either by design or by conditions of approval placed by Council is permitted 'as of right', notwithstanding Planning Approval may need to be granted as outlined above.

Council may approve a development in variance with the Acceptable Development provisions where it is of the opinion that the variation and outbuilding as proposed:

- meets the stated Performance Criteria for outbuilding development;
- meets the Objectives of this Policy; and
- will not set an undesirable precedent for future development.

Budget / Financial Implications:

There are no direct budget and/or financial implications resulting from the recommendations of this report.

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 10.2.3
MOVED: CR LANSDOWN	SECONDED: CR FIELD
That Council approve the application for variations to Part 6, Provisions AD3, AD5 and AD6 of the Policy Acceptable Development Provisions of Council's Local Planning Policy No. TP14 – 'Outbuildings in the Residential and Town Centre Zones' for an outbuilding at Lot 1 (33) Esplanade, Hopetoun subject to the following conditions:	
4. Development must substantially commence within two years from the date of this decision letter;	
5. Development taking place in accordance with the approved plans;	

6. Prior to commencement of the development an application for a building licence for a single dwelling at Lot 1 (33) Esplanade, Hopetoun, must be submitted to, and approval granted by, the Shire;
 7. The storm water shall be discharged in a manner so that there is no discharge onto the adjoining property or the rear laneway to the satisfaction of the Shire; and
 5. Use of the outbuilding shall be for domestic purposes only.
- CARRIED 6/0

Res: 551/10

10.3 Consulting Manager of Engineering Services

10.3.1 BUS SHELTER COST OVERRUN

File Ref:

Applicant:

Location: Queen Street

Disclosure of Officer Interest: None

Date: 10th November 2010

Author: Patrick Steinbacher – Consultant Engineer

Authorising Officer: Pascoe Durtanovich - CEO

Attachments: Nil

Summary:

The purpose of this item is to present to Council an explanation of the cost overrun for the Queen Street TransWA bus shelter.

Background:

Funds were included in the current budget for the purchase and erection of a new bus shelter for the TransWA service on Queen Street, Ravensthorpe. Due to an increase in the scope of works, the budget allocation was exceeded.

Comment:

Funds to the amount of \$13,948 were included in the current budget for the purchase and installation of a bus shelter on Queen's Street. These funds were made up of 50% PTA grant funds and 50% Council funds.

The final total cost of this project was \$37,219, an increase of some 59% over the budget allocation.

As the project commenced it became clear that additional works would be needed to satisfactorily complete the project. It had been intended to simply install the shelter on the verge however to have done this would have resulted in a sub standard outcome.

To this end, the project included the laying of asphalt, kerbing and concrete surfaces which resulted in a very aesthetically pleasing, safe and usable area.

Expenditure was as follows:

• Purchase of shelter	\$10,364.00
• Freight	\$1,754.50
• Crane Hire	\$287.50
• Asphalt to bus bay	\$8,316.00
• Concrete	\$1,050.00
• Kerbing	\$924.50
• Plant Hire	\$8,675.00
• Drainage Items	\$1,037.91
• Payroll	\$4,810.02
TOTAL	\$37,219.13

Consultation:

Nil.

Statutory Obligations:

Nil.

Policy Implications:

Nil.

Budget / Financial Implications:

If endorsed by Council the overrun of \$23,271.13 will be considered as ex-budget funds.

Strategic Implications:

Nil.

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
Budget overruns do not add positively to economic sustainability however in some cases they are unavoidable.
- **Social:**
The addition of the bus shelter is an important consideration to the community in that it increases the level of service available to the community with regards to bus services.

Voting Requirements:

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 10.3.1
MOVED: CR TILBROOK	SECONDED: CR LANSDOWN
That Council note the cost overrun of the bus shelter project.	
CARRIED 6/0	Res: 552/10

10.4 Chief Executive Officer

10.4.1 ANNUAL GENERAL MEETING OF ELECTORS – 4th NOVEMBER 2010

File Ref:	3.3.1.2
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	5 th November 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Copy of the meeting minutes

Summary:

The purpose of this report is to consider the Minutes of the Annual General Meeting of Electors held on the 4th November 2010.

Background:

The Annual General Meeting was held in accordance with the Local Government Act 1995 to receive the Annual Report for 2009/2010 and to give electors the opportunity to raise issues pertinent to the Local Government and Shire.

Comment:

Council is required to consider resolutions arising from the meeting and indicate how those matters will be addressed.

There are no items that require action.

Consultation:

Not applicable.

Statutory Obligations:

Sections 5.27 of the Local Government Act 1995, a General Meeting of the Electors of a district is to be held once every financial year.

Further, pursuant to Section 5.32 of the Act, copies of the minutes are to be made available for inspection by members of the public before the Council meeting at which decisions made at the electors meeting are first considered.

Further, pursuant to Section 5.33 of the Act all decisions made at an electors meeting are to be considered at the next ordinary meeting of the Council where practicable.

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 10.4.1
MOVED: CR FIELD	SECONDED: CR TILBROOK
That the minutes of the Annual General Meeting of Electors held on the 4 th November 2010, be received.	
CARRIED 6/0	Res: 553/10

10.4.2 SHIRE OF RAVENSTHORPE LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW

File Ref:	
Applicant:	Shire of Ravensthorpe
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	10 th November 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Draft Amendment

Summary:

The purpose of this item is to commence the process to amend the Shire of Ravensthorpe Local Government Property Local Law to correct an omission identified by the Joint Standing Committee on Delegated Legislation after the local law was gazetted.

Background:

The Local Government Property Local Law was gazetted on the 8th June 2010, and as required a copy was forwarded to the Joint Standing Committee on Delegated Legislation.

The issue identified refers to Clause 1.6 (b), which states:

1.6 Application

(1) *This local law applies –*

- (b) *along the district's southern boundary, from the high water mark for a distance of 200 metres seawards towards the Southern*

Ocean, as approved by the Governor under section 3.6 of the Act.

Gazetted Governor's approval is required before Council resolves to make the local law.

At the meeting on the 16th September 2010, Council resolved as follows:

That the Council require the Chief Executive Officer to seek the Governor's approval under section 3.6(1) of the Local Government Act 1995 to extend the application of the Shire of Ravensthorpe Local Government Property Local Law, 2010 beyond the coastal boundaries of the Shire of Ravensthorpe into the Southern Ocean to a distance of 200 metres seaward from the low water mark. The purpose of the local law is to regulate water based activities, such as boating, jet-skiing, swimming classes and surfing. The effect of the extension will be a safer environment for users of the waters, penalties can be imposed on persons who engage in unlawful activities or cause nuisance to others.

Governor's approval has now been obtained and the amendment process can be commenced.

Comment:

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 regulate water-based activities such as boating, jet skiing, swimming classes and surfing.

The **effect** of this amendment local law is a safer environment for uses of the waters, penalties can be imposed on persons who engage in unlawful activities or cause nuisance to others.

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.

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

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:

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 10.4.2
MOVED: CR LANSDOWN	SECONDED: CR TOWNSEND
That Council propose to make the Shire of Ravensthorpe Local Government Property Local Law 2010, attached as Attachment 10.4.2 and the proposed local law be advertised for public comment.	
CARRIED 6/0	Res: 554/10

10.4.3 RECRUITMENT OF MANAGER ENGINEERING SERVICES AND DEPUTY CHIEF EXECUTIVE OFFICER

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	10 th November 2010
Author:	Pascoe Durtanovich –Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

Summary:

Council has previously attempted to recruit a Manager of Engineering Services and a Deputy Chief Executive Officer, without success.

This report recommends that Workplace Solutions be engaged to assist with the selection and appointment of both the Deputy Chief Executive Officer and Manager of Engineering Services.

Background:

Council first resolved to seek the services of a full time, in house, Engineer in January 2009. The position was subsequently advertised but not filled due to the lack of suitable applicants. Since that time Council has operated with the services of a consulting engineer.

Through the 2010/2011 budget process Council agreed to continue with a consulting engineer, on a reduced time basis, and to seek the services of a Manager of Works, in lieu of the retiring Works Supervisor. This position was advertised but again was not filled due to the lack of suitable applicants.

In June 2010, Council resolved to create the position of Deputy CEO, again following advertising the position was not filled.

Comment:

Given the inability to attract a Works Manager, it is proposed that Council revert to the structure of a full time, in house, Engineer and a Works Supervisor. It is also suggested that Workplace Solutions be engaged to undertake the recruitment.

It was always the intention to readvertise the position of Deputy CEO therefore it makes good sense to combine the recruitment.

Consultation

Not applicable.

Statutory Obligations

Both positions will be a “Senior” positions under the Local Government Act, 1995 therefore the following requirements have to be adhered to.

5.37 Senior Employees

- 1) A local government may designate employees or persons belonging to a class of employees 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.

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.

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.
- 2) A contract under this section –
 - (a) In the case of an action or temporary position, cannot be for a term exceeding one year;

- (b) In every other case, cannot be for a term exceeding 5 years.

Policy Implications

Policy G9 refers and will have to be amended accordingly.

Budget / Financial Implications

Sufficient funds are available in the salaries budget for both positions. It is recommended that the cash component for the Manager Engineering Services be increased from \$100,000 (when first advertised) to \$120,000 pa.

Workplace Solutions' fee is \$10,000 for both positions (total \$10,000) plus advertising of \$5,000 to \$10,000. Funds are available in the consultancy and advertising budget.

Strategic Implications

The Shire of Ravensthorpe Strategic Plan / Plan for the Future – Action Plan No. 3.2 and 3.3 refers to the review of the resources to improve delivery of services and strategic plan implementation.

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 -		
1) the management structure for the local government of the Shire of Ravensthorpe be amended to include the position of Manager Engineering Services;		
2) the position of Manager Engineering Services be designated a “Senior” employee for the purpose of section 5.37 of the Local Government Act 1995;		
3) the remuneration package applicable to the position of manager Engineering Services be set at up to \$155,000 with a cash component of up to \$120,000 per annum;		
4) the position of Deputy Chief Executive Officer be readvertised; and		
5) Workplace Solutions be engaged to undertake the recruitment process for the position of Manager Engineering Services and the position of Deputy Chief Executive Officer, at a total consultancy fee of \$10,000.		
CARRIED 6/0	Res: 555/10	

10.4.4 SKYWEST AIRLINES – AIRPORT FEES**File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 10th November 2010**Author:** Pascoe Durtanovich – Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** None**Summary:**

To consider a reduction in passenger departure and arrival tax for Skywest Airlines and full recoup of Airport operating costs from First Quantum.

Background:

Council considered the issue of landing fees and head taxes on the 21st October 2010, and resolved as follows:

“That this item be deferred to the November 2010 Council meetings, pending negotiations between the CEO and Skywest on the payment of airport operating costs.”

There are two issues involved, one is the cost to Skywest for landing fees and head taxes and the other, the operating costs for the airport.

Comment:

It is proposed that First Quantum be responsible for all net operating costs, that is operating costs less income received. This is what applied when BHP Billiton was operating.

In respect to landing fees and taxes, Skywest has an agreement with First Quantum to provide 15 places per flight, this number will be reviewed as the mine enters the production phase. A per passenger airfare has been negotiated and will include landing fees and taxes, if applicable. Therefore fees that Council may impose do not affect Skywest as they will be passed on.

The intention is that of the 15 seats First Quantum will have priority and any surplus seats will be available to the general public.

As a means of supporting the service in the early stages, to give it every chance of success, Council may wish to consider waiving the head taxes for the first three months. At the end of this period it is likely that First Quantum's requirements will increase and the charges can be reviewed. If Council agrees to waive the head taxes it should be on the condition that the airfare for non mine workers be reduced accordingly.

Consultation:

The issue of airfares has been discussed with Skywest representatives and the airport operating cost situation has been discussed with First Quantum.

Statutory Obligations:

There is no legal requirement for Council to consider a reduction in head taxes.

Policy Implications:

Council does not have a policy on this issue.

Budget / Financial Implications:

The current fees and charges allow for a charge of \$15.80 per adult passenger and \$7.90 per child.

Landing fees of \$22.50 (to be confirmed) apply for the size plane to be used. It is not known how many non mine passengers will use the service or in fact will have the opportunity to use the service, therefore it is difficult to calculate the impact of the fee reduction, however as an example, based on five passengers per flight, with four flights per week, this would be forty-eight flights over the three month period.

The resulting revenue loss would therefore be approximately \$4,000.

Strategic Implications

Nil

Sustainability implications:**Environmental**

There are no known significant environmental considerations.

Economic:

There are no known significant economic considerations.

Social:

Ensuring the continuation of the service will reduce the isolation factor for the local community.

Voting Requirements:

Absolute majority.

OFFICER RECOMMENDATION**ITEM 10.4.4**

That passenger departure and arrival tax for general community passengers on the Skywest Ravensthorpe service be waived for a period of three months, on the condition that the airfare is reduced accordingly.

COUNCIL DECISION**ITEM 10.4.4****MOVED: CR LANSDOWN****SECONDED: CR FIELD**

That passenger departure and arrival tax for general community passengers on the Skywest Ravensthorpe service be waived for a period of three months, on the condition that the airfare is reduced accordingly and that the matter be reviewed after that date.

CARRIED BY ABSOLUTE MAJORITY**Res: 556/10**

10.4.5 OPTUS LEASE AGREEMENT

File Ref:	RES 31443
Applicant:	Aurecon Australia Pty Ltd
Location:	Part Lot 694 on Reserve 31443 Beacon Drive, Hopetoun
Disclosure of Officer Interest:	None
Date:	10 th November 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

Summary:

Council is asked to consider a proposal from Aurecon Australia Pty Ltd who acts on behalf of Optus Pty Ltd, to lease a portion of Lot 694 on Reserve 31443 Beacon Drive, Hopetoun.

It is recommended Council support a lease.

Background:

Lot 694 on Reserve 31443 Beacon Drive, Hopetoun is a C class reserve vested in the Shire for the purpose of a Communication Site. Council has Power to Lease for a term not exceeding 21 years.

Council resolved at its Ordinary Council Meeting held on 18 December 2008:

“That:

Council approve the establishment of a new mobile phone base station on Reserve 31443 Beacon Drive, Hopetoun as proposed by Connell Wagner on behalf of Optus subject to plans and specifications being submitted and approved by the Chief Executive Officer.”

Optus has indicated that it has funding in its current budget to deploy the mobile phone base station infrastructure and is committed with proceeding with the installation.

On the 16th September 2010, Council resolved as follows:

- (1) That the proposal to dispose of a portion of C Class Reserve 31443 Beacon Drive, Hopetoun by lease and by private Treaty to Optus Pty Ltd for a term of 21 years, be advertised in accordance with Section 3.58 of the Local Government Act, 1995; and*
- (2) the land rental valuation of \$8,500.00 per annum, applicable from the 18th August 2010, be adopted as a true market value.*

Comment:

Advertising of the proposal will conclude on Monday, 29th November. OPTUS is keen to finalise the lease of the property so that they can progress the mobile telephone base station project. It is therefore requested that the CEO be delegated authority to approve the disposal of the property, if there are no objecting submissions, and to finalise the necessary lease document.

Consultation:

The proposal was advertised in the West Australian Newspaper and on the Shire office and Ravensthorpe and Hopetoun Library notice boards.

Statutory Obligations:

Local Government Act 1995, section 3.58 (3) and (4).

- “(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) it gives local public notice of the proposed disposition —*
- (i) describing the property concerned;*
- (ii) giving details of the proposed disposition; and*
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) the names of all other parties concerned;*
- (b) the consideration to be received by the local government for the disposition; and*
- (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- ...”*

Policy Implications:

Nil.

Budget / Financial Implications:

The cost of a new lease and the valuation will be met by Optus.

The \$8,500 lease fee is unbudgeted income.

Strategic Implications:

Nil.

Sustainability Implications:

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

Voting Requirements:

Absolute majority.

COUNCIL DECISION & OFFICER RECOMMENDATION		ITEM 10.4.5
MOVED: CR TOWNSEND	SECONDED: CR TILBROOK	
That –		
1) the Chief Executive Officer be delegated authority to approve the disposal of Part Lot 694, Reserve 31443 Hopetoun, to OPTUS Pty Ltd by way of a 21 year lease, if at the conclusion of the advertising of the proposal there are no submissions opposing the disposal; and		
2) the Chief Executive Officer be delegated authority to finalise the lease document for the disposal of Part Lot 694 Reserve 31443, Hopetoun.		
CARRIED BY ABSOLUTE MAJORITY		Res: 557/10

10.4.6 HOPETOUN CARAVAN PARK LEASE AGREEMENT

File Ref:	
Applicant:	Lessee
Location:	Reserve A25270
Disclosure of Officer Interest:	None
Date:	10 th November 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

Summary:

Council has previously supported a new extended lease for the Hopetoun Caravan Park.

This report recommends approval of the disposal of the property by way of an extended lease.

Background:

The Hopetoun Caravan Park is located on A Class Reserve 25270, vested in Council for the purpose of Caravan and Camping, with power to lease for a term not exceeding 21 years.

The current lease expires on the 30th June 2026.

A public accessway dissecting the property was recently closed and the resulting land amalgamated with the caravan park reserve.

Council considered this matter on the 22nd April 2010, and resolved as follows:

That the proposal to extend the lease on the Hopetoun Caravan Park, A Class Reserve 25270, to the maximum period of 21 years be advertised in accordance with Section 3.58 of the Local Government Act, 1995 following:

- 1) *the preparation and submission of a park development plan, to Council by the lessee;*
- 2) *a current lease fee valuation being obtained from a sworn valuer, at the lessee's cost.*

Following the receipt of the development plan and valuation, Council, on the 19th August 2010, resolved as follows:

That:

- 1) *the proposal to dispose of A Class Reserve 25270, by lease and by private treaty to Witcomb Pty Ltd for a term of 21 years, be advertised in accordance with Section 3.58 of the Local Government Act 1995;*
- 2) *the land rental valuation of \$23,774 per annum, applicable from the 17th June 2010, be adopted as a true market value.*

Comment:

At the conclusion of advertising there were no submissions. The disposal can now be determined.

Consultation:

The proposal was advertised in the Community Spirit on the 9th September 2010, and on Shire notice boards.

Statutory Obligations:

Local Government Act 1995, section 3.58 (3) and (4).

- “(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) it gives local public notice of the proposed disposition —*
 - (i) describing the property concerned;*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) the names of all other parties concerned;*
 - (b) the consideration to be received by the local government for the disposition; and*
 - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

...”

Policy Implications:

Nil.

Budget / Financial Implications:

The cost of a new lease, prepared by Council Solicitor, could be up to \$1,500 (estimate only).

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 10.4.6

MOVED: CR TILBROOK

SECONDED: CR TOWNSEND

That there being no objections received and the lessee having agreed to the following upgrading works within the caravan park,

- new camp kitchen;
- laundry upgrade;
- drainage;
- four bay shed 6m x 12m; and
- electrical upgrade – 120m;

Reserve A25270 be disposed of, by way of an extended lease to 30th June 2031, to Witcomb Pty Ltd.

CARRIED

Res: 558/10

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

<p>COUNCIL DECISION</p> <p>MOVED: CR LANSDOWN</p> <p>That to enable any change to the opening hours to be advertised, this item be dealt with at this meeting.</p> <p>CARRIED 6/0</p>	<p>ITEM 12.2.1</p> <p>SECONDED: CR DUNLOP</p> <p>Res: 559/10</p>
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12.2.1 CLOSURE OF SHIRE ADMINISTRATION OFFICE BETWEEN CHRISTMAS AND NEW YEAR

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	17 th November 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	No

Summary:

Council is requested to review the decision to close the Westpac Bank service between Christmas and New Year.

Background:

At the meeting on the 21st October 2010, Council considered the Shire Administration opening hours and resolved as follows:

“That Council endorses the closure of the Shire Administration for the 29th, 30th and 31st of December 2010.”

Comment:

The closure of the office means the bank service for this period will also be unavailable. It is recommended therefore that Resolution 533/10 be rescinded and the Shire office remain open for the three days between Christmas and New Year for banking services only.

Consultation:

The bank opening hours have been discussed with Westpac and Council staff.

If approved, the change to opening hours will be advertised in the Community Spirit.

Statutory Obligations:

Three Councillors have to indicate support for a rescission motion before a rescission motion can be considered.

A motion to rescind a resolution is required to be carried by absolute majority.

Policy Implications:

Nil.

Budget / Financial Implications:

Nil.

Strategic Implications:

Nil.

Sustainability Implications:

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

Voting Requirements:

Absolute majority for rescission motion.

Simple majority for opening hours.

Crs Tilbrook, Field and Lansdown indicated support for a rescission motion.

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 12.2.1 (1)
<p>MOVED: CR LANSDOWN SECONDED: CR TOWNSEND</p> <p>That Resolution 533/10 of the meeting held on the 21st October 2010, dealing with Shire office opening hours, be rescinded.</p>	
CARRIED BY ASBOLUTE MAJORITY	Res: 560/10

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 12.2.1 (2)
<p>MOVED: CR TILBROOK</p> <p>That the Shire office remain open on the 29th, 30th and 31st December 2010, from 9.30am to 4.00pm, for bank services only.</p> <p>CARRIED 6/0</p>	<p>SECONDED: CR TOWNSEND</p> <p>Res: 561/10</p>

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE OF MEETING **5.25pm**

These minutes were confirmed at the meeting of the _____

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

Date: _____