



MINUTES

of the Council Meeting to be held on

Thursday 16th September, 2010
commencing at 5 p.m.

in the Rural Transaction Centre, Hopetoun.

ORDINARY MEETING OF COUNCIL
HELD IN THE RURAL TRANSACTION CENTRE, HOPETOUN
ON 16th SEPTEMBER, 2010 COMMENCING AT 5PM

CONTENTS	PAGE NO
1 DECLARATION OF OPENING /ANNOUNCEMENTS OF VISITORS	3
2 RECORD OF ATTENDANCE	3
3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
4 PUBLIC QUESTION TIME	3
5 APPLICATIONS, FOR AND PREVIOUSLY APPROVED LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST	4
6 PETITIONS/DEPUTATIONS/ PRESENTATIONS	5
7 CONFIRMATION OF MINUTES	5
7.1 COUNCIL MEETING 19 th AUGUST 2010	5
8 SUSPENSION OF STANDING ORDERS	5
9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSIONS	5
10 REPORTS OF OFFICERS	5
10.1 MANAGER OF FINANCE & ADMINISTRATION	5
10.1.1 FINANCIAL STATEMENT FOR THE PERIOD ENDING 31 st AUGUST, 2010	5
10.1.2 ACCOUNTS FOR PAYMENT - MONTH ENDING 31 st AUGUST, 2010	7
10.1.3 INSURANCE – COVERAGE REVIEW	8
10.1.4 CONTRIBUTION TO THE GREAT SOUTHERN DISTRICT DISPLAY	9
10.1.5 LEHMAN BROTHERS – CLASS ACTION INVOLVEMENT	11
10.2 MANAGER OF PLANNING & DEVELOPMENT	12
10.2.1 PROPOSED SINGLE HOUSE	12
10.2.2 PROPOSED ROAD NAMES	15
10.2.3 REQUEST TO CLOSE AND PURCHASE LANEWAY ABUTTING FORMER CALTEX ROADHOUSE SITE, RAVENSTHORPE	16
10.2.4 PROPOSED FUNCTION HALL	19
10.2.5 FITZGERALD RIVER NATIONAL PARK MANAGEMENT PLAN 1991-2001 AMENDMENT 2010	21
10.2.6 OPTUS LEASE AGREEMENT	23
10.3 ACTING MANAGER ENGINEERING SERVICES - Nil	25
10.4 CHIEF EXECUTIVE OFFICER	26
10.4.1 ANNUAL REPORT 2009/2010 & ANNUAL GENERAL MEETING OF ELECTORS	26
10.4.2 WAVECREST VILLAGE – BHP DONATED UNITS	28
10.4.3 DONATION OF SCALES AND PHOTO ALBUMS	30
10.4.4 LOCAL GOVERNMENT PROPERTY LOCAL LAW	31
10.4.5 SHIRE OF RAVENSTHORPE LOCAL GOVERNMENT PROPERTY LOCAL LAW – EXTENSION OF OPERATION OF LAW OUTSIDE OF DISTRICT	34
10.4.6 FITZGERALD 50 YEAR CELEBRATIONS	36
10.4.7 TOURISM STRATEGY	39
10.4.8 LOCAL GOVERNMENT EXTRAORDINARY ELECTION	43
10.4.9 MUNGLINUP TELEVISION TRANSMISSION SERVICE	46
10.4.10 PROPOSED AMENDMENT OF RATING BASIS TO GRV – GALAXY LITHIUM PLANT & FIRST QUANTUM NICKEL PLANT	47
10.4.11 RAVENSTHORPE PLAYGROUP – LEASE OF EDUCATION DEPT BUILDING	49
10.4.12 RABBIT PROOF FENCE MEMORIAL PROJECT	51
10.4.13 SHIRE STANDPIPE SWIPE CARD SYSTEM	53
10.4.14 RAVENSTHORPE TOWN HALL REFURBISHMENT TENDER	55
10.4.15 DONATION FOR THE 2010 RAVENSTHORPE COMMUNITY BALL	57
10.4.16 MANAGING EXTERNAL DIEBACK THREATS TO THE FITZGERALD RIVER NATIONAL PARK – FINAL REPORT	59
11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	61
12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	61
12.1 ELECTED MEMBERS	61
12.2 OFFICERS	61
12.2.1 REQUEST TO AUTHORISE UNBUDGETED EXPENDITURE	62
12.2.2 HOPETOUN CHILDCARE FACILITY	64
13 MATTERS BEHIND CLOSED DOORS	65
14 CLOSURE OF MEETING	65

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.00pm – The Presiding Person, Cr Keith Dunlop, declared the meeting open.

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS:

Cr Keith Dunlop (Deputy Shire President)
 Cr Don Lansdown
 Cr Brenda Tilbrook
 Cr Damien Van De Velde

STAFF:

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

APOLOGIES:

Cr Ian Goldfinch

ON LEAVE OF ABSENCE:

Cr Jan Field
 Cr Julianne Townsend

ABSENT:

Nil

VISITORS:

Nil

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

4.1 Ms Linda Power – Re: Hopetoun Childcare Facility

Ms Power asked the following questions:

- (1) What is happening to the old childcare centre on Buckie Street?
- (2) Will it be staying or will it be moved?
- (3) What will come in its place if moved?
- (4) G8kidz family daycare is about to open and the amount of interest is huge, would the Shire have any interest in helping a private run child care centre – whether that be funding or providing help with resources?
- (5) Who do I contact to find out if the garden can be maintained and looked after until a decision is made re the building?

The Chief Executive Officer responded, advising that:

- (1) Ownership of the Hopetoun Childcare facility is in dispute. Council believes the building belongs to the Shire of Ravensthorpe and it is Council's intention that the facility remain on site and be used for childcare.*
- (2) Council supports privately run childcare but has not formally considered providing assistance.*
- (3) Council staff will inspect the childcare gardens to assess maintenance required.*

4.2 Ms Grace Yeo – Re: Item 10.2.4

Ms Yeo objected to the location of the proposed shed on the grounds that she was assured by the owner of the Park, when she bought her unit, that the site proposed for the shed would only be used for the storage of caravans.

Ms Yeo is concerned that noise from activities in the shed will impact on her.

The Chief Executive Officer explained that Council could only consider compliance with Town Planning and Building Regulations when assessing the application for permission to build the shed, however he is happy to arrange a meeting with the owner and Ms Yeo to discuss the matter.

4.3 Mr Ian Campbell – Re: FM Radio Coverage and Hall Parking

Mr Campbell expressed concern that Hopetoun may not receive coverage from the RM radio service proposed for Ravensthorpe.

The Chief Executive Officer advised that he will ascertain the coverage that will be achieved and advise Mr Campbell accordingly.

Mr Campbell also raised the issue of inadequate parking for functions in the Hopetoun Town Hall and suggested that additional parking could be achieved on the recreation reserve by repositioning the town oval.

5.15pm – There being no further speakers, Public Question Time concluded.

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

5.1 DISCLOSURE OF INTEREST

Cr Dunlop	Items 10.2.3, 10.2.4 & 10.4.2	financial
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Chief Executive Officer advised that items 10.2.3, 10.2.4 and 10.4.2 could not be considered at this meeting given that Cr Dunlop's declaration of interest will result in the absence of a meeting quorum.

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

Nil.

7. CONFIRMATION OF MINUTES**7.1 COUNCIL MEETING – 19th August, 2010**

COUNCIL DECISION	ITEM 7.1
MOVED: CR VAN DE VELDE	SECONDED: CR LANSDOWN
That the minutes of the meeting of Council held on the 19 th August, 2010 be confirmed as a true and correct record of proceedings, subject to the following amendment;	
<i>Resolution 469/10 be amended to read 16th August 2010.</i>	
CARRIED 4/0	Res: 497/10

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 31st August 2010**

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	7 th September 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 31st August 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 VAN DE VELDE
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 31 st August 2010 be accepted.	
CARRIED 4/0	Res: 498/10

10.1.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 31st August 2010**File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 7th September 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 31st August 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 MOVED: CR VAN DE VELDE That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of August 2010, be noted. CARRIED 4/0	ITEM 10.1.2 SECONDED: CR TILBROOK Res: 499/10
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10.1.3 INSURANCE – COVERAGE REVIEW
File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	7 th September 2010
Author:	Evelyn Arnold – Manager Finance & Admin
Authorising Officer:	Not applicable
Attachments:	No

Summary:

This report recommends that Council continues to maintain insurance cover in the items under review.

Background:

During the annual review process of insurance categories a number of items were identified that require more guidance from Council.

Comment:

The following cover has been identified as possibly being surplus to our insurance requirements:

Cover	Premium Cost	Purpose
Salary Continuance	\$4,756.02	Reimbursement of salary if one of the senior staff is disabled and unable to return to work.
Property Insurance – Fitzgerald Hall	\$1,527.75	Covered for \$1,018,500 replacement including contents.
Property Insurance – Daw Street Kindergarten	\$1,019.86	Covered for \$777,000 replacement.

Consultation:

Not applicable.

Statutory Obligations:

Nil.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The removal of these this coverage will result in the following savings for Council of approximately \$7,450 per annum. However, these items have been included in the 2010/2011 insurance 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 10.1.3
MOVED: CR TILBROOK	SECONDED: CR VAN DE VELDE
That Council continue to maintain insurance cover in the items under review.	
CARRIED 4/0	Res: 500/10

10.1.4 CONTRIBUTION TO THE GREAT SOUTHERN DISTRICT DISPLAY

File Ref:

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: None

Date: 7th September 2010

Author: Evelyn Arnold, Manager Finance & Admin

Authorising Officer: Not applicable

Attachments: None

Summary:

This report recommends that Council continue to support the Great Southern District Display with a donation to the value of \$150.00.

Background:

Historically Council has supported the Great Southern District Display with an annual donation. The donations since 2006 are detailed below:

2006	120.00
2007	120.00
2008	150.00
2009	150.00

Comment:

Nil.

Consultation:

Not applicable.

Statutory Obligations:

Nil.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

Expenditure would be allocated to the donations budget of \$5,000 of which \$200 has been spent.

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 10.1.4
MOVED: CR VAN DE VELDE	SECONDED: CR LANSDOWN	
That Council donate an amount of \$150 to the Great Southern District Display.		
CARRIED 4/0		Res: 501/10

10.1.5 LEHMAN BROTHERS – CLASS ACTION INVOLVEMENT**File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 7th September 2010**Author:** Evelyn Arnold, Manager Finance & Admin**Authorising Officer:** Not applicable**Attachments:** None**Summary:**

This report recommends that Council continue to participate in the class action.

Background:

In 2005-2007 Council invested with Lehman Brothers in a series of blue chip investments. The subsequent collapse of Lehman Brothers in 2008 revealed that these investments were not as secure or safe as Council had been led to believe. Following the collapse a number of Councils and creditors decided to pool their resources to pursue a legal remedy in an attempt to recover lost monies.

Comment:

To date Councils involvement in the class action has been to include our loss in the total pool to add more weight to the action. This involvement has required no monetary input or any commitment to do so. If Council no longer wishes to participate they can choose to “opt out” of the class action.

Consultation:

Not applicable.

Statutory Obligations:

Nil.

Policy Implications:

There are no policy implications.

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 10.1.5
MOVED: CR TILBROOK	SECONDED: CR VAN DE VELDE
That Council support the class action by choosing not to opt out at this time.	
CARRIED 4/0	Res: 502/10

10.2 Manager of Planning and Development

10.2.1 PROPOSED SINGLE HOUSE

File Ref:	13.0.0CLA003 (P10/029)
Applicants:	CJ & CA Rainsford
Location:	Part Lot 2 (3) Clarke Street, Hopetoun
Disclosure of Officer Interest:	None
Date:	6 September 2010
Author:	Kobus Nieuwoudt – Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	Location Plan Site Plan Draft Deposited Plan 68031 Floor plan and elevations of proposed development Extract – Clause 10.2 of the Scheme

Summary:

Council is requested to consider an Application for Planning Approval for a Single House at Lot 2 (3) Clarke Street, Hopetoun.

The application is recommended for conditional approval.

Background:

Lot 2 (3) Clarke Street, Hopetoun is an L-shaped block with frontage to Clarke and Veal Street and has a legal area of 1,106m². A location plan is attached.

The WAPC, however, approved a 2 lot subdivision of this property on the 7th July 2008. A copy of the Draft Deposited Plan 68031 is attached. It is understood the certificates of title is currently under issue.

The subject site is proposed Lot 5 (514m²) and is zoned 'Town Centre' by the *Shire of Ravensthorpe Town Planning Scheme no.5* ('the Scheme'). The proposed development falls into the use class 'Single House' which is a 'D' use in the zone.

A 'D' use means the use is not permitted unless the local authority has exercised its discretion by granting planning approval.

Council's attention is drawn to the development proposal it approved for a multi storey mixed-use development (commercial / residential) at Lot 6 on Draft Deposited Plan 68031 at its Ordinary Council Meeting held on 21st February 2008 (Res 039/08). Development of the proposal has not yet commenced,

however, the term of the Planning Approval was extended by 12 months under delegated authority and will lapse on 21st February 2011.

The development proposal on proposed Lot 5 comprises the construction of a 149.81m² three bedroom / one bathroom single storey dwelling with 2 verandahs comprising a total area of 78.91m². Access to the dwelling will be facilitated via Clarke Street. Plans of the proposed development are attached.

The application has been assessed against the relevant requirements of the Residential Design Codes of WA (R-Codes) and was found to be consistent with all the Acceptable Development Criteria set out in the R-Codes.

Given that the proposed use is a 'D' use in the Scheme, Council may consider the appropriateness of the use to the site. In expressing that discretion, however, Council must apply sound planning rationale by having regard to the relevant matters set out in clause 10.2 of the Scheme. An extract of clause 10.2 is attached.

If Council can satisfy itself that the proposal adequately addresses the requirements of the Scheme as outlined in clause 10.2, it has a legal obligation to favourably consider the application and grant approval subject to any conditions it deems necessary to ensure the use operates in accordance with Scheme objectives.

Comment:

The key matter is considered to be whether the proposed development, by nature of its appearance and overall character, is consistent with the character of the locality.

While the proposed dwelling is located in the Town Centre zone adjacent to an existing commercial development (The Deck), Council's Manager Planning & Development Services contends that a dwelling in this location is consistent with the character of the broader locality. To this end, it is noted that the subject site is bound by dwellings to the north, south and west.

As such, there is not seen to be any reasonable planning basis to refuse or require the modification of the application.

Given the above, it is recommended that the application be conditionally approved.

Consultation:

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

Statutory Obligations:

The *Shire of Ravensthorpe Town Planning Scheme No.5* applies.

The subject site is zoned 'Town Centre' by the Scheme where the use class 'Single House' is listed in the Zoning Table as a 'D' use.

A 'D' use means the use is not permitted unless the local authority has exercised its discretion by granting planning approval.

Policy Implications:

Nil.

Budget / Financial Implications:

There are no budget and/or financial implications of 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 10.2.1****MOVED: CR LANSDOWN****SECONDED: CR TILBROOK**

That Council resolve, with respect to the application for Planning Approval for a Single House at Part Lot 2 (3) (Proposed Lot 5 on Draft DP 68031) Clarke Street, Hopetoun (application reference: P10/029), that the application be approved, subject to the following conditions:

1. The development hereby permitted must substantially commence within two (2) years from the date of this decision letter;
2. The development hereby permitted taking place in accordance with the approved plans;
3. Prior to occupation of the development, a vehicle crossover shall be constructed to the satisfaction and specifications of the Shire;
4. Prior to occupation of the development, a fence along the eastern and southern boundaries of the property be constructed in a material that will provide a greater level of noise attenuation between the commercial uses and the single house;
5. The stormwater shall be discharged in a manner so that there is no discharge onto the adjoining properties to the satisfaction of the Shire; and
6. The development hereby permitted shall be connected to the Water Corporation reticulated sewage system.

CARRIED 4/0**Res: 503/10**

10.2.2 PROPOSED ROAD NAMES

File Ref:	14.0.3.0
Applicant:	Williamson Brothers Regional Property
Location:	Lot 201 Steeredale Road, Hopetoun
Disclosure of Officer Interest:	None
Date:	7 September 2010
Author:	Kobus Nieuwoudt – Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	Subdivision Guide Plan

Summary:

Council is asked to assign the names for four (4) roads to be constructed at Lot 2 Steeredale Road, Hopetoun.

Background:

The Western Australian Planning Commission approved the subdivision of Lot 2 Steeredale Road on 8th July 2009. The application was referred to Council for a recommendation in May 2009 where Council resolved to support the application subject to conditions (Resolution 113/09).

The applicants have indicated that the project is now nearing the first stage 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, five (5) roads will be constructed. These roads are depicted on the attached Subdivision Guide Plan.

The applicants have requested Council assign names for four (4) of these roads.

The owners have advised that they would like to assign the names **Platypus Road, Kennedia Way, Dillwynia Way and Victoria Parade**. These names were taken from the list of names 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. **Platypus Road, Kennedia Way, Dillwynia Way and Victoria Parade** is derived from Council's 2006 Register of Current and Proposed Road Names Register for the Hopetoun 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

<p>COUNCIL DECISION & OFFICER RECOMMENDATION</p> <p>MOVED: CR VAN DE VELDE</p> <p>That Council request the Geographical Names Committee to name the roads depicted on the Subdivision Guide Plan for Lot 201 Steeredale Road, Hopetoun as "Platypus Road", "Kennedia Way", "Dillwynia Way" and "Victoria Parade", these names being from Council's 2006 Register of Current and Proposed Road Names Register for the Hopetoun rural residential areas.</p> <p>CARRIED 4/0</p>	<p>ITEM 10.2.2</p> <p>SECONDED: CR TILBROOK</p> <p>Res: 504/10</p>
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10.2.3 REQUEST TO CLOSE AND PURCHASE LANEWAY ABUTTING FORMER CALTEX ROADHOUSE SITE, RAVENSTHORPE

File Ref:	14.0.4
Applicant:	Harley Global Pty Ltd
Location:	Lots 646-648 Morgans Street, Ravensthorpe and Lots 633, 634 and 822 Dunn Street, Ravensthorpe
Disclosure of Officer Interest:	None
Date:	7 September 2010
Author:	Kobus Nieuwoudt – Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	Location Plan

Chief Executive Officer advised that this item is withdrawn due to interest declared by Cr Dunlop which would result in the lack of a quorum.

Summary:

Council is asked to consider closure of a part of the laneway abutting the former Caltex Roadhouse site in Ravensthorpe.

It is recommended Council undertake the road closure under section 58 of the *Land Administration Act 1997* (as amended) subject to conditions.

Background:

Ravensthorpe Fuel Supplies Pty Ltd (RFS) recently purchased the former Caltex roadhouse opposite Ravensthorpe District High School.

The total roadhouse site is approximately 5,900m² in area and currently comprises the following components:

- Lots 646 – 648 and 822 by freehold (3,585m²);
- Lots 633 and 634 by lease from State Land Services (2,024m²); and
- Approximately 60m X 5m wide public laneway (approx 300m²).

RFS wishes to rationalise the land tenure of the roadhouse site into a single freehold parcel. This will require the following tasks to be completed:

1. Closure of the laneway and conversion to freehold title.
2. Conversion of the leasehold on Lots 633 and 634 to freehold title.
3. Amalgamation of all titles into a single parcel.

In order to progress the rationalisation of the tenure, closure of the public laneway is necessary. This requires the Shire to undertake a road closure action under section 58 of the *Land Administration Act 1997* (as amended).

Once a current lease over Lots 633 and 634 has been finalised with the Department of Regional Development and Lands, RFS will make application for these lots to be converted to freehold under section 89 of the *Land Administration Act 1997*.

The laneway reserve links Hosking (west) and Elston (east) Streets. The laneway, however, opens out into the roadhouse parking area rather than traverse its entire length. Therefore, vehicles using the laneway further to the west of the roadhouse access it through the roadhouse site. Access along the laneway is hampered by a shed and gardens that have been established over time. The laneway is currently not constructed.

The Shire's grey water sewer mains is the only service currently located within the laneway.

Comment:

As pointed out under 'Background' of this report, the only service currently located within the laneway is the grey water sewer mains operated by the Shire.

In order to protect access to the sewer, it is proposed to include a sewerage easement over the mains using section 167 of the *Planning and Development Act 2005*. This would occur at the time the laneway is closed and amalgamated with the surrounding lots.

The same mechanism is used to protect Water Corporation sewerage mains and will allow the Shire to access the mains for maintenance and replacement

purposes. It will also ensure the Shire is protected from inappropriate development over the mains.

It is recommended Council undertake the road closure under section 58 of the *Land Administration Act 1997* (as amended) subject to conditions.

Consultation:

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

Statutory Obligations:

Laneways 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 the State Lands department of the Department of Regional Development and Lands concerning the disposal.

Once closed, the land can be disposed of to RFS under section 87 of the Act by State Lands.

Policy Implications:

Nil.

Budget / Financial Implications:

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

Strategic Implications:

Nil.

Sustainability Implications:

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

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION

ITEM 10.2.3

That Council advise Harley Global Pty Ltd that the Shire of Ravensthorpe is prepared to advertise for public and agency comment the proposed closure of that section of the public laneway abutting the former Caltex Roadhouse site under section 58 of the Land Administration Act 1997, subject to:

- (1) The applicant agreeing that costs associated with the publication of a newspaper notice as required by the Land Administration Act 1997 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.

10.2.4 PROPOSED FUNCTION HALL

File Ref:	13.0.0HRR279 (P10/032)
Applicant:	Hopetoun Quarry Industries Pty Ltd
Location:	Lot 54 (279) Hopetoun-Ravensthorpe Road, Hopetoun
Disclosure of Officer Interest:	None
Date:	7 September 2010
Author:	Kobus Nieuwoudt – Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	Site Plan Floor Plan and Elevations of proposed development

Chief Executive Officer advised that this item is withdrawn due to interest declared by Cr Dunlop which would result in the lack of a quorum.

Summary:

Council is asked to consider an application for Planning Approval for a park hall at Lot 54 (279) Hopetoun-Ravensthorpe Road, Hopetoun.

The application is recommended for conditional approval.

Background:

Lot 54 (279) Hopetoun-Ravensthorpe Road, also known as Wavecrest Village, is located approximately 3.7km north of Hopetoun. Lot 54 is 4.86ha.

On 22 April 2004, the Shire granted Planning Approval for the development of 103 park home units, convenience store with cafe/restaurant and a service station.

Construction of the development began in 2006 with completion in late 2007 when the commercial portion of the site began operations. As a consequence of

environmental concerns, the service station elements of the development were not carried out by Hopetoun Quarry Industries (HQI).

The resultant development constructed all roads and services for the entire 103 park home development. However, the total number of park home units installed was 61 with the other 42 sites remaining empty. The number of units on site has since been reduced to 48.

In 2009, 20 of the unused park home sites in the eastern-most portion of the property were replaced with 16 caravan / RV sites and an ablution block constructed to service travellers.

The application proposes to establish a park function hall with a total area of 162.4m². The function hall is proposed to be erected west of the existing maintenance shed in the southern part of the development. See site plan, floor plan and elevation plans attached.

Comment:

The proposed function hall will form an integral part of the overall development of the existing Park Home Park.

The proposal is consistent with the provisions of the Scheme and will not trigger any additional parking requirements.

The application is therefore recommended for conditional approval.

Consultation:

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

Statutory Obligations:

The *Shire of Ravensthorpe Town Planning Scheme No.5* applies.

Lot 54 is zoned *Special Use 11 – Caravan Park*.

Policy Implications:

Nil.

Budget / Financial Implications:

There are no budget and/or financial implications of 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

OFFICER RECOMMENDATION**ITEM 10.2.4**

That Council resolve, with respect to the application for Planning Approval for a function hall at Lot 54 (279) Hopetoun-Ravensthorpe Road, Hopetoun (application reference: P10/032), that the application be approved, subject to the following conditions:

- (1) The development hereby permitted must substantially commence within two (2) years from the date of this decision letter; and
- (2) The development hereby permitted taking place in accordance with the approved plans.

10.2.5 FITZGERALD RIVER NATIONAL PARK MANAGEMENT PLAN 1991-2001 AMENDMENT 2010

File Ref:	RES31737
Applicant:	N/A
Location:	Fitzgerald River National Park
Disclosure of Officer Interest:	None
Date:	7 September 2010
Author:	Kobus Nieuwoudt – Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	Relevant sections of Management Plan being amended

Summary:

Council has received an invitation for comments from the Department of Environment and Conservation (DEC) in regards to the proposed amendment to the *Fitzgerald River National Park Management Plan 1991-2001*.

It is recommended Council advise the DEC that the proposed amendments are supported.

Background:

The State Government is proposing to improve access and facilities in the Fitzgerald River National Park as an investment in nature based tourism and recreation to assist the economic and social development of the surrounding communities. The facilities will also improve management of dieback through sealing of main access roads, spur roads and carparks and improvements to the road drainage. The proposal is to:

- Upgrade road access from Hopetoun to Hamersley Inlet and improve carparks, camping facilities and day visitor facilities at recreation sites in the eastern parts of the Park (located within the Shire of Ravensthorpe);
- Provide camping facilities at Hamersley Inlet (located within the Shire of Ravensthorpe);
- Upgrade road access from Bremer Bay to Point Ann and improve car parks, camping and day visitor facilities at recreation sites in the western part of the Park (primarily located within the Shire of Jerramungup); and

- Upgrade an overnight coastal walk trail between Hopetoun and Bremer Bay (with stage 1 being between Hamersley Inlet and Point Ann).

To allow for the development of recreational facilities and a walk trail through sections of the Park, amendments to specific sections in the *Fitzgerald River National Park Management Plan 1991-2001* are required. The changes will allow for:

- Modification of the standard of some overnight trails from 'route' to 'track';
- Provision of appropriate recreation facilities; and
- Provision of adequate access for management purposes.

The relevant sections of the management plan being amended are attached. The proposed amendments are shown as:

- Text with strikethrough for words deleted; and
- Text underlined for words that have been added.

An electronic copy of the current management plan can be downloaded from www.dec.wa.gov.au/content/view/104/1887/.

Comment:

Council's Manager Planning & Development Services supports the relevant strategies and recommendations proposed by the *Fitzgerald River National Park Management Plan 1991-2001* Amendment 2010.

The proposed amendments will have a positive effect on Council's broader strategies for tourism in the Shire. The facilities proposed by this amendment will also improve the management of dieback in the Park.

As such, it is recommended Council advise the DEC that the strategies and recommendations proposed by this amendment is supported.

Consultation:

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

Statutory Obligations:

Nil.

Policy Implications:

Nil.

Budget / Financial Implications:

There are no budget and/or financial implications of 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 10.2.5
MOVED: CR VAN DE VELDE	SECONDED: CR LANSDOWN
That Council advise the Department of Environment and Conservation that the strategies and recommendations proposed by the <i>Fitzgerald River National Park Management Plan 1991-2001 Amendment 2010</i> , is supported.	
CARRIED 4/0	Res: 505/10

10.2.6 OPTUS LEASE AGREEMENT

File Ref:	RES31443
Applicant:	Aurecon Australia Pty Ltd
Location:	Part Lot 694 on Reserve 31443 Beacon Drive, Hopetoun
Disclosure of Officer Interest:	None
Date:	8 September 2010
Author:	Kobus Nieuwoudt – Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	Yes – valuation report

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 and that the new lease be advertised.

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 under Item 9.3.1 (Res 253/08) as follows:

“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. It is now seeking to formalise a lease agreement with Council.

Comment:

A valuation has been obtained from a sworn valuer.

It is recommended Council advertise the proposal in accordance with section 3.58 of the *Local Government Act 1995*.

Consultation:

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

The proposal to dispose of the property by lease and private treaty will be advertised in the Community Spirit and the Esperance Express.

Statutory Obligations:

Local Government Act 1995, section 3.58 disposal of property requirements have to be complied with. The relevant clauses are as follows:-

“3.58. Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(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:

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION		ITEM 10.2.6
MOVED: CR TILBROOK	SECONDED: CR VAN DE VELDE	
<p>(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</p> <p>(2) the land rental valuation of \$8,500.00 per annum, applicable from the 18th August 2010, be adopted as a true market value.</p>		
CARRIED 4/0	Res: 506/10	

10.3 Consulting Manager of Engineering Services

Nil

10.4 Chief Executive Officer

10.4.1 ANNUAL REPORT 2009/2010 & ANNUAL GENERAL MEETING OF ELECTORS
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File Ref:	
Applicant:	Shire of Ravensthorpe
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	4 th September 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Tabled

Summary:

Council is required to adopt the Annual Report for 2009/2010 and set a date for the Annual General Meeting of Electors.

Background:

Nil.

Comment:

The adoption of the Annual Report and determining a date for the Annual General Meeting of Electors is covered by sections 5.27, 5.53, 5.54 and 5.56 of the Local Government Act.

The draft report is in accordance with the Local Government Act in that it contains:

- A report from the Shire President
- A report from the Chief Executive Officer
- Overview of the Plan for the Future
- The financial report for the 2009/2010 financial year
- The Auditors report for the 2009/2010 financial year
- Information in relation to employees salary
- Other reporting requirements
 - Disability Services
 - National Competition Policy
 - Record Keeping Requirements

In accordance with the Local Government Act, the general meeting of electors is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

Consultation:

Once adopted, the Annual Report will be advertised for public information. The Annual Electors' meeting will be advertised also.

Statutory Obligations:

Sections 5.27, 5.53, 5.54 and 5.56 of the Local Government Act 1995.

10.4.2 WAVECREST VILLAGE – BHP DONATED UNITS

File Ref:	
Applicant:	Wavecrest Village
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	3 rd September 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None – copy of valuation will be tabled

Chief Executive Officer advised that this item is withdrawn due to interest declared by Cr Dunlop which would result in the lack of a quorum.

Summary:

As per the Council resolution on the 19th August 2010, a valuation has been sought for the disposal of the two, Shire of Ravensthorpe owned, units at Wavecrest Village.

This report recommends that the proposed disposal of the units be advertised for public comment.

Background:

Following the closure of the Ravensthorpe Nickel Mine BHP Billiton donated four of their Wavecrest Village units to the Shire of Ravensthorpe for relocation and refurbishment as childcare facilities, two in Ravensthorpe and two in Hopetoun.

Two units have already been relocated to Ravensthorpe and are in the process of being refurbished.

It was reported to the August, 2010 meeting that ownership of the purpose built childcare facility at Hopetoun is unresolved at this stage therefore it may be that ultimately the Wavecrest Village units will not be required for childcare use. Even if they are, Council should consider carefully the merit of using the units for that purpose.

At the August 2010 meeting Council resolved as follows:

That the Chief Executive Officer obtain a valuation for the two Wavecrest Village units, from a qualified valuer, for consideration by Council at the September 2010 meeting.

Albany Valuation Services has been engaged to provide a valuation.

Comment:

Nil.

Consultation:

Prior to making a decision to dispose of property by private treaty the proposal must be advertised for public comment.

Statutory Obligations:

Council can dispose of property either by public tender, auction or by private treaty. If property is disposed of by private treaty the following process applies:

The Local Government Act, 1995, Section 3.58 disposal of property requirements have to be complied with. The relevant clause is as follows:-

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; and*
- 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; and

(b) the consideration to be received by the local government for the disposition: and

(c) the market value of the disposition-

- I. as ascertained by a valuation carried out not more than 6 months before the proposed disposition: or*
- II. as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

Policy Implications:

Nil

Budget / Financial Implications:

Cost of advertising, approximately \$100.

Cost of valuation, approximately \$1,000.

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.

OFFICER RECOMMENDATION

ITEM 10.4.2

- 1) That the proposal to dispose of the two Wavecrest Village units by private treaty to Wavecrest Village be advertised in accordance with Section 3.58 of the Local Government Act 1995.
- 2) That the valuation of _____ provided by Albany Valuation Services be adopted as a true market value.

10.4.3 DONATION OF SCALES AND PHOTO ALBUMS**File Ref:****Applicant:**

Not applicable

Location:

Ravensthorpe Museum

Disclosure of Officer Interest:

None

Date:3rd September 2010**Author:**

Pascoe Durtanovich –Chief Executive Officer

Authorising Officer:

Not applicable

Attachments:

None

Summary:

Council approval is requested to donate surplus historical items to the Ravensthorpe Museum.

Background:

Nil.

Comment:

The following items have been located in the Shire office. Ownership of the items cannot be ascertained.

- Pair brass scales with 9 weights.
- Sheet with small gold weights and grain weights.
- A large pair of gold scales plus 3 heavy weights.
- 2 photo albums and loose photos.

There is no point in retaining the items in the Shire office. It is therefore suggested that the items be donated to the local museum, in this way the public can have access to them.

Consultation

The Ravensthorpe Historical Society is willing to take the items.

Statutory Obligations

Nil.

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 10.4.3MOVED: CR LANSDOWN SECONDED: CR VAN DE VELDE

That the following items be donated to the Ravensthorpe Museum:

- Pair brass scales with 9 weights.
- Sheet with small gold weights and grain weights.
- A large pair of gold scales plus 3 heavy weights.
- 2 photo albums and loose photos.

CARRIED 4/0

Res: 509/10

10.4.4 LOCAL GOVERNMENT PROPERTY LOCAL LAW**File Ref:****Applicant:**

Shire of Ravensthorpe

Location:

Shire of Ravensthorpe

Disclosure of Officer Interest:

None

Date:2nd September 2010**Author:**

Consultancy

Authorising Officer:

Pascoe Durtanovich – Chief Executive Officer

Attachments:

None

Summary:

At the 19th August meeting Council addressed the issue of an identified omission from the Shire of Ravensthorpe Property Local Law.

The Joint Standing Committee on Delegated Legislation has requested further action to correct the omission.

Background:

The 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 –

- (a) throughout the district; and*
- (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.

As reported previously, it was assumed that this approval was obtained in 2007 when the Local Law was first considered, however it appears that this is not the case.

On the 10th August 2010, the Committee requested the following undertaking.

"Undertakings sought from the Shire of Ravensthorpe –

If the Governor's approval has not been obtained, the Committee seeks the following undertakings from the Shire of Ravensthorpe:

- to delete clause 1.6(b) from the Local Law, and that*
- all consequential amendments arising from the undertaking above will be made;*
- the clause will not be enforced in a manner contrary to the undertakings;*
- the undertaking will be completed within 6 months of the date of the Shire's letter giving the undertakings;*
- the Shire of Ravensthorpe will provide a copy of the minutes of the meeting at which the Ravensthorpe Council resolves to provide these undertakings; and*
- the Shire will make publicly available, whether in electronic or hard copy form, a copy of these undertakings together with the principal local law."*

Comment:

On the 19th August 2010, Council resolved as follows:

"That in respect to the Shire of Ravensthorpe Local Government Property Local Law 2010, Council resolve not to enforce Clause 1.6(b) and commence the process to obtain Governor's approval under Section 3.6 of the Local Government Act 1995 and amend Clause 1.6(b) in accordance with Section 3.12 of the Local Government Act 1995."

The Committee has now advised that the above resolution is insufficient insofar as it does not include the following:

- That Council will delete clause 1.6(b) from the Local Law.
- That the undertaking will be completed within 6 months.
- That the Shire will provide a copy of the minutes of the meeting at which the Ravensthorpe Council resolves to provide these undertakings; and
- the Shire will make publicly available, whether in electronic or hard copy form a copy of these undertakings, together with the principal local law.

As a point of explanation, the recommendation made to Council on the 19th August 2010 and subsequently adopted did not include the last two points above because it is automatically done. It was also assumed that point 1 would happen through the amendment process as it is not appropriate for Council to resolve to make an amendment to a local law until such time as the amendment process was completed in accordance with Section 3.12 of the Local Government Act 1995.

Notwithstanding the above, the Committee is in the best position to know what is required and the correct procedure to follow. It is recommended therefore that a motion, including the undertakings listed in this report be adopted.

Consultation:

The Local Law amendment will be advertised for public comment.

Statutory Obligations:

Local Government Act 1995, Section 3.6 and Section 3.12.

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 10.4.4****MOVED: CR TILBROOK****SECONDED: CR VAN DE VELDE**

That in respect to the Shire of Ravensthorpe Local Government Property Local Law, Council resolve to provide the following undertakings:

- to delete clause 1.6(b) from the Local Law, and that
- all consequential amendments arising from the undertaking above will be made;
- the clause will not be enforced in a manner contrary to the undertakings;
- the undertaking will be completed within 6 months of the date of the Shire's letter giving the undertakings;
- the Shire of Ravensthorpe will provide a copy of the minutes of the meeting at which the Ravensthorpe Council resolves to provide these undertakings; and
- the Shire will make publicly available, whether in electronic or hard copy form, a copy of these undertakings together with the principal local law."

CARRIED 4/0**Res: 510/10**
**10.4.5 SHIRE OF RAVENSTHORPE LOCAL GOVERNMENT PROPERTY
LOCAL LAW – EXTENSION OF OPERATION OF LAW OUTSIDE OF
DISTRICT**
File Ref:**Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 7th September 2010**Author:** Pascoe Durtanovich – Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** None**Summary:**

Council has previously resolved to commence the process of amending the Shire of Ravensthorpe Local Government Property Local Law (Item 10.4.4 of this agenda).

The purpose of this report is for the Council to consider whether to request the Governor's approval under section 3.6(1) of the Local Government Act 1995 to extend the application of the proposed local law beyond the boundaries of the Shire of Ravensthorpe.

It is recommended that Council request the Governor to permit the Local Law to apply outside the district into the Southern Ocean to a distance of 200 metres seawards from the high water mark.

Background:

The Local Government Property Local Law was gazetted on the 8th June 2010.

Clause 1.6(b) of the Local Law states that the Local Law applies outside of the local government district however Governor's approval was not obtained for this to occur.

As per item 10.4.4 of this meeting Council has given an undertaking to the Joint Standing committee on Delegated Legislation that it would seek to amend clause 1.6(B).

Comment:

By virtue of the fact that clause 1.6(b) was included in the Local Government Property Local Law it was intended that the law would apply beyond the high water mark of the ocean.

Many coastal local governments have local laws that apply outside of their district, 200 metres seaward is the standard distance.

There are a number of popular beaches in the Shire and the extended application is necessary to regulate activities below the high water mark. For example, without the Governor's approval, vehicles on the beach below the high water mark would not be subject to the provisions of the local law. Animals on the beach would not be subject to the provisions of the local law and the provisions relating to beaches and the ability to enforce those provisions where people were below the high water mark would not apply.

Starvation Bay is a good example of where Council requires authority to enforce the provisions of the local law, given the potential for conflict between swimming lessons, boating and swimmers. Masons Bay, Two Mile Beach are other areas that management beyond the high water mark is required.

Consultation:

The intention to amend the local law will be advertised for a minimum of 6 weeks in accordance with the requirements of section 3.12(3)(a) of the Local Government Act 1995.

The request to the Governor will not be subject to consultation however the local law amendment that will be advertised includes a reference to the law applying to areas for which the Governor's approval has been obtained.

Statutory Obligations:

The procedure for making local laws is set out in section 3.12 of the Local Government Act 1995 and regulation 3 of the Local Government (Functions and General) Regulations 1996. The local law is being advertised in accordance with section 3.12(3) of the Local Government Act 1995.

The ability to make a local law outside of the district of the Shire arises from section 3.6(1) of the Local Government Act 1995.

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.

OFFICER RECOMMENDATION

ITEM 10.4.5

MOVED: CR TILBROOK

SECONDED: CR VAN DE VELDE

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.

CARRIED 4/0

Res: 511/10

10.4.6 FITZGERALD 50 YEAR CELEBRATIONS**File Ref:**

Applicant: Fitzgerald 50 Year Celebration Committee

Location: Fitzgerald

Disclosure of Officer Interest: None

Date: 4th September 2010

Author: Pascoe Durtanovich – Chief Executive Officer

Authorising Officer: Not applicable

Attachments: None

Summary:

The Fitzgerald 50 Year Celebrations Committee has requested financial assistance with the staging of their 50 celebrations.

This report recommends that Council make a cash donation to the event.

Background:

A sub committee of the Fitzgerald Progress Association is compiling a book to celebrate and document 50 years of farming in the Jacup/Fitzgerald/West River area which will comprise an historical account of land settlement. The book includes an account of the Fitzgerald Progress Association, general media documentation past and present residents' stories and photos.

Invitations have been sent to past and present residents inviting them back to Fitzgerald for afternoon tea and an evening of celebrations, on the 9th October 2010. This will include the digging up and re-burying of a time capsule, a display of memorabilia, children's activities, dinner then evening activities and dancing.

Based on RSVPs to date it is expected that some 250 people will attend the celebrations.

A recent application to Council under the Community Development Fund, for the printing of the book was unsuccessful, as was their application to Lotterywest.

The expenses for the day are greater than anticipated with an exceptional response from interested attendees. Expenses include catering costs for afternoon tea and dinner, marquee hire (the hall will not be big enough for the day's celebration), a dance band for the evening entertainment etc.

Catering 250 x \$20/hd	\$5,000
Dance Band	\$800
Children's Entertainment	\$400
Hire of Marquee	\$600
Misc Printing/Postage	\$600
Book Printing	Approx \$10,000
Total	\$17,400

Funding to date received from:

Fitzgerald Progress Association	\$2,000
Galaxy	\$1,000
Jerramungup Shire	\$1,500
CSBP	\$1,800
Southern Scribes	\$1,000
Misc	\$300
Total	\$7,600

Comment:

The 50 year celebration is a significant community event and whilst Council could not make a contribution to the printing of the book through the CDF because of the number of applications, it can make a donation to the day's celebrations from the donations budget.

Consultation:

Not applicable

Statutory Obligations:

Nil

Policy Implications:

Nil.

Budget / Financial Implications:

Funds are available in the donations 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.

OFFICER RECOMMENDATION**ITEM 10.4.6**

That a cash contribution of \$ _____ be made to the Fitzgerald 50 Year Celebration event.

COUNCIL DECISION**ITEM 10.4.6**

MOVED: CR TILBROOK

That a cash contribution of \$ 2,000 be made to the Fitzgerald 50 Year Celebration event.

Motion lapsed due to the lack of a seconder.

COUNCIL DECISION**ITEM 10.4.6**

MOVED: CR VAN DE VELDE

SECONDED: CR TILBROOK

That a cash contribution of \$ 500 be made to the Fitzgerald 50 Year Celebration event.

CARRIED 4/0

Res: 512/10

10.4.7 TOURISM STRATEGY

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	4 th September 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

Summary:

Council is required to acknowledge the Shire of Ravensthorpe Tourism strategy and determine and progress a number of key strategy recommendations.

Background:

The Tourism Strategy was prepared by Evolve Solutions.

The project was initiated by Council following the closure of the Ravensthorpe Nickel operation and was funded by the State Government via the post mine closure stimulus package.

Comment:

A copy of the Strategy has been provided to Councillors and has been discussed in a workshop situation.

It is generally agreed that the Strategy has addressed the study brief, the document is realistic and the recommendations, relevant to Council, are achievable, albeit some in the longer term.

In addressing the Strategy actions Local Government's role should be made clear from the outset, that is, Council and its administration should not be responsible for the success or failure of the tourism industry in the Shire of Ravensthorpe.

Council's role is to provide and maintain infrastructure such as parks, gardens, pedestrian and vehicular access, ablution facilities, etc and where possible offer planned financial support to whatever tourism management structure is put in place.

Tourism promotion and visitor servicing should be the responsibility of others.

Key issues arising from the Councillor Workshop include the following:

- A formal Council resolution to receive the Strategy report.
- In conjunction with RHAPS, determine and implement a Tourism Governance model.
- Determine a logo and tagline for branding purposes.
- Given the inability to fill the initial Tourism Development Manager position, determine a new position "level" and position description.

In considering Council's role in the above the following is suggested.

Tourism Strategy Report

Council resolve to receive the report rather than adopt it. Adopting the report may be construed as adopting the recommendations therein.

Governance Model

Probably the most important aspect. There needs to be a workable Committee, Board or Bureau in place to progress the Strategy actions and tourism generally.

This issue is addressed in clause 4.7 page 65 of the Strategy. The Strategy report recommends a Council Committee. A Committee of Council would be too restrictive given that Council cannot delegate decision making to a Committee that has non Councillor membership.

It is important that Council is strongly represented on whatever Governance structure is determined, to this end the Shire President, one Councillor and the Chief Executive Officer should be included.

It would be appropriate that RHAPS be consulted on the formation of a Governance structure. It may be as simple as a revamp of RHAPS.

Tourism Manager Position

Around a \$45,000 position is suggested, focusing on visitor servicing, working with volunteers. The position would be responsible for implementing the Governance body decisions. Marketing and promotion responsibilities would be minimal. This aspect would be outsourced.

Council should also consider the option of the officer being employed by the new Governance body. This would be more workable than having the officer responsible to the CEO of the Council and yet working with and implementing Governance Committee decisions.

A detailed position description should be prepared in consultation with the new Governance body.

Logo / Tagline

At the Councillor workshop the preference was the logo on page 29 of the Strategy report with a tagline from page 31.

Resourcing whatever management structure is put in place is a significant issue also. Council was granted funding of \$345,000 by the State Government and \$40,000 by BHP Billiton. Of this, \$45,000 of the State Government allocation and \$20,000 from the BHP allocation was spent on the Tourism Strategy, leaving \$320,000, \$300,000 of which was the amount originally earmarked for the employment of a Tourism Development Officer, for a two year period. Council should consider allocating a percentage of this amount, together with the approximately \$20,000 per annum contribution already being made, to the new Tourism body on an annual basis to fund the employment of the Manager, resourcing an office, motor vehicle (or vehicle allowance) and operational costs.

Based on the above just over \$80,000 per annum would be allocated over a four year period.

From an accountability point of view the Governance body should provide an annual budget to Council prior to the allocation of the funds. It should also be required to provide a quarterly operational report.

Consultation:

To be undertaken with RHAPS.

Statutory Obligations:

Nil.

Policy Implications:

Nil

Budget / Financial Implications:

As outlined under the comment section of this report.

Strategic Implications:

The Shire of Ravensthorpe Strategic Plan/Plan for the Future, Actions 107, 108 and 116 refer to the preparation of a Tourism development strategy.

Sustainability Implications:

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

The implementation of the Tourism Strategy will assist in the development of the tourism industry in the Shire which hopefully will add to the economy of the district.

- **Social:**

There are no known significant social considerations.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 10.4.7 (1)

That the Tourism Strategy for the Shire of Ravensthorpe, development by Evolve Solutions and identified as attachment 10.4.6, be received.

OFFICER RECOMMENDATION

ITEM 10.4.7 (2)

That RHAPS be invited to participate in the process to determine a tourism governance model for the Shire of Ravensthorpe.

OFFICER RECOMMENDATION

ITEM 10.4.7 (3)

That the tourism Governance structure not be a committee of Council.

OFFICER RECOMMENDATION**ITEM 10.4.7 (4)**

That Council be represented on the new Tourism Governance body by the Shire President, the Chief Executive Officer and Cr Lansdown.

OFFICER RECOMMENDATION**ITEM 10.4.7 (5)**

That a position of Tourism Manager be created under the following criteria:

- Salary - \$45,000 per annum.
- Employed and responsible to the new Tourism Governance body.
- A detailed position description be prepared by the Chief Executive Officer with assistance and input from RHAPS.
- The position be under contract for a two year term with a further two year option subject to satisfactory performance.

OFFICER RECOMMENDATION**ITEM 10.4.7 (6)**

That council make an annual contribution of \$85,000 to the new Tourism Governance body for operational activities, including the employment of the Tourism Manager, subject to the following conditions:

- (1) An annual budget being submitted to the Council.
- (2) A quarterly operating statement being submitted to the Council.

The funding program be for a term of four years, commencing 1st January 2011, or an alternate commencement date as determined by the Chief Executive Officer after discussions with the new Governance body.

OFFICER RECOMMENDATION**ITEM 10.4.7 (7)**

That the logo on page 29 and all the taglines on page 31 of the Tourism Strategy be adopted.

BLOCK VOTE**COUNCIL DECISION****ITEM 10.4.7 (1-7)****MOVED: CR VAN DE VELDE****SECONDED: CR TILBROOK**

That the officer recommendations for items 10.4.7(1) to 10.4.7(7) inclusive, be adopted.

CARRIED 4/0**Res: 513/10**

10.4.8 LOCAL GOVERNMENT EXTRAORDINARY ELECTION

File Ref:	
Applicant:	Not applicable
Location:	Rural Ward
Disclosure of Officer Interest:	None
Date:	6 th September 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

Summary:

An extraordinary election has to be held to fill the vacancy created by the resignation of Cr Van De Velde.

This report recommends that a Postal Election be held and the Electoral Commissioner be appointed to conduct the election.

Background:

Cr Van De Velde's resignation takes effect on the 30th September 2010. The timing of the resignation means that the vacancy has to be filled by an extraordinary election. The vacancy cannot be held over to the 2011 annual election.

Comment:

As the case with the 2009 annual election, administration recommends a Postal Election be held to fill the vacancy.

The current procedure required by the *Local Government Act 1995* is that written agreement from the Electoral Commissioner has to be obtained before the Shire can declare that the Electoral Commissioner will be responsible for the election. The Commissioner has agreed to be responsible for the conduct of the extraordinary election on the 16th December 2010 for the Shire of Ravensthorpe, in accordance with Section 4.20(4) of the *Local Government Act 1995*. The Electoral Commissioner will only conduct the election if the method is a postal election.

In order to achieve this, the following two motions need to be passed by absolute majority:

- Declare, in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of future Shire of Ravensthorpe Local Government Elections.
- Decide, in accordance with Section 4.61(2) of the *Local Government Act 1995*, that the method of conducting future elections will be as a postal election.

Postal elections generally achieve increased elector participation and have the following additional advantages.

Advantages for electors

- Convenience of casting a vote in their own homes – particularly for disabled and aged voters and those without access to transport.
- Provision of candidate profiles to each elector to assist in their decision-making.

- Time to contact candidates and make an informed decision.
- Reduced costs in time and travel in casting a vote.

Advantages for candidates

- Availability of an experienced Returning Officer “at arms length” from Local Government business.
- Detailed candidates’ guides prepared by the Electoral Commission.
- An opportunity to reach all eligible electors at no cost through the candidate profile.
- Confidence that the election is being run by the State’s independent Electoral Commission.
- Elected candidates have an increased support base.

Advantages for the Local Government

- All eligible electors are given information about the election.
- Electors can vote more easily as there are virtually no barriers to voting.
- Elections are seen to be conducted by the impartial Western Australian Electoral Commission.
- The workload for the CEO is reduced in an area that is not core business.
- The vast majority of elector and candidate enquiries are received and resolved by either the Returning Officer or the Electoral Commissioner.
- Statutory requirements are fulfilled.
- A full election report (including statistics) is prepared by the Electoral Commission for presentation to Council.
- Materials and equipment used in the processes meet contemporary electoral standards.
- Economies of scale can reduce some of the costs.
- Elected Councillors have a high level of support from the local community.

Consultation

No applicable.

Statutory Obligations

Section 4.61 of the Local Government Act 1995, states in part as follows:

4.61. Choice of methods of conducting the election

(1) The election can be conducted as a **postal election** which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

Voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

(2) The local government may decide* to conduct the election as a postal election.

**Absolute majority required.*

(4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.

Section 4.20(4) of the Act states as follows:

(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

**Absolute majority required.*

Policy Implications

Nil

Budget / Financial Implications

The cost for the Electoral Commissioner to conduct the Extraordinary Election will be approximately \$9,000. There is no provision in the current budget for this expenditure item, therefore Council is required to resolve, by absolute majority, to authorise the expenditure.

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.

OFFICER RECOMMENDATION

ITEM 10.4.8 (1)

That Council;

- (1) declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the extraordinary election to be held on the 16th December 2010; and
- (2) decide , in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

OFFICER RECOMMENDATION

ITEM 10.4.8 (2)

That up to \$9,000 be authorised as unbudgeted expenditure for the extraordinary election to be held on the 16th December 2010.

BLOCK VOTE

COUNCIL DECISION	ITEM 10.4.8 (1-2)
MOVED: CR VAN DE VELDE	SECONDED: CR LANSDOWN
That the officer recommendations for items 10.4.8(1) and 10.4.8(2) be adopted.	
CARRIED BY ABSOLUTE MAJORITY 4/0	Res: 514/10

10.4.9 MUNGLINUP TELEVISION TRANSMISSION SERVICE

File Ref:	
Applicant:	Not applicable
Location:	Munglinup
Disclosure of Officer Interest:	None
Date:	6 th September 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

Summary:

The television transmission service for the Munglinup Townsite is currently housed in the Old Town Hall, which is due to be demolished.

This report recommends that Council discontinue providing the service.

Background:

The television transmission service was provided some ten or fifteen years ago. The condition of the system is substandard in a number of areas and in the not too distant future will need replacing.

Comment:

Apart from the cost of providing alternate housing when the hall is demolished, the cost of servicing the equipment is significant. Travelling costs alone charged by technicians are approximately \$1,000 to \$1,500 per visit.

The system only services the Munglinup Townsite, a total of 14 houses.

A recent survey to determine the number of households using the service resulted in six people confirming that they are using the service.

Continuation of the service is not a financially feasible option, therefore Council should give consideration to discontinuing the service. Council could also provide funding assistance for the acquisition of individual satellite reception systems.

Consultation:

Householders in the Munglinup Townsite were surveyed, only six households use the service.

Statutory Obligations:

Nil.

Policy Implications:

Nil

Budget / Financial Implications

The cost to provide new equipment to retransmit four channels is well over \$100,000.

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 10.4.9
MOVED: CR TILBROOK	SECONDED: CR VAN DE VELDE
That the television retransmission service to the Munglinup Townsite be discontinued and the equipment be removed as part of the hall demolition.	
CARRIED 4/0	Res: 515/10

10.4.10 PROPOSED AMENDMENT OF RATING BASIS TO GRV – GALAXY LITHIUM PLANT AND FIRST QUANTUM NICKEL PLANT

File Ref:**Applicant:**

Not applicable

Location:

Not applicable

Disclosure of Officer Interest:

None

Date:

6th September 2010

Author:

Pascoe Durtanovich – Chief Executive Officer

Authorising Officer:

Not applicable

Attachments:

None

Summary:

Council is requested to approve additional funding to progress GRV based rating of mine processing plants.

Background:

There are two operating mines in the Shire of Ravensthorpe, both are currently rated under an unimproved valuation method.

With the approval of the Minister for Local Government, GRV based rating can be imposed on the processing plant section of the mine operation.

Comment:

To progress this issue the following will apply.

- A request to determine desk-top GRV estimates of the processing plants needs to be forwarded to Landgate Valuation Services in addition to details of a contact within each company.
- The relevant companies should be formally advised of Council's proposal, and advised that Landgate will require information from them to assist in the GRV assessment.
- The total fee to determine each GRV (initial desk-top estimate, inspection and formal GRV) will be approx \$5,000 - \$8,000 (ex-GST).
- A technical land description for each site is required. These can be undertaken by a surveyor or by Landgate. Landgate's fee to undertake just a single technical land description is \$950 (ex-GST). If 2 descriptions are required of sites located relatively close to each other (eg processing plant and associated accommodation village), the total fee is \$1,250 (ex-GST).

Consultation:

Advice to mining companies.

Statutory Obligations:

Local Government Act 1995.

Policy Implications:

Nil

Budget / Financial Implications:

Up to \$20,000 should be allocated to determine valuations and for the preparation of technical land description.

While Council has a valuation budget allocation, allowance has not been made for this project.

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 10.4.10
MOVED: CR LANSDOWN	SECONDED: CR TILBROOK
That unbudgeted expenditure of up to \$20,000 be authorised for the purpose of obtaining GRV for the Galaxy Lithium processing plant and the First Quantum Nickel processing plant and associated residential accommodation area.	
CARRIED BY ABSOLUTE MAJORITY 4/0	Res: 516/10

10.4.11 RAVENSTHORPE PLAYGROUP – LEASE OF EDUCATION DEPARTMENT BUILDING

File Ref:	
Applicant:	Ravensthorpe Playgroup
Location:	Ravensthorpe School grounds
Disclosure of Officer Interest:	None
Date:	6 th September 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – copy of letter on behalf of Playgroup

Summary:

The Education Department has agreed to lease the old kindergarten building on the Ravensthorpe school site for use by the Ravensthorpe Playgroup.

This report recommends that Council enter into the necessary lease agreement.

Background:

Council considered the needs of the Ravensthorpe Playgroup at the meeting on the 24th June 2010.

It was reported at the meeting that the Council owned building in Daw Street was no longer serviceable and other options should be looked at.

Council resolved as follows:

“That:

- 1) the building on Reserve 29730, Daw Street be demolished and \$25,000 be included in the 2010/2011 budget for this purpose;*
- 2) the Playgroup Committee be requested to use the building made available by the Education Department as an interim Playgroup centre; and*
- 3) the need for a new Playgroup facility be considered by Council following the provision of further information by the Playgroup Committee, on the present and future need for such a facility.*

Since the above resolution the Playgroup Committee has liaised with the School Principal and negotiated a five year tenure, with the building being leased to the Shire of Ravensthorpe.

Comment:

A copy of a letter from the Playgroup on the matter is attached.

If Council did agree to take the lease on behalf of the Playgroup it should be on the basis the Council be responsible for minor maintenance items and water charges.

The Playgroup should be responsible for the day to day operation of the building, including cleaning and electricity charges.

It is not certain whether a lease fee will be charged by the Education Department. This will be determined prior to this meeting.

Consultation:

Ravensthorpe Playgroup and the Ravensthorpe High School Principal have been consulted.

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

Council is currently responsible for all utility charges, building insurance and maintenance of the Daw Street building. A total of \$5,366 in 2009/2010. Depending on arrangements entered into for the lease of the Education Department building, the cost should be substantially less.

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.

Absolute majority for delegation of authority.

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 10.4.11 (1)
MOVED: CR VAN DE VELDE	SECONDED: CR TILBROOK
That Council accept the offer from the Education Department for the Shire of Ravensthorpe to lease the old kindergarten building on the Ravensthorpe School site for use by the Ravensthorpe Playgroup.	
CARRIED 4/0	Res: 517/10

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 10.4.11 (2)
MOVED: CR VAN DE VELDE	SECONDED: CR TILBROOK
That the Chief Executive Officer be delegated authority to finalise the lease with the Education Department.	
CARRIED BY ABSOLUTE MAJORITY 4/0	Res: 518/10

10.4.12 RABBIT PROOF FENCE MEMORIAL PROJECT

File Ref:	
Applicant:	Not applicable
Location:	Shire of Ravensthorpe
Disclosure of Officer Interest:	None
Date:	1 st September 2010
Author:	Angela Jess – Community Services Officer
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	No

Summary:

The Rabbit Proof Fence Steering Committee is requesting financial contribution of \$1000 from the Shire of Ravensthorpe toward the Rabbit Proof Fence Memorial Project.

Background:

The Rabbit Proof Fence is of national significance with the 3rd and final fence completed in 1907. So alarmed were the State Government over the rabbit invasion in the early 1900's and their threat to WA agriculture that a one thousand mile barrier was constructed with the aim of keeping the vermin out.

This fence crosses 5 national highways and is present in 34 Local Government regions throughout WA including the Shire of Ravensthorpe.

Comment:

The Rabbit Proof Fence Steering Committee has proposed a multistage project with Cunderdin as the initial stage. Their vision is a statement visitor attraction having multiple locations, including Ravensthorpe, consisting of monuments and interpreter historical exhibits.

The consultants and artists involved in the project come well referenced and the project brings direct historical value and tourism opportunity to our region.

Consultation:

Nil

Statutory Obligations:

The Chief Executive Officer has delegated authority to donate up to \$200. Given the requested amount is \$1000 the matter has been referred to Council.

Policy Implications:

Nil

Budget / Financial Implications:

Funds are available in the donations budget.

Strategic Implications:

Consistent with the Shire of Ravensthorpe 2010 – 2015 Strategic Plan. Action 107.

Sustainability Implications:

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION**ITEM 10.4.12**

That Council support the Rabbit Proof Fence Memorial Project and contribute \$1000 towards the Rabbit Proof Fence Master Plan.

COUNCIL DECISION**ITEM 10.4.12****MOVED: CR TILBROOK****SECONDED: CR VAN DE VELDE**

That Council support the Rabbit Proof Fence Memorial Project and contribute \$500 towards the Rabbit Proof Fence Master Plan.

CARRIED 3/1**Res: 519/10**

Cr Lansdown recorded his vote against the motion.

REASON FOR CHANGE TO OFFICER RECOMMENDATION: Due to budget constraints.

10.4.13 SHIRE STANDPIPE SWIPE CARD SYSTEM**File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 7th September 2010**Author:** Steven Ball – Ranger Services**Authorising Officer:** Pascoe Durtanovich – Chief Executive Officer**Attachments:** Waterman Standpipe Swipe Card
Management Systems Documents**Summary:**

Standpipe water usage is increasing and as such Council needs to monitor accurately the usage from the two main stand pipes in the Shire, so that billing for water use is accurate.

As part of the water management system an increase in the fee per kilolitre of water likewise needs to be considered.

Background:

There are four standpipes in the Shire, these are, Hopetoun, Ravensthorpe, Munglinup and Sprindale Road. The proposal is to place a swipe card management system on two of the four standpipes to accurately monitor usage and control billing.

The reason for only having two of the four standpipes monitored is that the Springdale Road standpipe is the only one operating from a bore and the Munglinup Standpipe has minimal usage, the remaining standpipes, Hopetoun and Ravensthorpe are much higher usage.

Usage for the standpipes from July 2006 until August 2010 has been as follows;

- Hopetoun 24,289.74 Kilolitres
- Ravensthorpe 9,629.98 Kilolitres
- Munglinup 3,890.90 Kilolitres

Council relies on feed back from users to provide accurate readings of usage. With the swipe card management system in place precise records will be available.

Since the beginning of 2010 the standpipe in Ravensthorpe has been locked out by a water corporation padlock, this has reduced the misuse of this particular standpipe. It is believed that there are a number of keys being used by individuals and or companies, however, the shire has had no information as to who has these keys and therefore no control on the standpipe.

Each unit would cost approximately \$8000 to \$10,000 (includes installation) at the current rate charges for water per kilolitre, Council would need to bill for 11,000 kilolitres of water for the return on one unit. Research around the districts shires has shown the following water rate charges;

- Dundas \$6 per K/Lt or \$12 Minimum charge
- Plantagenet \$1.40 per K/Lt
- Jerramungup \$8 per K/Lt or \$40 Minimum Charge

- Pingelly \$1.10 per K/Lt
- Ravensthorpe \$1.10 per K/Lt

There are currently five Shires installing the waterman water management system, two other Shires, Moora and Plantagenet has the system operational and believe that it was a very worthwhile expenditure. They have both stated that water loss has been reduced, and income is up.

There will be no need for any upgrades to our computer systems or the need to purchase any software as the waterman website is accessed for all water use information and bill accordingly.

Comment:

The introduction of the Swipe Card Management system, although initially expensive will provide a better control on the use of the towns water supply and a much better and more accurate billing system.

Consultation:

Nil.

Statutory Obligations:

Nil.

Policy Implications:

Policy and procedure may need to be implemented to manage the swipe card system.

Budget / Financial Implications:

The cost of these swipe card systems has not been budgeted for.

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 10.4.13
MOVED: CR LANSDOWN	SECONDED: CR TILBROOK
That unbudgeted expenditure of \$20,000 be authorised for the purchase of two Waterman Standpipe Management Systems for the Hopetoun and Ravensthorpe water standpipes.	
CARRIED BY ABSOLUTE MAJORITY 4/0	Res: 520/10

10.4.14 RAVENSTHORPE TOWN HALL REFURBISHMENT TENDER

File Ref:	
Applicant:	Not applicable
Location:	Lot 178 Carlisle Street, Ravensthorpe
Disclosure of Officer Interest:	None
Date:	6 th September 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None – Plans & Specifications Tabled

The Chief Executive advised that no tenders were received.

Summary:

Following recalling of tenders for the Ravensthorpe Town Hall refurbishment _____ tenders were received.

This report recommends that the tender from _____ be accepted.

Background:

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

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

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

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

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

That:-

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

application to the Goldfields Esperance Development Commission is known.

Council considered the matter again at the meeting on the 22nd July 2010, following advice that the application for funding was successful.

At that meeting Council resolved as follows:

That the tender not be accepted and the full scope of the works be retendered.

Comment:

The following tenders were received at the conclusion of the advertising period, 13th September 2010.

To be tabled.

Consultation:

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

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

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

Statutory Obligations:

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

Policy Implications:

Nil

Budget / Financial Implications:

The following funding has been secured for the project to date.

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

An application for funding from Lotterywest has been prepared and will be submitted when and if Council agrees to proceed with the project and the shortfall amount is known.

Strategic Implications:

Nil

Sustainability Implications:

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

There are no known significant social considerations.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 10.4.14

That the tender of _____ from _____ for the refurbishment of the Ravensthorpe Town Hall, in accordance with the adopted plan A01, be accepted.

COUNCIL DECISION

ITEM 10.4.14

That in the absence of tenders, the Chief Executive Officer be delegated authority to progress the Ravensthorpe Town Hall redevelopment project.

CARRIED BY ABSOLUTE MAJORITY 4/0

Res: 521/10

10.4.15 DONATION FOR THE 2010 RAVENSTHORPE COMMUNITY BALL

File Ref:

Applicant:

Not applicable

Location:

Ravensthorpe Entertainment Centre

Disclosure of Officer Interest:

None

Date:

7th September 2010

Author:

Angela Jess – Community Services Officer

Authorising Officer:

Pascoe Durtanovich – Chief Executive Officer

Attachments:

No

Summary:

Council is requested to consider a donation of \$500 to go towards expenses for the 2010 Ravensthorpe Community Ball to be held on the 23rd October 2010.

Background:

The Ravensthorpe Community Ball is an event that has been held annually for more than a decade.

This event was originally created with the aim of allowing our Year 10 high school children the opportunity to partake in a school formal – an event not possible without the support of the community due to small class numbers. With Ravensthorpe having the only district high school, it involves the children and families of the entire Shire and includes past students from that year group who have left the area to study elsewhere.

It is tradition that the event starts with the debutants being presented to the congregation.

This event is committee run and any profits made go to the hosting not for profit organisation. Over the years, this event has been shared between a number of volunteer groups and this year is being hosted by the Ravensthorpe Tigers Football and Sporting Club.

Comment:

In the past this event has been held at the Ravensthorpe Town Hall. Due to the poor state of the hall and other issues relating to security and liquor licensing laws, the committee has proposed to trial this event in the Ravensthorpe Entertainment Centre in 2010.

Traditionally, the event is not overly profitable with the costs of providing live entertainment a major expense. Ticket prices have been increased this year to assist with this cost although the committee is conscious of keeping the event affordable to the whole community.

This unfortunately makes the hosting of the event less appealing by not for profit groups as there is little reward for their efforts. This popular community event runs the risk of being phased out with a difficulty in securing willing hosts over the last few years.

This year there are additional costs incurred as a result of holding the event at the Ravensthorpe Entertainment Centre such as the need to hire a dance floor, and security to ensure liquor law compliance in a family friendly environment.

Sponsors will be recognised in the lead up, and at the actual event.

Consultation:

Nil

Statutory Obligations:

The chief executive officer has delegated authority to donate up to \$200. Given the requested amount is \$500 the matter has been referred to Council.

Policy Implications:

Nil

Budget / Financial Implications:

Funds are available from the donations budget.

Strategic Implications:

Nil.

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
Any profits made as a result of this donation will go back to a not for profit organisation in our Shire.
- **Social:**
This is a family friendly community event focused on addressing the social needs of youth in our Shire.

Voting Requirements:

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 10.4.15
MOVED: CR TILBROOK	SECONDED: CR VAN DE VELDE
That Council contribute \$500 towards expenses for the 2010 Ravensthorpe Community Ball.	
CARRIED 4/0	Res: 522/10

10.4.16 MANAGING EXTERNAL DIEBACK THREATS TO THE FITZGERALD RIVER NATIONAL PARK – FINAL REPORT

File Ref:	
Applicant:	Not applicable
Location:	Fitzgerald Biosphere Reserve
Disclosure of Officer Interest:	None
Date:	6 th September 2010
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Copy of final report

Summary:

South Coast NRM Inc commissioned a report on external dieback threats to the Fitzgerald River National Park (FRNP).

It is recommended that Council receive the report and request the Department of Environment and Conservation to facilitate funding to enable the Shire of Ravensthorpe to secure adequate resources to develop and implement strategies to achieve the goal and objectives identified in the report.

Background:

The need and purpose of the plan is summarised in the plan as follows:

South Coast NRM Inc. initiated development of a plan for local area management of the external threat caused by Phytophthora Dieback to FRNP. This is to add-value to current management undertaken by the Department of Environment and Conservation (DEC) within the national park to contain existing P. cinnamomi infestations and to reduce the risk of further infestation.

The purpose of the plan is to identify specific actions that can be undertaken by organisations or groups that are required to minimise the external threat of Dieback to the FRNP. While the focus is on the national park, the actions are to apply also to disease risk reduction in the adjacent areas of Unallocated Crown Land, local government reserves and private remnant vegetation.

The 'terms of reference' for the plan include requirements to provide a strategic approach to stakeholder engagement which will outline specific actions required for:

- *understanding of the social/community/recreational use of these areas,*

- *identifying where this use poses a disease risk,*
- *determining what behaviours need to change,*
- *providing direction for the change that would best be implemented, and*
- *processes to monitor the success of the actions once undertaken.*

Comment:

The plan contains an assessment of external dieback threats. Threats are categorised low, moderate, high and very high. Similarly, feasible and effective actions for threat reduction have been identified and assessed.

Importantly the plan identifies key stakeholders that should be engaged to reduce the risk. Local Government figures prominently, not only directly but also by virtue of local community groups that have been identified.

Inevitably additional tasks placed on community groups impact, in one way or another, on the local government.

The plan is an extremely important document that sets out to address the single, most significant threat to a world class asset and should be supported. Whilst identified priority actions are costed and funding required noted administration is concerned that local government will be required to allocate resources to implement the actions, resources that it does not currently have.

It is therefore recommended that Council receive and acknowledge the significance of the plan and advise South Coast NRM and the Department of Environment and Conservation that the Shire of Ravensthorpe will take no further action on the plan until such time as funding is made available to Council to secure the resources required to fulfil the requirements of the plan.

Consultation:

Not applicable.

Statutory Obligations:

Nil.

Policy Implications:

Council does not have a policy on dieback management.

Budget / Financial Implications:

In addition to the costs outlined in the identified priority actions at least one full time officer, employed by Council, is required if the action plan is to be taken seriously. The position and associated overheads should be fully funded by the State Government.

Strategic Implications:

Shire of Ravensthorpe Strategic Plan, Action Plan 7.1 refers.

Sustainability Implications:

- **Environmental:**
Effective management to minimise the threat of dieback is essential to protect the high conservation value of the park.
- **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 10.4.16
MOVED: CR LANSDOWN		SECONDED: CR VAN DE VELDE
That:		
(1) the Final Report – Managing External Dieback Threats to the Fitzgerald River National Park, be received and the significance of such a document be acknowledged.		
(2) the Department of Environment and Conservation and South Coast NRM be advised that the Shire of Ravensthorpe will take no further action on the plan until such time as funding is made available to Council to secure the resources required to fulfil the requirements of the plan.		
CARRIED 4/0		Res: 523/10

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

COUNCIL DECISION		ITEM 12.2
MOVED: CR TILBROOK		SECONDED: CR LANSDOWN
That Council deal with items 12.2.1 and 12.2.2 at this meeting to meet funding timelines in respect to item 12.2.2 and to clarify permitted land uses in respect to item 12.2.1, as soon as possible.		
CARRIED 4/0		Res: 524/10

12.2.1 REQUEST TO AUTHORISE UNBUDGETED EXPENDITURE

File Ref:	14.4.0.0
Applicant:	N/A
Location:	N/A
Disclosure of Officer Interest:	None
Date:	15 September 2010
Author:	Kobus Nieuwoudt – Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	None

Summary:

Council is requested to authorise unbudgeted expenditure to the amount of \$10,000.00 plus GST to engage Ayton Baesjou Planning Consultants to review the issue of 'Caretaker' accommodation and residential development in the Hopetoun Town Centre.

Background:

Concerns regarding the take up of the town centre by residential development have been raised by Council as a result of the rapid development of Hopetoun and the difficulty experienced in finding sites for the expansion of retail and commercial services.

Comment:

The recent decision of Council to refuse an application for a caretaker's dwelling on the corner of Veal Street and Esplanade in Hopetoun, and the subsequent appeal to the State Administrative Tribunal has underlined the need to provide greater guidance for Council in dealing with the issue.

It is recommended an amendment be prepared to Council's Town Planning Scheme No.5 to address the matter.

The following scope of work is recommended:

- A brief review of the town centre in terms of existing land use, extent and nature of residential development, extent of commercial development and amount of vacant land;
- A review of growth within Hopetoun and likely demand for additional commercial floor space;
- Assess the suitability of land within the town centre to accommodate commercial development;
- Review the suitability of allowing for further residential development to occur within the Town Centre, including caretaker's accommodation;
- Review the existing scheme text and provide appropriate guidelines and provisions to control the nature and extent of residential development within the Town Centre;
- Prepare appropriate rezoning documentation for consideration by Council;
- Amend the documentation as necessary; and
- Provide ongoing advice in relation to the processing of the amendment as directed by Council.

Consultation:

Officers liaised with Ayton Baesjou Planning Consultants regarding this matter and the advice received is appropriately reflected in the recommendations of this report.

Statutory Obligations:

Nil.

Policy Implications:

Nil.

Budget / Financial Implications:

The estimated planning fee for the preparation of draft rezoning documentation is \$10,000.00 plus GST. This expenditure is not reflected in Council's current 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 12.2.1

MOVED: CR TILBROOK

SECONDED: CR VAN DE VELDE

That Council authorise unbudgeted expenditure to the amount of \$10,000.00 plus GST and engage Ayton Baesjou Planning Consultants to carry out the following scope of works in relation to the issue of 'Caretaker' accommodation and residential development in the 'Town Centre' zone of TPS No.5:

- A brief review of the Ravensthorpe and Hopetoun town centres in terms of existing land use, extent and nature of residential development, extent of commercial development and amount of vacant land;
- A review of growth within Hopetoun and Ravensthorpe townsites and likely demand for additional commercial floor space;
- Assess the suitability of land within the Town Centre zone of Ravensthorpe and Hopetoun to accommodate commercial development;
- Review the suitability of allowing for further residential development to occur within the town centres of Ravensthorpe and Hopetoun townsites, including caretaker's accommodation;

- Review the existing scheme text and provide appropriate guidelines and provisions to control the nature and extent of residential development within the Town Centre zone;
- Prepare appropriate rezoning documentation for consideration by Council;
- Amend the documentation as necessary; and
- Provide ongoing advice in relation to the processing of the amendment as directed by Council.

CARRIED 4/0

Res: 525/10

12.2.2 HOPETOUN CHILDCARE FACILITY

File Ref:

Applicant:

Not applicable

Location:

Buckie Street, Hopetoun

Disclosure of Officer Interest:

None

Date:

16th September 2010

Author:

Pascoe Durtanovich – Chief Executive Officer

Authorising Officer:

Not applicable

Attachments:

Yes – copy of letter from YMCA

Summary:

Ownership of the Hopetoun Childcare building is in dispute. This report recommends Council implement relevant conditions of the draft lease agreement to resolve the issue.

Background:

The Childcare facility is located on a Shire vested reserve. The draft lease provides that if the facility is not used for childcare purposes for a period of six months, the buildings on the reserve will revert to the ownership of the lessor (Shire of Ravensthorpe).

Following the closure of the Ravensthorpe Nickel operation, the facility has not been used for a period in excess of six months. YMCA, who operated the childcare on behalf of BHP Billiton, are of the view that the building is owned by them. See letter attached.

Councillors have discussed this matter on a number of occasions at Councillor Workshops and are fully aware of the circumstances surrounding the issue.

Comment:

On legal advice, Council is requested to resolve that the letters in the attached form be dispatched by McLeods Solicitors, on behalf of the Shire.

Consultation:

Not applicable.

Statutory Obligations:

Draft lease agreement.

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.****MOVED: CR LANSDOWN****SECONDED: CR VAN DE VELDE**

That the letters in the attached form, attachments 12.2.2(1) and 12.2.2(2), be forwarded, by McLeods Solicitors, to Cahill Billington Solicitors and the Chief Executive Officer YMCA, respectively.

CARRIED 4/0**Res: 526/10****13. MATTERS BEHIND CLOSED DOORS**

Nil.

14. CLOSURE OF MEETING - 6.25pm.

These minutes were confirmed at the meeting of the

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

Date: _____