



MINUTES

For the Council Meeting held on

Thursday 20 November, 2014

Commencing at 5.05 p.m.

In the Council Chambers, Ravensthorpe.

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE
ON 20 NOVEMBER 2014, COMMENCING AT 5.05PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.05pm – the presiding person, Cr Goldfinch, declared the meeting open.

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS: Cr Ian Goldfinch (Shire President)
 Cr Keith Dunlop (Deputy Shire President)
 Cr Ken Norman
 Cr Andrew Duncan
 Cr Julianne Belli
 Cr Angela Kelton
 Cr Sharyn Gairen

STAFF: Ian Fitzgerald (Chief Executive Officer)
 Keith white (Deputy Chief Executive Officer)
 Darryn Watkins (Manager Engineering Services)
 Craig Pursey (Planning Officer)
 Portia Ridout (Executive Assistant)

APOLOGIES: NIL

ON LEAVE OF ABSENCE: NIL

ABSENT: NIL

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

NIL

4. PUBLIC QUESTION TIME

NIL

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

Councillor/Officer	Item	Nature of Interest	Extent of Interest
Cr Kelton	7.2	Indirect Financial	Uses Lincolns Accountancy for personal tax
Cr Goldfinch	7.2	Indirect Financial	Use Lincolns as accountant
Cr Duncan	7.2	Indirect Financial	Client of Lincolns

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

6.1 MRS KAY WILSON- RE AGED RESIDENTIAL CARE HOPETOUN

Kay Wilson spoke about possible aged residential care that could be provided in the Hopetoun community. Mrs Wilson gave a brief overview of options that are currently being provided in other areas. A feasibility study is the next step to determine the need for such a thing in our area.

6.2 MRS KAREN CAMPBELL – RE ITEM 10.3.1 HOPETOUN FORESHORE UPGRADE

Karen Campbell advised Council of previous studies, consultation and development plans done by the Hopetoun Progress Association in relation to the Hopetoun Foreshore upgrade. She asked that these plans be taken in to consideration when deciding on the layout.

7. CONFIRMATION OF MINUTES

7.1 COUNCIL MEETING – 23 OCTOBER, 2014

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 7.1
Moved: Cr Gairen	Seconded: Cr Duncan
That the minutes of the meeting of council held on 23 October, 2014 be confirmed as a true and correct record of proceedings.	
Carried: 7/0	Res: 173/14

Prior to any consideration of Item 7.2 Cr Kelton made the following declaration:

I am a client of Lincolns and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merit and vote accordingly.

Prior to any consideration of Item 7.2 Cr Duncan made the following declaration:

I am a client of Lincolns and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merit and vote accordingly.

Prior to any consideration of Item 7.2 Cr Goldfinch made the following declaration:

I am a client of Lincolns and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merit and vote accordingly.

7.2 AUDIT COMMITTEE MEETING – 13 NOVEMBER, 2014

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 7.2
Moved: Cr Dunlop	Seconded: Cr Belli
That:	
a) The minutes of the Audit Committee meeting held on 13 November, 2014 be received by Council.	
b) Council appoints Lincolns Accountants and Business Advisors for a three year term to provide audit services to the Shire of Ravensthorpe.	
c) Mr Russell Harrison is appointed as Council's designated auditor for a three year period ending 30 th June 2017.	
d) All previous auditor appointments are revoked.	
Carried: 7/0	Res: 174/14

8. SUSPENSION OF STANDING ORDERS

NIL

9. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS

NIL

10. REPORTS OF OFFICERS

10.1 DEPUTY CHIEF EXECUTIVE OFFICER

10.1.1 MONTHLY FINANCIAL REPORT – 31 OCTOBER 2014

File Ref:**Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 06 November, 2014**Author:** Keith White – Deputy Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** Yes – Monthly Financial Report
– October 2014

Summary:

This report presents the monthly financial report for October 2014 to Council which is provided as an attachment to the agenda. The recommendation is to receive the October monthly financial reports.

Background:

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month with the following detail

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

Comment:

This report contains annual budget amounts, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

Consultation:

Council Financial Records

Statutory Obligations:

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that financial activity statement reports are provided each month reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month.

The report is to be presented at either the next ordinary meeting after the end of the month, or if not prepared in time to the next ordinary meeting after that meeting.

Policy Implications:

Nil

Budget / Financial Implications:

As detailed within the attachments

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 AND COUNCIL DECISION	ITEM 10.1.1
Moved: Cr Gairen	Seconded: Cr Duncan
That Council receive the Monthly Financial Report for the period ending 31 October 2014 in accordance with Section 6.4 of the Local Government Act 1995.	
Carried: 7/0	Res: 175/14

10.1.2 SCHEDULE OF ACCOUNT PAYMENTS – OCTOBER 2014**File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 31st October, 2014**Author:** Stacey Addis – Senior Finance Officer**Authorising Officer:** Keith White – Deputy Chief Executive Officer**Attachments:** Schedule of Payments to 31st October 2014**Summary:**

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

Background:

FUND	PAYMENT	VOUCHERS	AMOUNTS
Municipal Account			
	EFTs	EFT3379-EFT3391	\$403,679.86
		EFT3393-EFT3421	
		EFT3423-EFT3460	
		EFT3462-EFT3479	
		39116-39179	\$302,079.54
	Municipal Fund Cheques		
Payroll	Dates	01/10/2014- 15/10/2014- 16/10/2014- 29/10/2014	\$228,729.48
Bank Fees			\$1,748.92
Municipal Account Total			\$936,237.80

Trust Account Payments	EFTs	EFT3480-EFT3486	\$25,140.10
	Trust	1285-1288	\$590.00
	Cheques		
Grand Total			\$961,967.90

Comment:

This schedule of accounts as presented, submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costing's and the amounts shown have been paid.

Consultation:

Not applicable.

Statutory Obligations:**Local Government (Financial Management) Regulations 1996****13. Lists of accounts**

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

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

(2) A list of accounts for approval to be paid is to be prepared each month showing —

- (a) for each account which requires council authorisation in that month —
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
- (b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under subregulation (1) or (2) is to be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

Policy Implications:

Nil

Budget / Financial Implications:

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

Strategic Implications:

Nil

Sustainability Implications:

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

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION	ITEM 10.1.2
Moved: Cr Belli	Seconded: Cr Kelton
That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of October 2014, be noted.	
Carried: 7/0	Res: 176/14

10.2 MANAGER OF PLANNING AND DEVELOPMENT

10.2.1 DRAFT LOCAL LAWS RELATING TO FENCING

File Ref:**Applicant:**

Not applicable

Location:

Whole of Shire

Disclosure of Officer Interest:

None

Date:

4 November, 2014

Author:

Craig Pursey, Manager for Planning & Development

Authorising Officer:

Ian Fitzgerald – Chief Executive Officer

Attachments:

1. Draft Local Law Relating to Fencing
2. Local Law process flowchart

Summary:

Council is asked to consider adopting Local Laws Relating to Fencing under the Local Government Act 1995.

The Local Laws establish the minimum standards for fencing throughout the Shire in terms of materials, standards and heights and in particular establishes what is deemed to be a 'sufficient fence' under the Dividing Fences Act 1961.

This report recommends adopting the draft Local Laws found at Attachment 1 and advertise it in accordance with the Local Government Act 1995.

Background:

The Shire of Ravensthorpe currently does not have a Local Law relating to fencing and therefore the community does not have any standards to apply in the case of a dispute between neighbours.

Fencing is currently controlled through two pieces of legislation:

- i) Dividing fences under the Dividing Fences Act 1961, administered by the Building Commission; and
- ii) Front fences under the Residential Design Codes of WA administered by the Shire.

At the moment if neighbours cannot agree on the standard of a dividing fence then the minimum standard for a fence (or a 'sufficient fence') as established by the Dividing Fences Act 1961 is:

- *A substantial fence that is ordinarily capable of resisting the trespass of cattle and sheep; or*
- *A fence determined by a Magistrates Court to be a sufficient fence (Dividing Fences Act 1961)*

Additionally, there are no controls on the use of barbed & razor wire, electric fences, heights or standards of fences. Any disagreement between neighbours or the Shire and a landowner would need to be resolved by a magistrate.

Comment:

Investigations into this matter began when staff received an enquiry from a landowner in Hopetoun who could not agree with their neighbour over the standard of their dividing fence. The neighbour was complaining about a dog escaping but would not agree to upgrade the boundary fence to standard that would prevent the dog from escaping. Under the current controls the matter would need to go before a magistrate for resolution, taking time and increasing costs for what should be a relatively straight forward matter.

As Hopetoun grows, the nature of the residential area is changing from an area with no fences or open fencing to a more "traditional" residential area where people wish to fence their properties more securely. It would seem sensible to establish the basic standards for fencing in anticipation of this issue growing over time.

Draft Local Law

The draft Local Laws Relating to Fencing found at Attachment 1 address the following matters:

1. Defines a 'sufficient fence' broadly as follows:
 - Residential areas - 1.8m, timber picket, corrugated fibre, colourbond, brick, masonry or brushwood fence;
 - Commercial & industrial areas - up to 2.4m high galvanised or PVC coated rail-less link mesh; and

- Rural & Rural Residential areas - fence of posts and wire construction, with minimum specifications.
2. Confirms fences within the front and secondary street setback area greater than 1200mm in height require approval;
 3. Establishes acceptable fencing materials including outlining a need for approval to use barbed wire and prohibiting razor wire and use of broken glass without a licence issued by the Shire;
 4. Ensures electric fences are not used in residential areas; and
 5. Provides powers for enforcement and penalties for failure to comply with the terms of the Local Law.

Importantly, the Dividing Fences Act 1961 allows for variations to these standards on agreement between neighbouring landowners. The Local Law is a 'backstop' as far as dividing fences are concerned.

Consultation:

If adopted, the Local Law needs to be advertised state-wide for at least 42 days and then brought back before Council for final adoption.

Statutory Obligations:

Local Laws are enabled by the Local Government Act 1995.

The process for preparing and adopting a local law is explained in the attached flowchart from the Department of Local Government and Communities at Attachment 2.

Policy Implications:

The proposed Local Laws would complement the Residential Design Codes and Housing Policy of the Shire of Ravensthorpe.

Budget / Financial Implications:

There are costs in advertising the draft Local Law state-wide.

Strategic Implications:

The proposal aligns with the following desired outcome of the Strategic Community Plan:

4.2.1 *High quality corporate governance, accountability and compliance.*

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 AND COUNCIL DECISION	ITEM 10.2.1
Moved: Cr Kelton	Seconded: Cr Gairen
That Council adopt Local Laws Relating to Fencing found at Attachment 10.2.1 (a) of this report and advertise the Local Law in accordance with the requirements of the Local Government Act 1995.	
Carried: 7/0	Res: 177/14

10.2.2 PROPOSED COFFEE VAN

File Ref:	A1229
Applicant:	John Morris
Location:	Various
Disclosure of Officer Interest:	None
Date:	3 November, 2014
Author:	Craig Pursey, Manager for Planning & Development
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	Planning application

Summary:

Council has received a planning application for a mobile coffee van seeking to operate from a number of locations in the Shire including the Hopetoun Groyne, Wavecrest, the various CBH bins in the Shire, the airport, beaches and the Shire managed campgrounds of Starvation Bay and Masons Landing.

The applicant is requesting approval for a number of sites with a view to figuring out what sites work best and concentrating their attention at these.

The application was advertised locally with no submissions being received at the time of writing this report.

This report recommends that most of the requested sites be conditionally approved.

Background:***Subject Sites***

The applicant has proposed operating a coffee van from a number of sites, mostly around the Hopetoun area. As the Shire has no 'Trading in Public Places' Local law each site must be assessed against the requirements of the Local Planning Scheme. The zoning or reservation of each site proposed is briefly described below.

CBH bins at Ravensthorpe, West River, Jerdacuttup and Mount Madden

The CBH Receival Bins at Ravensthorpe, West River and Jerdacuttup are all zoned 'General Agriculture' and are located on separate Titles owned by CBH.

Mount Madden is located in the Shire of Lake Grace and cannot be considered as part of this application.

Masons Bay & Starvation Bay

These are Shire managed reserves used for camping. They are local reserves for 'Recreation' under the Scheme.

Hopetoun Groyne

This area is a local reserve under the Scheme, reserved as a 'Port Installation'. The reserve is managed by the Department of Transport.

West Beach and Two Mile Beach

West Beach is a Local Reserve for 'Recreation' in the Scheme and falls within the Fitzgerald River National Park; managed by the Department for Parks and Wildlife (DPAW).

Two Mile Beach is a Local Reserve for 'Recreation' managed by the Shire of Ravensthorpe. It has a small gravel car park servicing the beach from the western end.

Wavecrest Village

The coffee van is proposing to locate in the carpark at the front of Wavecrest; and may already be operating on a trial basis.

This area is zoned Special Use Site 11, a zone that permits a Park Home and/or Caravan park and a number of incidental uses including convenience store, restaurant and fast food outlet. The Scheme requires that all incidental land uses are to be held in a combined single tenancy of up to 400m².

Ravensthorpe Airport

This site is owned by the Shire of Ravensthorpe under agreement with First Quantum Minerals. The Shire's Scheme zones the site 'General Agriculture'.

Comment:***Proposal***

An application has been received to operate a mobile coffee van from a number of locations in the Shire. The proposal includes the following elements:

- a) Proposal to operate a mobile coffee van between ten locations largely in the Hopetoun area; with the intention of assessing which locations work well over time and focussing attention on these.
- b) Ability to operate at markets and events as requested;
- c) The business would offer toasted sandwiches, slushies and coffee.
- d) The food van is purpose built, has operated for approximately 2 years in Onslow already and has complied with the various requirements of the applicable Health legislation.
- e) The business would offer a small amount of shade and informal seating for customers.
- f) Opening hours would be 4.30am to 2pm, 7 days a week.
- g) Bins are provided as part of the service.
- h) A small 'A-frame' advertising sign is proposed at the site of operations.

A full copy of the planning application and business description is attached to this report.

Scheme Requirements**Local Reserves**

The coffee van is proposed to be located in five different reserves, the Council is to have 'due regard' for the purpose of the reserve in making its decision.

The purpose of the reserves are 'recreation', the coffee van would be servicing people who would be recreating. The use is not inconsistent with the reserve purpose.

Zoned Land

A mobile coffee van could be considered to be a 'Fast Food Outlet' or café but due to its mobile nature can also be assessed as a 'Use Not Listed'. As a 'Use Not Listed' the proposal requires advertising for 21 days prior to Council making a decision.

As a mobile business the Scheme does not list specific controls, however all planning applications may be assessed against the requirements of clause 10.2 'Matters to be Considered by Local Government'.

The relevant planning matters in clause 10.2 of the Scheme to be considered include:

- “(j) The compatibility of the use with its setting;*
- (k) Any social uses that have an effect on the amenity of the locality;*
- (o) The preservation of the amenity of the locality;*
- (q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring, and parking of vehicles;”*

The proposed coffee van generally complies with the requirements of the Scheme as evidenced by:

- Coffee vans are becoming more of a common, expected service in touristed areas;
- The locations proposed are either are not serviced by any other commercial enterprise or are complimentary to the existing services; and
- The parking areas at each location are not compromised by the proposed van. All sites have plenty of room as the coffee van only occupies the equivalent of 1-2 parking bays. Clients would generally be already visiting the site and so there would be little additional traffic generated by the proposal.

If supported, conditions of approval should include separate permission being granted by the landowner or manager, rubbish collection by the applicant, suitable barriers being put in place to separate patrons and parking areas, a time limit on any approval in order to review the standard and manner of operation and suitable public liability insurances being in place.

Mobile vs permanent

There is an argument that mobile services should not be permitted and that cafes and similar services should be located within an established commercial or town centre area only. To permit a mobile service allows the applicant to avoid some of the overheads that a permanent café needs to bear such as building and infrastructure costs and payment of Shire rates.

There is some potential for mobile services to reduce demand for land in established commercial areas if allowed to scatter throughout a townsite.

On the other hand, established commercial areas that have an advantage over mobile services in that people are drawn to the accumulation of services available in these areas.

Most of the sites proposed in the current proposal are primarily intended to service the tourist peak periods or mine traffic. Tourists in Hopetoun tend to gather at the beaches depending upon the wind direction and often visit the town jetty.

Whilst Council cannot make a decision based on an anti-competitive basis it may consider economic arguments if there is a social consequence. Allowing mobile business to operate within the town area could be argued to create unfair competition for existing business and therefore may result in a loss of services. Some separation should be maintained between the proposed coffee van and existing cafes and restaurants.

Individual sites

CBH bins at Ravensthorpe, West River & Jerdacuttup

The bins and the land immediately around the bins are owned by CBH and any land use would require the approval of CBH.

There would be a demand for the service in these areas during harvest whilst trucks wait to unload.

However, if the coffee van was to operate it would need to be in a site and in a manner approved by CBH as compatible with their operations.

Masons Landing & Starvation Bay, West beach and Two-mile beach

As a temporary and mobile service a coffee van would provide a service to these areas and improve the tourist experience.

The specific location and manner of operation would need to be sorted out on site to ensure there is no impact on parking availability and vehicle manoeuvring. If the coffee van is to be supported it is recommended that this assessment be delegated to the Chief Executive Officer to arrange on site.

Hopetoun Groyne

This area is managed by the Department of Transport and their separate approval is required to operate in this location; however the Council still has to decide whether to issue planning approval for the use.

The main issue with this location is its proximity to Veal Street and established business. The start of the groyne is approximately 200m from Toun Beach Café. Other local governments with policies on this issue generally recommend at least 300m separation between a mobile service and an established business.

When travelling down Veal Street you can't see most of the groyne and therefore tourists are unlikely to bypass existing business in favour of a mobile service in this location.

Lastly, in peak tourist times there may be adequate demand to allow all uses to co-exist.

Wavecrest

The zoning provisions at this location require that all 'incidental uses' are located in a single tenancy. However, Council can exercise discretion in this if they choose following advertising of the proposal.

The coffee van is intended to service the early morning mine workers from this location and has the support of the landowner. The coffee van is a minor land use and is unlikely to significantly affect the way in which Wavecrest or the town centre functions.

Ravensthorpe Airport

The Manager of the Ravensthorpe Airport, Steve McGuire, has recommended that approval not be granted at the airport as there is a coffee service already and service from a mobile service could not be guaranteed for every flight.

Conclusion

The coffee van can be accommodated if Council wishes to support it. It is a minor, complimentary activity that may offer a higher level of service to tourists at peak times.

Whilst it may offer some unexpected competition to existing cafes, provided the van is kept a reasonable distance away from existing commercial areas there should be little impact. Council can only refuse a proposal for competition reasons if there is a social consequence.

Any approval should be subject to the applicant running their own rubbish collection, periodic review to ensure a reasonable level of service and the appropriate insurances.

STATUTORY REQUIREMENTS

Consultation:

The application was advertised for 21 days, closing on the 19th November 2014.

No submissions were received at the time of writing this report.

Statutory Obligations:

The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the WAPC.

The coffee van has been registered and licenced under the Food Act in a manner similar to a restaurant.

Policy Implications:

Trading in Public Places may become more popular as Hopetoun grows and this land use has its own issues that could be better addressed by the Local Planning Scheme. Ideally a specific local planning policy will be drafted and brought before Council to guide this land use into the future.

Budget / Financial Implications:

All costs involved with the establishment and running of the food van should be borne by the applicant.

Strategic Implications:

The proposal aligns with a variety of the themes and desired outcomes of the Strategic Community Plan including:

1.2.1 Town Centres and vibrant and attractive places.

2.1.1 The Shire of Ravensthorpe is economically sustainable with a stable or growing population.

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 AND COUNCIL DECISION **ITEM 10.2.2**

Moved: Cr Dunlop

Seconded: Cr Duncan

THAT Council,

1. Approve the proposed 'Mobile Coffee Van' to operate in locations at CBH Ravensthorpe, West River & Jerdacuttup, the Masons Landing and Starvation Bay camping areas, the parking areas at West Beach and Two Mile beach, Ravensthorpe Airport, Wavecrest and Hopetoun Groyne subject to the following conditions:
 - i) The written approval of the landowner or land manager prior to commencement.
 - ii) The areas of operation are to be delineated by bright orange cones to assist with general public safety whilst the service is in operation to the satisfaction of the Chief Executive Officer.
 - iii) Attendance at markets and events is permitted as required.
 - iv) The proponent is to ensure that the area immediately around the food and coffee van is kept in a clean and tidy condition at all times.
 - v) Formal arrangements being put in place for a suitable rubbish collection service to the satisfaction of the Chief Executive Officer prior to the commencement of the service.
 - vi) The proponent is solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the coffee van.
 - vii) Provision of an indemnity from the proponent indemnifying the Shire of Ravensthorpe in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the proponent.
 - viii) Evidence of suitable public liability insurance of at least \$10 million being supplied to the Shire of Ravensthorpe.
 - ix) This approval is valid for a twelve (12) period only after which time reapplication is required. Should no objections be lodged during the operation of the business re-approval is delegated to the Chief Executive Officer.

Conditions applicable specifically to the coffee van when mobile

- x) The van is required to move on when all customers at a particular location have been satisfied.
- xi) No trading is permitted within 200 metres of any similar business or on Veal Street, Hopetoun, except when the van is participating in a community event, such as a weekend market or sporting event.
- xii) Advertising signs are restricted to immediately adjacent to the van from which the business is conducted.

Advise the applicant in footnotes on the planning approval that

- a) This approval is issued to the proponent only and is not transferable. Should the food van be sold the new owner will need to reapply.
2. Delegate to the Chief Executive Officer the responsibility to establish the specific sites of operation for the coffee van within the reserves managed by the Shire of Ravensthorpe taking into account parking availability, views to significance and vehicle manoeuvring areas.

Carried by absolute majority: 7/0

Res:178/14

10.3 MANAGER OF ENGINEERING SERVICES

10.3.1 HOPETOUN FORESHORE UPGRADE

File Ref:**Applicant:**

Not Applicable

Location:

Hopetoun Foreshore Lot 502

Disclosure of Officer Interest:

None

Date:17th November 2014**Author:**

Darryn Watkins – Manager Engineering Services

Authorising Officer:

Ian Fitzgerald – Chief Executive Officer

Attachments:

Yes – Concept Sketch

Summary:

Council to consider approval of the concept sketch “scope of works” for the upgrade of the Hopetoun foreshore area.

Background:

Prior to the adoption of the 2014 /2015 Statutory Budget the Manager Engineering Services was tasked by the Chief Executive Officer to plan a lower cost upgrade of the Hopetoun Foreshore. A landscape drawing overview developed by Opus Consulting Pty Ltd was provided by the Chief Executive Officer as a guide however the project brief was to deliver a more cost effective option than the proposed development by Opus Consulting Pty Ltd.

Comment:

The initial project brief for the foreshore was to tidy up the area, seal the parking area, construct new pathways, provide a turf area with picnic table seating and replace existing shade shelters with 2 new structures.

After multiple site visits a hand drawn concept sketch and cost estimate was provided to the Chief Executive Officer. At that time it was discussed that there would be no need to engage consultants to develop detailed design or engineered drawings as the scope of works was not complex.

The initial cost estimate provided was \$184,500 to carry out the proposed works however through the budget workshop council elected to stage the works with the sealing of the

parking bay area being deferred resulting in a 2014/2015 budget allocation for the project of \$135,424 which includes an amount of \$11,000 for tiling of the toilet block.

Consultation:

Hopetoun Progress Association

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

Nil - \$135,424 has been included in the 2014/2015 adopted 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 10.3.1
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That Council approve the Hopetoun Foreshore concept sketch.

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.3.1
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Moved: Cr Duncan

Seconded: Cr Norman

That Council approve the Hopetoun Foreshore concept sketch.

Amendment

Moved: Cr Dunlop

Seconded: Cr Goldfinch

That motion reads as follows:

That Council approve the Hopetoun Foreshore concept sketch with one shelter being placed on the lawn area and one shelter on the beach.

The Amendment was put and Carried: 4/3

The Amendment became part of the motion, the motion was put and Carried: 7/0

Res: 179/14

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 CONFIRMATION OF CHIEF EXECUTIVE OFFICER'S APPOINTMENT

File Ref:**Applicant:**

Not Applicable

Location:

Not Applicable

Disclosure of Officer Interest:

Co- author is the subject of this matter before Council

Date:

13 November, 2014

Author:Ian Fitzgerald – Chief executive Officer,
Ian Goldfinch – Shire President**Authorising Officer:**

Not applicable

Attachments:

Nil

Summary:

Mr Ian Fitzgerald commenced as The Chief Executive Officer with the Shire of Ravensthorpe on the 7th July 2014 with a contract including a probationary period of 6 months. Council is requested to confirm the appointment of Mr Fitzgerald as chief Executive Officer.

Background:

Nil

Comment:

The Shire of Ravensthorpe, with the assistance of the WA Local Government Association, negotiated a 5 year employment contract with Mr Ian Fitzgerald to be appointed as Chief Executive Officer. The commencement date was 7th July 2014.

Clause 3.3 relates to the probationary period that forms a parts of the employment contact.

3.3 Qualifying period

3.3.1 The Chief Executive Officer's employment will be subject to an initial qualifying period of three months. If the Chief Executive Officer's performance has not been successful during this period, the Council may terminate this contact of extend the period for a further three months, up to a total period of six months. If the Chief Executive Officer's performance has met the Council's requirements, then the Chief Executive Officer's appointment will be confirmed.

The probation period has now been served even allowing for the 4 week leave taken for an overseas holiday planned prior to the appointment.

Consultation:

Council.

Statutory Obligations:

Local Government Act 1995.

5.36. Local government employees

- 1) A local government is to employ –
 - a) a person to be the CEO of the local government; and
 - b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- 2) A person is not employed in the position of CEO unless the council –
 - a) believes that the person is suitably qualified for the position; and
 - b) is satisfied* with the provisions of the proposed employment contact.

*Absolute majority required.

Policy Implications:

Nil

Budget / Financial Implications:

The remuneration of staff is provided for in the 2014/2015 budget.

Strategic Implications:

5.41 Functions of CEO

The CEO's functions are to –

- a) advise the council in relation to the functions of a local government under this Act and other written laws.
- b) ensure that advice and information is available to the council so that informed decisions can be made;
- c) cause council decision to be implemented;

- d) manage the day to day operations of the local government;
- e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
- f) speak on behalf of the local government if the mayor or president agrees;
- g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

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 AND COUNCIL DECISION	ITEM 10.4.1
Moved: Cr Belli	Seconded: Cr Duncan
That Council:	
a) confirms the appointment of Mr Ian Fitzgerald as Chief Executive Officer	
b) adjusts the remuneration package as agreed	
Carried by absolute majority: 7/0	Res:180/14

10.4.2 GVROC SOLAR POWER PROJECT**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	17 November, 2014
Author:	Ian Fitzgerald – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Extract of GVROC Minutes

Summary:

The GVROC group of Councils have been working on a major solar power project involving a number of Councils and Horizon Power and also a project that would see LED street lighting installed in areas serviced by Horizon Power.

Ravensthorpe is not party to project with funds being used on the waste disposal project. Whilst not directly impacted by this project all GVROC Member Councils have been requested to either endorse the proposal or in Ravensthorpe's case, note the proposal.

Background:

Nil

Comment:

The attached extract of the GVROC Council Meeting minutes of 6th November 2014 outline the project proposal.

Consultation:

GVROC Members
GVROC Secretariat

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

Nil

Strategic Implications:

Nil

It is possible that should funds remain available at the end of the tender process other members including Ravensthorpe would become involved in the solar PV project.

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 AND COUNCIL DECISION	ITEM 10.4.2
Moved: Cr Gairen	Seconded: Cr Duncan
That Council note the GVROC Council Meeting Minutes in reference to item 8.4 Country Local Government fund- GVROC Solar PV Project and GVROC LED Streetlight Project. Furthermore Council note that subject to completion of the tender process should funds remain available other Councils may be given an opportunity to become involved in the project.	
Carried: 7/0	Res: 181/14

**11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
NIL****12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING****12.1 ELECTED MEMBERS
NIL****12.2 OFFICERS
NIL****13. MATTERS BEHIND CLOSED DOORS****13.1 PURCHASE OF ADDITIONAL STAFF HOUSING**

COUNCIL DECISION	Item 13.1
Moved: Cr Belli	Seconded: Cr Kelton
That Council sit behind closed doors to discuss Item 13.1 which involves a confidential commercial matter.	
Carried: 7/0	Res: 182/14

5.58PM The gallery left the meeting and did not return.

OFFICER RECOMMENDATION AND COUNCIL DECISION	Item 13.1
Moved: Cr Norman	Seconded: Cr Duncan
That Council :	
a) authorise the Chief Executive Officer to negotiate the purchase of 27 Carlisle street (2 units) within the agreed price range	
b) any purchase to be funded by loan funds, loan from WA Treasury Corporation over 10 years at a projected interest rate of 3.78%	
Carried by absolute: 7/0	Res: 183/14

COUNCIL DECISION	Item 13.1
Moved: Cr Dunlop	Seconded: Cr Kelton
That Council come out from behind closed doors.	
Carried: 7/0	Res: 184/14

14. CLOSURE OF MEETING – 6.05PM