



AGENDA

For the Council Meeting to be held on

Thursday 15 March, 2018

Commencing at 5 p.m.

In the Community Centre, Hopetoun.



SHIRE OF RAVENSTHORPE

DISCLAIMER

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of Ravensthorpe Shire Council during the course of any meeting is not intended to be and is not taken as notice of approval from the Ravensthorpe Shire Council. The Ravensthorpe Shire Council warns that anyone who has an application lodged with the Ravensthorpe Shire Council must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Ravensthorpe Shire Council in respect of the application.

Ian Fitzgerald
Chief Executive Officer

8/10/2018

65 Morgans Street Ravensthorpe WA 6346
Tel (08) 9839000; Fax (08) 98381282
E-mail: - shire@ravensthorpe.wa.gov.au



WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

NOTE: USE ONE FORM PER DECLARATION

I, (1) _____ wish to declare an interest in the following item to be considered by council at its meeting to be held on (2)

Agenda item (3) _____

The type of interest I wish to declare is (4)

- Financial pursuant to Sections 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

The nature of my interest is (5)

The extent of my interest is (6)

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Signature

Date

RECEIVED BY:

Chief Executive Officer

Date

- (1) Insert you name.
- (2) Insert the date of the Council Meeting at which the item it to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box to indicate the type of interest.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act)

Financial pursuant to Sections 5.60A of the Local Government Act 1995**5.60A – Financial Interest**

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

Proximity pursuant to Section 5.60B of the Local government Act 1995**5.60B – Proximity Interest**

- (1). For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
 - (a). a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b). a proposed change to zoning or use of land that adjoins that person's land; or
 - (c). a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.
- (2). In this section, land ("**the proposal land**") adjoins a person's land if –
 - (a). the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b). the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c). the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No 64 of 1998 s. 30.]

Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995**5.61 – Indirect financial interest**

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007**11 – Disclosure of interest**

- (1). In this regulation –
Interest means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship friendship or membership of an association.
- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest –
 - (a). in a written notice given to the CEO before the meeting;or

- (b). at the meeting immediately before the matter is discussed.
- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
 - (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
 - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
 - (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
 - (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act)

5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
 - (a). may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b). may allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest –
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers
- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3). This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.



**SHIRE OF RAVENSTHORPE
WORKS REQUEST FORM**

Name: _____

Date: ____/____/2018 Urgency: Low / Medium / High / Strategic

Road / Public Building / Area: _____

Request: _____

Description:

OFFICE USE ONLY:

Action Taken:

Comment:

Completed: ____/____/2018 Signature: _____

Inspected and/or authorised: _____
Chief Executive Officer



Application for Leave of Absence

(Pursuant to Section 2.25 of the Local Government Act 1995 (as amended))

- (1) A council may, by resolution, grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect to more than 6 consecutive ordinary meetings of the Council without the approval of the Minister.
- (3) The granting of the leave is to be recorded in the minutes of the meeting.
- (4) A member who is absent without first obtaining leave of the Council throughout 3 consecutive ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the Council does not constitute absence from an ordinary meeting of Council –
 - (a) if no meeting of the Council at which a quorum is present is actually held on that day; or
 - (b) if the non-attendance occurs while –
 - (i) the member has ceased to act as a member after which written notice has been given to the member under Section 2.27 (3) and before written notice has been given to the member under Section 2.27 (5);
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
 - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.

I,, hereby apply for Leave of Absence from the
 Ravensthorpe Shire Council from..... to for the purpose
 of

Signed:..... Date:.....



**Shire of Ravensthorpe
Notice of Ordinary Council Meetings**

In accordance with the Local Government Act 1995 and Administration Regulation 12 (I) it, is hereby notified that as from January 2018 to December 2018, Ordinary Council meetings of the Shire of Ravensthorpe will be held as follows:

January 2018	No meetings scheduled	
12 February 2018	Ravensthorpe Council Chambers- Forum	1 pm
15 February 2018	Ravensthorpe Council Chambers	5 pm
12 March 2018	Ravensthorpe Council Chambers - Forum	1 pm
15 March 2018	Hopetoun Community Centre	5 pm
16 April 2018	Ravensthorpe Council Chambers - Forum	1 pm
19 April 2018	Ravensthorpe Council Chambers	5 pm
14 May 2018	Ravensthorpe Council Chambers - Forum	1 pm
17 May 2018	Hopetoun Community Centre	5 pm
18 June 2018	Ravensthorpe Council Chambers - Forum	1 pm
21 June 2018	Ravensthorpe Council Chambers	5 pm
16 July 2018	Ravensthorpe Council Chambers - Forum	1 pm
19 July 2018	Hopetoun Community Centre	5 pm
13 August 2018	Ravensthorpe Council Chambers- Forum	1 pm
16 August 2018	Ravensthorpe Council Chambers	5 pm
17 September 2018	Ravensthorpe Council Chambers - Forum	1 pm
20 September 2018	Munglinup Recreation Centre	5 pm
15 October 2018	Ravensthorpe Council Chambers - Forum	1 pm
18 October 2018	Ravensthorpe Council Chambers	5 pm
12 November 2018	Ravensthorpe Council Chambers - Forum	1 pm
15 November 2018	Hopetoun Community Centre	5 pm
17 December 2018	Ravensthorpe Council Chambers- Forum	1 pm
20 December 2018	Ravensthorpe Council Chambers	5 pm

Ratepayers and residents are welcome to attend the council meetings and participate in the Public Question time session which are held at the beginning of each Council Meeting.

Ian Fitzgerald
Chief Executive Officer

COUNCILLOR MEETING ATTENDANCES

2016

Councillor	FEB	MAR	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	OCM	SPEC	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM
Dunlop	√	√	√	LOA	LOA	√	√	√	√	√	√	√
Smith	√	√	√	√	√	√	√	√	√	√	√	√
Goldfinch	√	LOA	√	√	√	√	√	√	A	LOA	A	LOA
Dickinson	A	√	√	√	A	A	√	√	√	√	√	√
Kelton	√	END										
Richardson					1 st	√	√	LOA	LOA	√	√	√
Gairen	√	√	√	LOA	√	LOA	LOA	√	√	√	√	√
Norman	√	√	√	√	√	√	√	√	√	LOA	√	√

2017

Councillor	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	OCT	OCT	NOV	DEC	DEC	DEC
	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	SPEC	SPEC	OCM	OCM	SPEC	SPEC
Dunlop	√	√	LOA	LOA	√	√	√	√	√	√	√	√	√	√	√
Smith	√	√	√	√	LOA	√	√	√	√	√	√	√	√	√	√
Goldfinch	√	√	LOA	LOA	√	√	√	√	LOA	LOA	√	√	√	√	A
Dickinson	A	√	√	A	LOA	√	√	√	√	√	√	√	√	√	√
Richardson	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√
Gairen	E	√	√	√	LOA	LOA	√	√	√	√	END				
Norman	√	√	√	√	√	√	√	√	√	√	END				
Belli										1 st	√	√	√	√	√
Major										1 st	√	√	√	√	√

2018

Councillor	FEB	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	SPEC	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM
Dunlop	√	√										
Smith	√											
Goldfinch	A	√										
Dickinson	√	√										
Richardson	√	√										
Belli	√	√										
Major	√	√										

ORDINARY MEETING OF COUNCIL
TO BE HELD IN THE COMMUNITY CENTRE, HOPETOUN
ON 15 MARCH 2018, COMMENCING AT 5PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS: Cr Keith Dunlop (Shire President)
 Cr Julianne Belli (Deputy Shire President)
 Cr Kerry Dickinson
 Cr Ian Goldfinch
 Cr Thomas Major
 Cr Graham Richardson

STAFF: Ian Fitzgerald (Chief Executive Officer)
 Darren Kennedy (Manager of Corporate and Community Services)
 Darryn Watkins (Manager Engineering Services)
 Portia Chambers (Executive Assistant)

APOLOGIES: Cr P Smith

ON LEAVE OF ABSENCE:

ABSENT:

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

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

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

7. CONFIRMATION OF MINUTES

7.1 COUNCIL MEETING – 15 FEBRUARY, 2018

OFFICER RECOMMENDATION	ITEM 7.1
That the minutes of the meeting of council held on 15 February, 2018 be confirmed as a true and correct record of proceedings.	

8. SUSPENSION OF STANDING ORDERS

NIL

9. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS

10. REPORTS OF OFFICERS

10.1 MANAGER OF CORPORATE AND COMMUNITY SERVICES

10.1.1 MONTHLY FINANCIAL REPORT – 28 FEBRUARY 2018

File Ref:

Applicant:

Location: Not applicable

Disclosure of Officer Interest: None

Date: 7 March 2018

Author: Darren Kennedy – Manager Corporate & Community Services

Authorising Officer: Not applicable

Attachments: Yes – Monthly Financial Reports for February 2018

Summary:

This report presents the monthly financial report for February 2018 to Council which is provided as an attachment to the agenda. The recommendation is to receive the February monthly financial report.

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:

To provide timely financial information to the Council this report is based on the 2017/2018 Budget adopted by Council on 17 August 2017 and budget review adopted February 2018. The report contains the budget amounts, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the draft 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
Senior Finance Officer

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

Risk:

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Sustainability Implications:

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

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION

ITEM 10.1.1

That Council receive the Monthly Financial Reports for the period ending 28 February 2018 in accordance with Section 6.4 of the Local Government Act 1995.

10.1.2 SCHEDULE OF ACCOUNT PAYMENTS – FEBRUARY 2018**File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 28 February, 2018**Author:** Stacey Howard – Senior Finance Officer**Authorising Officer:** Darren Kennedy – Manager of Corporate and
Community Services**Attachments:** Schedule of Payments to 28 February, 2018
Credit Card Transactions to 02 February, 2018**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:**28 February 2018**

FUND	PAYMENT	VOUCHERS	AMOUNTS
Municipal Account	EFTs	EFT8153-EFT8261 Direct Debit	\$1,870,135.68
	Municipal Fund Cheques	000246 - 000255	\$29,956.49
Payroll	Dates	14/02/2018 28/02/2018	\$175,924.37
Superannuation		Direct Debit	\$22,888.45
Bank Fees			\$478.72
Shire Credit Card Facility	Westpac VISA	02/01/2018 – 02/02/2018	\$2,374.06
Municipal Account Total			\$2,101,757.77
Trust Account Payments	EFTs	EFT8275	\$61,295.45
	Cheques		\$NIL
Grand Total			\$2,163,053.22

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:

N/A

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:

N/A

Budget / Financial Implications:

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

Strategic Implications:

N/A

Risk:

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

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
<p>That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of February 2018, be noted.</p>	

10.2 MANAGER OF PLANNING AND DEVELOPMENT

NIL

10.3 MANAGER OF ENGINEERING SERVICES

10.3.1. TENDERS- WANDRRA ROAD REPAIRS- RFT 14/2017, 15/2017, 16/2017, 17/2017, 18/2017, 19/2017
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File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	2 nd March 2018
Author:	Darryn Watkins - Manager Engineering Services
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	Opus Tender Evaluation Report

Summary:

A series of tenders have been called for works packages for repairs to the shires road network as a result of the February 2017 flood event. The event has been declared a natural disaster which has triggered funding that being WANDRRA AGRN 743.

The tender submissions for the advertised works packages 14 to 19 have been assessed by Council's engineering consultant's against the criteria outlined in the tender documentation and a report on the tender evaluation prepared for Council consideration.

Background:

The flood event of February 2017 severely impacted some 90 local governments including the Shire of Ravensthorpe. The event was declared a natural disaster and as such is eligible for disaster relief funding under WANDRRA.

Once the event was declared a natural disaster the process of assessing and recording each area of damage was required along with a cost estimate for the road repairs. All this documentation is presented to Main Roads WA for the assessment and subsequent approval. The first six packages awarded to contractors have been completed with the second lot of six works packages awarded are well underway.

Comment:

The evaluation report from Opus International Consultants is attached which details the tender process, submissions received and recommendation's for award.

Consultation:

Chief Executive Officer
OPUS Consultants

Statutory Obligations:

Local Government Act 1995 and associated regulations

Policy Implications:

Nil

Budget / Financial Implications:

Council will be required to fund the repair works and then through a complex time consuming process claim the funds back through Main Roads WA.

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:

That Council awards the tenders as outlined below:

Tender No.	Recommended Contractor	Price (Inc GST)
14/2017	WCP Civil Pty Ltd	\$1,016,102.88
15/2017	BCP Contractors Pty Ltd	\$739,621.62
16/2017	BCP Contractors Pty Ltd	\$507,371.54
17/2017	Palmer Civil Construction	\$993,874.20
18/2017	ACH Contractors Pty Ltd	\$730,351.60
19/2017	BCP Contractors Pty Ltd	\$239,000.75

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 SHIRE OF RAVENSTHORPE STANDING ORDERS LOCAL LAW 2018

File Ref:

Applicant:	Shire of Ravensthorpe
Location:	Shire of Ravensthorpe
Disclosure of Officer Interest:	Nil
Date:	27 February 2018
Author:	Ian Fitzgerald, Chief Executive Officer
Authorising Officer:	N/A
Attachments:	Draft Standing Orders Local Law 2018

Summary

This item seeks Council support to commence the process to make a new local law (Shire of Ravensthorpe Standing Orders Local Law 2018) under and in accordance with the provisions of the Local Government Act 1995.

Background

Council has requested that the current Standing Orders local law be reviewed and updated. A copy of the current local law was given to all Councillors in December and then a draft new version was presented to the February Council Forum and no comments have been received.

Comment:

Meetings of Council and its committees have been regulated by the existing local law - Standing Orders Local Law 2010. Following a training session held on meeting procedures and practices it was agreed to revise the current local law.

Standing Orders local laws are made under the Local Government Act 1995 and will provide continuity and security for meeting standards.

The existing Standing Orders Local Laws 2010 have been in effect for a period of time and were amended in 2011 to correct a few anomalies. It was following the meeting procedures training course it was agreed a revised and modernised version was to be developed. Given this and other changes, a comprehensive review of the existing Standing Orders Local Law proposes to repeal the existing local law and introduce the new Shire of Ravensthorpe Standing Orders Local Law 2018.

Local governments are increasingly adopting local laws to assist with their operations and procedures and to reflect modern meeting practice.

The proposed Shire of Ravensthorpe Standing Orders Local Law 2018 presented to Council for consideration is based on the Shire of Collie Standing Orders Local Law 2017. Given the referred to local laws have recently been adopted, it is expected that the proposed local law is likely to meet the expectations of the Joint Standing Committee.

The proposed local law includes a total rewrite of the existing Shire of Ravensthorpe Standing Orders Local Law 2010.

Proposed Timetable:

Task	LGA Section	Effective Date
Report to Council for approval to advertise proposed new Local Law	3.12(2)	March 2018
Give Statewide and local public notice and make copies available to the general public	3.12(3) & 3(a)	March 2018
Provide a copy of the proposed local law and the notice to the Minister for Standing Orders and the Minister for Local Government	3.12(3)(b)	March 2018
Closing date for submissions to be received (not less than 6 weeks)	3.12(4)	May 2018
Consider submissions and report back to Council to determine whether to make a Local Law (absolute majority required) – repeal existing local law at this time.	3.12(4)	May 2018
Publish Local Law in Government Gazette and forward a copy to the Minister for Standing Orders and the Minister for Local Government	3.12(5)	August/September 2018
Give Statewide and local public notice advising that the new law has been made, the title, the purpose and effect and make copies available to the general public	3.12(6)	August/September 2018
<i>Note: Dates are a guide only</i>		

Consultation:

Councillors

Statutory Obligations:

Section 3.12 of the Local Government Act 1995 refers to the procedure for making local laws. Council may make local laws in accordance with Part 3 of the Local Government Act 1995 and in so doing, all local laws are then to be reviewed within eight years of their commencement date.

The process of adopting or amending a local law is set out in s3.12 of the Local Government Act 1995 and is summarised in Table 1 below with further information provided following the table.

In addition, Regulation 3 of the Local Government (Functions and General) Regulations 1996 provides that:

“For the purpose of section 3.12, the person presiding at a Council meeting is to give notice of the purpose and effect of a local law by ensuring that —

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.”

The following fulfils the requirement defined in Regulation 3:

NOTICE of purpose and effect of the proposed Shire of Ravensthorpe Standing Orders Local Law 2018;

Notes the purpose of the proposed Shire of Ravensthorpe Standing Orders Local Law 2018 is to provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors,

Notes the effect of the proposed Shire of Ravensthorpe Standing Orders Local Law 2018 is that these Standing Orders will result in –

- a) better decision making by the Council and its committees;
- b) the orderly conduct of meetings dealing with Council business
- c) the more efficient and effective use of time at meetings

Section 3.12 of the Local Government Act 1995 deals with the procedure for making local laws –

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —

(i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and

(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and,

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

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

(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the Gazette the local government is to give local public notice —

(a) stating the title of the local law; and

(b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that copies of the local law may be inspected or obtained from the local government's office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

(8) In this section —

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Of relevance is s3.12(4), where a local law initially proposed is significantly different, section 3.13 applies and in this case the major amendments proposed are considered to enact section 3.13.

Section 3.13 Procedure where significant change in proposal –

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

Policy Implications:

Nil

Budget / Financial Implication

The process will require expenditure on advertising and once approved gazettal with an overall cost estimated at \$3,000 which is provided for in the 2017/18 budget.

Strategic Implications:

Theme 4. Civic Leadership - provision of responsible, accountable, representative and efficient governance.

- a) Corporate Governance and Accountability - 4.2.1 High quality corporate governance, accountability and compliance.
- b) Responsible and responsive leadership - 4.3.1 Quality, effective and responsive representation.

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 10.4.1

That Council by Absolute Majority:

1. approves for the making of the proposed Shire of Ravensthorpe Standing Orders Local Law 2018, as detailed in the attachment, in accordance with section 3.12 of the Local Government Act 1995;
2. approves for the proposed local law to be advertised in accordance with section 1.8 of the Local Government Act 1995; and,
 - a) to make copies of the proposed local law available to the general public with a submission period being open for a minimum of 6 weeks;
 - b) to send copies of the proposed law to the Minister for Local Government, and Minister for Standing Orders,
3. Notes the purpose of the proposed Shire of Ravensthorpe Standing Orders Local Law 2018 is to provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors,
4. Notes the effect of the proposed Shire of Ravensthorpe Standing Orders Local Law 2018 is that these Standing Orders will result in –
 - a) better decision making by the Council and its committees;
 - b) the orderly conduct of meetings dealing with Council business
 - c) the more efficient and effective use of time at meetings

10.4.2 REVIEW OF COUNCIL PURCHASING POLICY – F6**File Ref:**

Applicant:	Not Applicable
Location:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	6 th March 2018
Author:	Ian Fitzgerald – Chief Executive Officer
Authorising Officer:	Not Applicable
Attachments:	Draft Purchasing Policy

Summary:

The purpose of this item is to review the purchasing policy as previously discussed with Council as the first stage of establishing a local prequalified supplier panel. The proposed policy is based on a template provided by the WA Local Government Association.

Background:

The current policy meets statutory requirements but does not specifically reference the establishment of local supply panels which is a new requirement under the Tender Regulations.

The policy was previously reviewed in February 2017.

Comment:

Council has a panel of local prequalified suppliers which was adopted for a maximum term of 5 years and is due to terminate in October 2018. To enable a new panel to be established the current regulations require Council/s Purchasing Policy to include provision for such a panel to be created. Council's existing policy does not include this provision in the correct format.

The draft policy presented for Council's consideration and adoption is based on a model purchasing policy provided by the WA Local Government Association.

The majority of the remaining information in the draft policy has been copied from Council's adopted purchasing policy.

The specific reference to a Panel of Prequalified Suppliers is copied below:

In accordance with Regulation 24AC of the Local Government (Functions and General) Regulations 1996, a Panel of Pre-qualified Suppliers ("Panel") may be created where most of the following factors apply:

- *the Shire determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;*
- *there are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money';*
- *the purchasing activity under the intended Panel is assessed as being of a low to medium risk;*
- *the Panel will streamline and will improve procurement processes; and*
- *the Shire has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.*

The Shire will endeavour to ensure that Panels will not be created unless most of the above factors are firmly and quantifiably established.

Once the new policy is adopted by Council the administration will begin working with the WA Local Government Association to create a new local prequalified suppliers panel but with a reduced scope to the existing panel – removing such areas as architecture, painters and builders.

The proposed policy was presented separately to Councillors in December and again in February and there has been no comment received.

Consultation:

Senior staff

WA Local Government Association

Statutory Obligations

Whilst adopted policies are not legally binding, they are in place to assist / guide Councillors and staff when determining purchasing practices. There is a need to follow the tender regulations (Functions and General Regulations 1996) in creating a prequalified supplier panel.

Policy Implications:

New Purchasing Policy presented for Council's consideration and adoption.

Budget / Financial Implications

The purchasing policy helps guide purchases made by staff on items required to deliver services and facilities to the community and within the annual budget framework adopted by Council.

Strategic Implications:

Theme 4 - Civic Leadership

Corporate Governance and Accountability

4.2.1 High quality corporate governance, accountability and compliance.

Risk:

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance and/or purchasing standards	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Sustainability Implications

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

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION	ITEM 10.4.2
That Council adopts the revised Purchasing Policy – F6 as presented.	

10.4.3 CULHAM INLET CAUSEWAY – REPLACEMENT DESIGN**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	7 th March 2018
Author:	Ian Fitzgerald – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Consultants Report and recommended design

Summary:

Council received a presentation on potential design options for the replacement of the Culham Inlet crossing from a representative of OPUS, Council's consulting engineers, at the December Council meeting. It was agreed, in-principle, during those discussions that option was the preferred design – a combination of 2 banks of culverts and a floodway/spillway.

Following that presentation staff have been working with Main Roads WA and Office of Emergency Management to ascertain if the cost of constructing Council's preferred design option would be covered by the natural disaster relief funding (WANDRRA).

Advice has recently been received confirming the design will be acceptable and meet the WANDRRA guidelines.

Council is now requested to formally nominate option 2 in the attached report as their preferred design for the replacement Culham Inlet crossing.

Background:

The previous causeway was damaged during the winter of 2016 which lead to its closure and a temporary access built and opened December 2016. The flood event of February totally destroyed both the temporary access and the damaged original structure.

With approval of Main Roads WA and Office of Emergency Management a new temporary access into the Fitzgerald River National Park was constructed and opened late August 2017 – in time for the annual wildflower festival. This construction work was funded via the disaster relief funding program (WANDRRA).

Comment:

The flood event of February 2017 caused massive damage to both public and private infrastructure across the entire shire. The initial focus was on getting people access to a safe

road network and then access into the Fitzgerald River National Park understanding the importance of this access to our tourism industry and therefore our small local business community.

Whilst work on developing tenders and contracts for the various of the road network have been taking place considerable work has also been undertaken on trying to understand the significance of the flood event in terms of river flows – now estimated to have been a 1 in 300 year event. It was necessary for this work to be undertaken so that engineers could begin the process of designing a structure that would be most likely to survive an event of a similar magnitude.

In December 2017 a lead engineer from OPUS presented a report to Council outlining 3 options for a replacement structure to be built across the Culham Inlet to provide the vital access into the Fitzgerald River National Park.

The 3 options presented were:

- a) Reinstatement of the previous design and culvert location – estimated cost \$4.3m
- b) Construction of 2 banks of culverts with an associated causeway/floodway – estimated cost \$5.3m
- c) Construction of a 80metre concrete bridge – estimated cost \$9m

OPUS recommended option 2 and the general feeling of Council was that this was the preferred replacement structure.

Since December staff have been working to ascertain what structure would be acceptable and therefore funding provided for under the disaster relief funding arrangements understanding that the guidelines only provide funding for replacement on a like-for-like basis – no improvement or betterment funding is permitted. There is a provision in the guidelines that provides for new construction whether it be roads, culverts or bridges to “current engineering standards” acknowledging that over time standards change.

It is on the basis of this provision that staff have been working to ensure funding will be provided for construction of the recommended and Council’s preferred option – Option 2. Should this level of funding not be provided there would be a shortfall of \$2 – 3m which Council would have been responsible for finding – either from government or self-funding.

Advice has recently been received, in writing, that Option 2 would be eligible for full funding under the disaster relief funding arrangements on the basis that Main Roads WA and the Office of Emergency Management are satisfied that such a structure would be replacing the previous structure with something similar but built to current engineering standards.

This is a major win for the Shire of Ravensthorpe and our community. The new structure will give security of access into the park and at minimal cost to the community other than staff time.

Now that the assurance of funding has been secured it is appropriate for Council to formally resolve their support for Option 2 as being the preferred design of the replacement access causeway into the park. OPUS will begin work on developing the necessary detailed drawings and specifications for the structure with input from Main Roads WA. It is the intention that this work will be completed in time to allow for tenders to be called in July or August with a view the construction could be completed during the summer of 2018/19.

This has been a very difficult and time consuming process but with the support and goodwill of others a positive outcome has been reached. The support of our local members of parliament and Minister Alannah MacTiernan in achieving this outcome should be also noted.

Consultation:

Main Roads WA

Office of Emergency Management

OPUS

Statutory Obligations:

The cost of the recommended structure is such that Council will be required to call formal tenders for the construction – once all the required drawings and technical specifications have been agreed.

Policy Implications:

Nil

Budget / Financial Implications:

The cost of constructing the new Culham Inlet causeway will be fully covered by the disaster relief funding arrangements – WANDRRA, based on proceeding with option 2 in the report presented to Council.

Strategic Implications:

Theme 2 – thriving business and industry including tourism

2.3 Development of tourism

Theme 3 – Adequate services and infrastructure to cater for the community

3.1 Effective transport networks

Theme 4 – Civic leadership

4.1 Financial sustainability

Risk

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
Not meeting WANDRRA Guidelines	Possible (3)	Moderate (3)	Moderate (9)	Failure to meet WANDRRA Guidelines, Financial impact on Shire	Accept Officer Recommendation

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 10.4.3
That Council:	
<ul style="list-style-type: none"> a) Formally adopt Option 2, culvert and causeway design, as the preferred replacement structure for the Culham Inlet access causeway b) Request OPUS work with Main Roads WA to finalise drawings and specifications for the replacement structure to allow tenders to be called for the construction c) Acknowledge the work of OPUS, Main Roads WA, Office of Emergency Management and staff in achieving a positive outcome for the Shire of Ravensthorpe 	

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING****12.1 ELECTED MEMBERS****12.2 OFFICERS****12.2.1 COUNCIL POLICY LO7 - SHARK RESPONSE POLICY****File Ref:****Applicant:****Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 14th March 2015**Author:** Darryn Watkins – Manager Engineering Services**Authorising Officer:** Ian Fitzgerald – Chief Executive Officer**Attachments:** Draft – Shark Response Policy

Summary:

With the implementation by State Government of Beach Emergency Numbers (BEN) system it became evident that the Shire of Ravensthorpe as a LGA coastal manager did not have a Shark Response Policy.

This item addresses that issue.

Background:

The Beach Emergency Numbers (BEN) system is a coding system designed to improve emergency response times by installing signs with unique numbers at beach access points.

Comment:

In December 2017, the Western Australia Government launched a grants program to Local Government Authorities (LGA's) to provide financial assistance to introduce emergency response signs along beaches with public access. Regional LGA's are eligible for grants of up to \$50,000 for the implementation of the signage. To be eligible to apply for the funding assistance, the LGA's must have a "Shark Response Policy".

Once the signage is in place the Emergency Service Organisations including WA Police, DFES, and St Johns Ambulance will integrate the numbering system into their Computer Aided Dispatch (CAD) systems.

Furthermore, the Shire of Ravensthorpe coastline extends for approximately 200 kilometres along the Southern Ocean and this policy will provide a defined uniform approach in response to shark sightings and attacks. A sample design of the signage can be seen below.



Consultation:

Shire staff
Department of Primary Industries and Regional Development
Surf Lifesaving WA

Statutory Obligations:

N/A

Policy Implications:

N/A

Budget / Financial Implications:

In kind contribution of signage installation

Strategic Implications:

1. Vibrant and supportive community
2. Adequate services and infrastructure
3. Civic leadership

Risk

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
Not meeting Community expectations – severe beach incident	Possible (3)	Moderate (3)	Moderate (9)	Failure to meet expectations of the community and emergency services volunteers	Accept Officer Recommendation

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 12.2.1
That Council adopt Policy LO7 - Shark Response policy as presented.	

13. MATTERS BEHIND CLOSED DOORS

14. CLOSURE OF MEETING