



Agenda

Ordinary Meeting of Council

Tuesday, 18 April 2023



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NOTICE OF MEETING

Notice is hereby given that the

Shire of Ravensthorpe

Ordinary Council Meeting

will be held on
Tuesday, 18 April 2023
commencing at 6.00pm

Council Chambers
Ravensthorpe Cultural Precinct
Ravensthorpe

Matthew Bird
Chief Executive Officer

Disclaimer

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations which have not yet been adopted by Council.

No responsibility whatsoever is implied or accepted by the Shire of Ravensthorpe for any act, omission, statement or intimation occurring during the Council/Committee meetings or during formal/informal conversations with staff. The Shire of Ravensthorpe disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broader 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 the Shire of Ravensthorpe during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Ravensthorpe. The Shire of Ravensthorpe warns that anyone who has an application lodged with the Shire of Ravensthorpe must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by the Shire of Ravensthorpe in respect of the application.

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DISCLOSURE OF INTEREST FORM
(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70, 5.71 & 5.71(B))

To: Chief Executive Officer

Name _____

Elected Member Committee Member Employee Contractor

- Ordinary Council Meeting held on _____
- Special Council Meeting held on _____
- Committee Meeting held on _____
- Other _____

Report No _____

Report Title _____

Type of Interest (**see overleaf for further information*)

Proximity Financial Impartiality

Nature of Interest

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

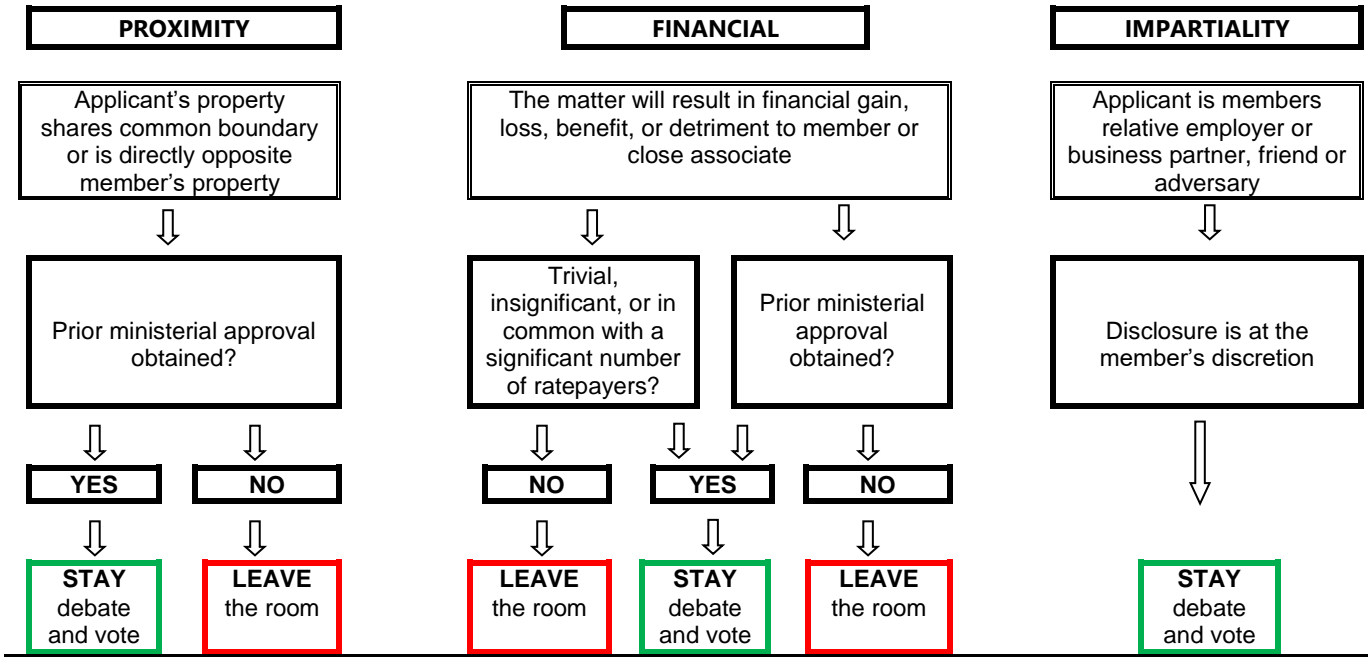
Signed: _____ Date: _____

- **Note 1** - Elected Members/ Committee Members/Employees refer to the Disclosure of Interest Declaration card when disclosure is being read out at Council or Committee Meeting.
- **Note 2:** For Ordinary meetings of the Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.
- **Note 3:** Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

CEO: _____ Signed: _____ Date: _____

OFFICE USE ONLY	
<input type="checkbox"/> Particulars recorded in Minutes	<input type="checkbox"/> Particulars recorded in Register

* Declaring an Interest



Local Government Act 1995 – Extract

s.5.60A - Financial Interest

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.

s.5.60B – Proximity Interest

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; or
- (b) a proposed change to the zoning or use of land that adjoins the person's land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be 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. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
 - (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

(1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

5.71A. - CEOs to disclose interests relating to gifts in connection with advice or reports

- (1) A CEO who has an interest relating to a gift in a matter in respect of which the CEO proposes to provide advice or a report, directly or indirectly, to the council or a committee must disclose the nature of the interest in a written notice given to the council.
- (2) A CEO who makes a disclosure under subsection (1) must not provide the advice or report unless the CEO is allowed to do so under section 5.71B(2) or (6).
- (3) A CEO who has an interest relating to a gift in a matter in respect of which another employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when the advice or report is provided.

Local Government (Administration) Regulations 1996 – Extract - In this clause and in accordance with Regulation 19AA "Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an association.

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AGENDA

Mission Statement *To grow our community through the provision of leadership, services and infrastructure.*

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President to declare the meeting open.

The Shire President acknowledges the Traditional Owners of the land on which we meet, and pays respect to Elders past, present, and emerging.

The Shire President advises visitors in adhering to both the *Local Government Act 1995*, and the Shire of Ravensthorpe Meeting Procedures Local Law 2022, it is an offence to record the proceedings of this meeting and visitors are to switch off any recording devices, including phones.

2. RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Elected Members:

Cr Keith Dunlop (Shire President)
Cr Sue Leighton (Deputy Shire President)
Cr Julia Bell
Cr Rachel Livingston
Cr Thomas Major
Cr Mark Mudie
Cr Graham Richardson

Officers:

Matthew Bird (Chief Executive Officer)
Les Mainwaring (Executive Manager Corporate Services)
Paul Spencer (Executive Manager Infrastructure Services)
Natalie Bell (Acting Executive Manager Development and Community Services)
Meredith Lee-Curtis (Executive Assistant)

VISITORS

APOLOGIES

Nil.

LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTIONS TIME

In accordance with section 5.24 of the *Local Government Act 1995*, a 15-minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the Shire President's discretion, the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the Shire President, the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

Questions raised at the 21 March 2023 Ordinary Meeting of Council

Penny Hale – 7 Templetonia Drive, Hopetoun

Question 1

Ms Hale queried if a risk assessment has been conducted on 5G technology to ascertain if there is a risk on humans.

Answer 1

The Shire CEO contacted Ms Hale and discussed her concerns. Ms Hale requested that Councillors be made aware of the 5G service and possible issues. The CEO circulated a Telstra FAQ to Councillors on this issue. According to Telstra website source, currently there is no 5G service operating within the Shire of Ravensthorpe.

Question 2

Today, regular viewer of sky. Plane spray trail across Park, then turn to Ravensthorpe. Chemical trails and who might be doing this.

Answer 2

The Shire CEO discussed Ms Hale's concerns re her observations of vapour/chem trails from aircraft flying overhead the Shire. Ms Hale said she was now monitoring aircraft traffic using an app and no further action is currently required.

5. DECLARATIONS OF INTEREST

Nil.

6. APPLICATIONS FOR LEAVE OF ABSENCE

The *Local Government Act 1995* (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary

meetings of the Council is disqualified from continuing his or her membership of the Council.

Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY COUNCIL MEETING MINUTES 21 MARCH 2023 (Attachment YELLOW)

Statutory Environment:

Section 5.22 of the *Local Government Act 1995* provides that minutes of all meeting to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Ravensthorpe held on 21 March 2023 be confirmed as a true and correct record.

Moved: _____ **Seconded:** _____

Carried: __/__

8. ANNOUNCEMENTS/REPORTS BY ELECTED MEMBERS

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

The Chief Executive Officer has approved deputations from the following:

Nil.

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

11.1 RAVENSTHORPE BUSH FIRE ADVISORY COMMITTEE (BFAC) MINUTES AND SHIRE OF RAVENSTHORPE 2023/24 FIRE CONTROL NOTICE

File Reference:	ES.ME.1
Location:	N/A
Applicant:	Bush Fire Advisory Committee
Author:	A/Executive Manager Development and Community Services
Authorising Officer	Chief Executive Officer
Date:	12 April 2023
Disclosure of Interest:	Nil
Attachments: <u>ORANGE</u>	1. Meeting Minutes (Unconfirmed) – BFAC AGM 14 March 2023 2. Draft Shire of Ravensthorpe Fire Control Notice 3. Bush Fire Brigade FCO List 2023/2024 4. Meeting Minutes – BFAC Ordinary Meeting 14 March 2023
Previous Reference:	N/A

PURPOSE

1. The BFAC is a committee of Council, formed under Council Policy LO2 in order to promote and encourage volunteerism and to make the Shire of Ravensthorpe a safe community by managing fire risk.

BACKGROUND

2. LO2 provides for the Annual General Meeting to be held in March. The meeting precipitates the elections for nominations to Council of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officers and Chairperson and Deputy Chairperson of the BFAC. Fire Control Officers, Fire Weather Officers and Dual Shire Fire Control Officers are also confirmed.

COMMENT

3. The nominations for CBFCO, DCBFCO's and Chairperson were uncontested. A motion was also put by the CBFCO Mr Rod Daw to elect a third Deputy. This motion was carried. The third deputy allows the Shire to be split into west, central and east regions. No nominations were received for the Deputy Chairperson position.

CONSULTATION

4. Bush Fire Advisory Committee

STATUTORY ENVIRONMENT

5. *Bush Fires Act 1954*

POLICY IMPLICATIONS

6. LO2 – Shire of Ravensthorpe Bush Fire Advisory Committee

FINANCIAL IMPLICATIONS

7. Nil.

RISK MANAGEMENT

8. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational)	Possible	Minor	Low	Improved communication through Operational Working Group to BFAC. Introduction of 3rd Deputy Chief Bushfire Control Officer
Financial	Rare	Insignificant	Low	Ensure recommendations of BFAC are put forward after whole of committee consultation
Environmental	Rare	Insignificant	Very Low	Continue to review current fire-fighting practices to improve operational effectiveness
Reputational	Almost certain Likely Possible Unlikely Rare	Catastrophic Major Moderate Minor Insignificant	High Medium Low Very Low	Continue to provide advice to BFBs. Promote fire safety to the community through public education and involvement

ALTERNATE OPTIONS

9. Nil.

STRATEGIC ALIGNMENT

10. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

Outcome 1: Economy - The population is growing, in tandem with a thriving, resilient local economy

Item	Objectives and Strategies
1.1	To grow business and employment
1.2	The right resources and infrastructure are in place to support local commerce and industry

Outcome 2: Community - This is a safe and family-friendly community where people of all ages have access to services and facilities, and there is plenty to blow your socks off

Item	Objectives and Strategies
2.2	Community groups function well with strong volunteer effort and feel supported by the community
2.3	People feel that their community is safe for all, free of nuisance and protected from risk of damage
2.5	Young people, older people and people with disability feel valued and have access to resources which provide opportunities for their development and enjoyment

Outcome 3: Built Environment - The built environment is accessible, honours history and provides for the economic and social needs of residents, industry and visitors

Item	Objectives and Strategies
3.4	It is easy and safe to move around and in and out of the district
3.5	The Shire's heritage structures, heritage and cultural places are valued and protected, and are integrated into community life and economic activity.

Outcome 4: Natural Environment - Our unique world class biosphere is valued and protected for the enjoyment of current and future generations

Item	Objectives and Strategies
4.3	The Shire's valued natural areas and systems are protected and enhanced

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward

Item	Objectives and Strategies
5.1	The Shire's community is engaged and involved
5.2	The Council ensures its decisions are well informed and considered
5.3	The Council, with the support of the community, is an effective advocate for resources and facilities which support the vision for the future
5.5	The value of community owned assets is maintained

VOTING REQUIREMENTS

11. Simple Majority

COMMITTEE RECOMMENDATION

That Council:

- RECEIVE the Unconfirmed Minutes of the Bush Fire Advisory Committee Meeting and Annual General Meeting held 14 March 2023.**
- ENDORSE the following nominations as detailed in the Minutes of the Annual General Meeting held on 14 March 2023:**

ELECTION OF CHAIRMAN

Nominee	Nominated By	Seconded	Elect
Keith Rowe	Rod Daw	Reece Laycock	Y

ELECTION OF DEPUTY CHAIRMAN

Nominee	Nominated By	Seconded	Elect
Rian Duncan	Rod Daw	Reece Laycock	Declined via telephone conversation

ELECTION OF DEPUTY CHIEF BUSH FIRE CONTROL OFFICERS

<u>COMMITTEE DECISION</u>			
Motion by Rod Daw: Move that a third DCBFCO position (Deputy Central) is created in the Shire.			
Moved: Rod Daw		Second: Bernard Fetherstonhaugh	
			Carried

Nominee	Nominated By	Seconded	Elect
Gavin Gibson	Rod Daw	AndyDaw	Y
Rian Duncan	Reece Laycock	Brett Kershaw	Y
Malcolm Grant	Rod Daw	Reece Laycock	Y

NOMINATION FIRE WEATHER OFFICERS

Nominee	Nominated By	Seconded	Elect
Mr Rodney Daw	Keith Rowe	Mark Mudie	Y
Mr Gavin Gibson	Rod Daw	Mark Mudie	Y
Mr Bernard Fetherstonhaugh	Rod Daw	Mark Mudie	Y
Mr Kye Chambers	Reece Laycock	Andrew Chambers	Y
Mr Peter Kuiper	Rod Daw	Mark Mudie	Y
Mr Rian Duncan	Rod Daw	Mark Mudie	Y

COMMITTEE DECISION

Moved: Rod Daw **Seconded:** Mark Mudie
All nominees elected as Fire Weather Officers. Absent nominees will be contacted to confirm their willingness to remain as Fire Weather Officers
Carried

CONFIRMATION OF ELECTED FIRE CONTROL OFFICERS

Mr Russell Palmer advised that some Brigades are yet to hold their Annual General Meetings. Nominations as per the following list will be confirmed with the relevant Brigades.

Remaining Fire Control Officers as per the attached 2022/2023 Fire Control Officer List will be confirmed by members via email.

COMMITTEE DECISION

Moved: Mr Rod Daw **Seconded:** Andy Daw
To endorse all Fire Control Officers as per the attached 2023/2024 list pending email confirmation
Carried

**SHIRE OF RAVENSTHORPE
2023/24 FIRE CONTROL OFFICERS**

NAME	POSITION	BRIGADE	RADIO CALL SIGN
Rod Daw	CBFCO	East Ravensthorpe BFB	6GR / Ravey Chief
Gavin Gibson	DCBFCO East	Munglinup BFB	Mungy Base / Mungy 1
Rian Duncan	DCBFCO West	West River BFB	West River Base / West River 4
Mal Grant	DCBFCO Central	East Ravensthorpe BFB	East Ravey 3
Luke Webster	FCO	Cocanarup BFB	Cocanarup 1
Gary Webster	FCO/Capt.	Cocanarup BFB	Cocanarup 2
Keith Rowe	FCO	Cocanarup BFB	Cocanarup 3
Andrew Daw	FCO/Capt.	East Ravensthorpe BFB	East Ravey 1
Devon Burton	FCO	East Ravensthorpe BFB	East Ravey 2
Malcom Grant	FCO/BRPC	East Ravensthorpe BFB	East Ravey 3
Rod Daw	CBFCO	East Ravensthorpe BFB	6GR / Ravey Chief
Stott Redman	FCO/Capt.	Hopetoun Rural BFB	Hopetoun Rural 1
Courtney Foulds	FCO	Hopetoun Rural BFB	Hopetoun Rural 2
Andrew Venning	Permit Officer	Hopetoun Rural BFB	
Peter Nankervis	Permit Officer	Hopetoun VFES	
James Mollet	FCO/Capt.	Jerdacuttup BFB	Jerdy Base / Jerdy 1
Paul Bell	FCO	Jerdacuttup BFB	SE Jerdy Base / Jerdy 2
Brad Clarke	FCO	Mt Short BFB	Mt Short 1
Peter Belli	FCO	Mt Short BFB	Mt Short 2
Richard Norrish	FCO	Mt Short BFB	Mt Short 3
Gavin Gibson	DCBFCO	Munglinup BFB	Mungy Base / Mungy 1

NAME	POSITION	BRIGADE	RADIO CALL SIGN
Bernard Fetherstonhaugh	FCO	Munglinup BFB	Nth Mungy Base / Mungy 2
Nathan Chapman	FCO	Munglinup BFB	Mungy 3
Reece Laycock	FCO/Capt.	North Ravey BFB	Nth Ravey 1
Andrew Chambers	FCO	North Ravey BFB	Nth Ravey 2
Kye Chambers	FCO	North Ravey BFB	Nth Ravey 3
Chad Tuckett	FCO	North Ravey BFB	Nth Ravey 4
Peter Kuiper	FCO/Capt.	West River BFB	West River 1
Brett Kershaw	FCO	West River BFB	West River 2
Mark Mudie	FCO	West River BFB	West River 3
Rian Duncan	DCBFCO	West River BFB	West River Base / West River 4
Russell Palmer	CESM	Ravensthorpe Shire	Ravey CESM
Michaela Pritchard	Permit Officer	Ravensthorpe Shire	Shire Ranger 1
Greg Stover	Permit Officer	Ravensthorpe Shire	Shire Ranger 2

NOMINATION FOR DUAL FIRE CONTROL OFFICERS TO NEIGHBOURING LOCAL GOVERNMENTS

- Shire of Esperance

Nominee	Nominated By	Seconded	Elect
Mr Gavin Gibson	Rod Daw	Andrew Chambers	
Mr Bernard Fetherstonhaugh	Rod Daw	Andrew Chambers	

- Jerramungup Shire

Nominee	Nominated By	Seconded	Elect
Mr Rian Duncan	Mark Mudie	Tom Major	
Mr Peter Kuiper	Mark Mudie	Tom Major	
Mr Brett Kershaw	Mark Mudie	Tom Major	

- Lake Grace Shire

Nominee	Nominated By	Seconded	Elect
Mr Chad Tuckett	Andrew Chambers	Devon Burton	
Mr Reece Laycock	Andrew Chambers	Devon Burton	

3. **NOTE the Bush Fire Advisory Committee recommendation that North Ravensthorpe Bushfire Brigade and the North Ravensthorpe community Group write to the Manager of the State Barrier Fence for improved access.**

COMMITTEE DECISION

Moved: Reece Laycock **Seconded:** Mr Rod Daw

That the BFAC request the Shire to write to the Manager State Barrier Fence for improved access with more gates and wider gates in the state barrier fence to allow larger machinery to traverse the fence.

Carried

4. **ADOPT the Bush Fire Advisory Committee recommendations to update the Shire of Ravensthorpe 2022/2023 Fire Break Notice as follows:-**
 - a) **Changes to sizes of lots sections 5 and 6 to make it easier for landholders to comply with the requirements;**
 - b) **Remove all reference to “tonnes per hectare” as this can be misleading;**
 - c) **Updates to the definitions page;**
 - d) **Change the title of section 8 “Plantations” to include “...and other practices other than Farming” to encompass a broader scope of landholders;**
 - e) **Remove Contractor details page**
 - f) **Update Fire Control Officer (FCO) contact details on the final page.**
5. **ADVERTISE the Bush Fire Notice, elected Fire Control Officers and Fire Weather Officers 2022/2023 for the Shire of Ravensthorpe in accordance with s38 (2A) of the *Bush Fires Act 1954*.**
6. **GIVE NOTICE to all owners and occupiers of land in its district by publishing a Notice in the *Government Gazette* in accordance with subsections 33(1) and (2) of the *Bush Fires Act 1954*.**

Moved: _____

Seconded: _____

Carried: /

12. REPORTS OF OFFICERS

12.1 EXECUTIVE SERVICES

12.1.1 NOTICE OF CHANGE OF VENUE FOR ORDINARY MEETINGS OF COUNCIL

File Reference:

Location:	N/A
Applicant:	N/A
Author:	Chief Executive Officer
Authorising Officer	Chief Executive Officer
Date:	13 April 2023
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	N/A

PURPOSE

1. That Council agree to change the venue for the May, July, August, October and December 2023 Ordinary Meetings of Council.

BACKGROUND

2. In previous years Ordinary Meetings of Council have been scheduled on a rotational basis between the towns of Ravensthorpe and Hopetoun, with one meeting held in Munglinup per annum.
3. Proposed Local Government Reforms promoting greater transparency and accountability are due to be implemented in late 2023 and includes that local governments within Bands 3 and 4 will be required to record and make available to the public, electronic audio recordings of meetings of Council.
4. As the new Council Chambers in the Ravensthorpe Cultural Precinct will soon support the ability to electronically record and upload audio recordings, it is envisaged that all future meetings of Council, including Ordinary, Special and Electors, be held in the Ravensthorpe Council Chambers from the April Ordinary Meeting of Council onwards.

COMMENT

5. That Council agree to change the venue to the Ravensthorpe Council Chambers for the May, July, August, October and December 2023 Ordinary Meetings of Council.
6. The Shire will implement a separate program of increased and improved community engagement activities to replace the regional Ordinary Council Meeting events.

CONSULTATION

7. Shire President

STATUTORY ENVIRONMENT

8. *Local Government Act 1995, s5.25 (1)(g)*
Local Government (Administration) Regulations 1996, r.12

POLICY IMPLICATIONS

9. Nil.

FINANCIAL IMPLICATIONS

10. Nil.

RISK MANAGEMENT

11. N/A

STRATEGIC ALIGNMENT

12. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2020-2024.

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward

Item	Objectives and Strategies
5.1	The Shire's community is engaged and involved
5.3	The Council, with the support of the community, is an effective advocate for resources and facilities which support the vision for the future

VOTING REQUIREMENTS

13. Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. AGREE to change the venue to the Ravensthorpe Council Chambers for the May, July, August, October and December 2023 Ordinary Meetings of Council; and**
- 2. REQUEST the Chief Executive Officer to place a Notice on the Shire's website advising of the change of venue, in accordance with the *Local Government Act 1995, s5.25 (1)(g)* and *Local Government (Administration) Regulations 1996, r.12*; and**
- 3. REQUEST the Chief Executive Officer to develop a Community Engagement Plan that includes regular community engagement appointments across the district.**

Moved: _____

Seconded: _____

Carried: /

12.1 **EXECUTIVE SERVICES**

12.1.2 SHIRE OF RAVENSTHORPE MEETING PROCEDURES LOCAL LAW 2022

File Reference:	LE.LL.13
Location:	Shire Ravensthorpe
Applicant:	N/A
Author:	Chief Executive Officer
Authorising Officer	Chief Executive Officer
Date:	13 April 2023
Disclosure of Interest:	Nil
Attachments: <u>YELLOW</u>	Attachment 1: Flow Chart of Local Law Making Process Attachment 2: Proposed Meeting Procedures Local Law 2022
Previous References:	Item 10.1 Ordinary Council Meeting 15 February 2022 and 21 March 2023

PURPOSE

1. For Council to consider the submissions received on the advertised Meeting Procedures Local Law 2022 for adoption of the Shire of Ravensthorpe *Meeting Procedures Local Law 2022*.

BACKGROUND

2. Following a review of the Shire's Local Laws, Council passed the following resolutions:-
3. At the ordinary meeting of Council held on Tuesday 15 February 2022:

'That Council:

In accordance with section 3.16(4) of the Local Government Act 1995 resolves to repeal the Standing Orders Local Law 2003 and that it be replaced with a new Meeting Procedures Local Law.'

and

At the ordinary meeting of Council held on Tuesday 21 March 2023:

'Council AGREED by unanimous consensus to lay the document on the table to a future meeting date.'

COMMENT

4. The decision to 'lay the document on the table' made at the ordinary meeting of Council held on Tuesday, 21 March 2023, was based on the agenda item including both the Dog Amendment Local Law 2022 and the Meeting Procedures Local Law 2022. As there were no comments from the public or matters outstanding relating to the Meeting Procedures Local Law 2022, it is recommended that the item be relisted for consideration and resolution at the April Ordinary Meeting of Council.
5. The procedure for making local laws requires Council to advertise its intention to make or amend a local law and invite submissions to be made on the proposed local law for a minimum six week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

6. The proposed local law was advertised for public comment in accordance with the requirements of the Act. On 21 January 2023 a Public Notice was placed in the Community Spirit Newsletter, on the Shire website, social media and notice boards, with the submission period for public comment closing on 15 March 2023.
7. To date no public submission on the local law has been received and the Minister for Local Government has not advised any amendments.
8. Once formally adopted by Council:
 - 8.1 the local law is to be published in the Government Gazette;
 - 8.2 local public notice is to be given of adoption of the local law (separate to previous advertising of proposal);
 - 8.3 signed copy to be sent to the Minister for Local Government; and
 - 8.4 a copy sent to the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) together with other required documentation, within 10 days of publication in the Government Gazette.
9. Please note –
 - 9.1 disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
 - 9.2 if a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment,
 - 9.3 the local law takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

CONSULTATION

10. Executive Team, Councillors and local community

STATUTORY ENVIRONMENT

11. *Local Government Act 1995*

Section 3.12 – Procedures 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.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (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 local 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
 - (iii) 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) deleted]

- (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 the local law is published on the local government’s official website and that copies of the local law may be inspected at 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.

POLICY IMPLICATIONS

- 12. A new policy will need to be developed to address live streaming and recording of Council meetings as part of the Local Government Review requirements.

FINANCIAL IMPLICATIONS

- 13. All new Local Laws adopted are required to be published in the Government Gazette at the Shires cost, estimated at approximately \$5,000.

RISK MANAGEMENT

- 14. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational); procedures not followed to revise local laws	Possible	Moderate	High	Council ensure amendments to local laws follow the local law making process as per sec 3.12 Local Govt Act & NCP review requirements

ALTERNATE OPTIONS

- 15. Nil.

STRATEGIC ALIGNMENT

- 16. This item is relevant to the Councils approved Strategic Community Plan 2020-2030 and Corporate Business Plan 2020-2024.

Outcome 2: Community - This is a safe and family-friendly community where people of all ages have access to services and facilities, and there is plenty to blow your socks off

Item	Objectives and Strategies
2.2	Community groups function well with strong volunteer effort and feel supported by the community
2.3	People feel that their community is safe for all, free of nuisance and protected from risk of damage
2.4	People have access to attractive community facilities, activities and events which support activity and health, community involvement and enjoyment of life

Outcome 3: Built Environment - The built environment is accessible, honours history and provides for the economic and social needs of residents, industry and visitors

Item	Objectives and Strategies
3.4	It is easy and safe to move around and in and out of the district

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward

Item	Objectives and Strategies
5.1	The Shire's community is engaged and involved
5.2	The Council ensures its decisions are well informed and considered
5.3	The Council, with the support of the community, is an effective advocate for resources and facilities which support the vision for the future

VOTING REQUIREMENT

17. Absolute Majority

OFFICER RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY:

1. **RESOLVE to make the *Meeting Procedures Local Law 2022* as per the attached draft.**
2. **AUTHORISE the Shire President and CEO to sign and affix the Common Seal to the Local Law.**
3. **AUTHORISE the CEO to:**
 - a) **PUBLISH the Local Law in the Government Gazette and provide a copy of the local law to the Minister for Local Government; and**
 - b) **FORWARD a copy of the Gazetted Local Law, Explanatory Memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

Moved: _____

Seconded: _____

Carried by an ABSOLUTE MAJORITY: __/__

12. REPORTS OF OFFICERS

12.2 CORPORATE SERVICES

12.2.1 MONTHLY FINANCIAL REPORTS – March 2023

File Reference:	N/A
Location:	Shire of Ravensthorpe
Applicant:	Nil
Author:	Senior Finance Officer
Authorising Officer	Executive Manager Corporate Services
Date:	13 April 2023
Disclosure of Interest:	Nil
Attachment: <u>RED</u>	Monthly Financial Reports for March 2023
Previous Reference:	Nil

PURPOSE

1. In accordance with the Local Government Financial Management Regulations (1996), Regulation 34, a local government is to prepare a monthly Statement of Financial Activity for approval by Council.

BACKGROUND

2. Council is requested to review the March 2023 Monthly Financial Reports.

COMMENT

3. The March 2023 Monthly Financial Reports are presented for review.

CONSULTATION

4. Executive Team

STATUTORY ENVIRONMENT

5. Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the Local Government (Financial Management) Regulations 1996 apply.

POLICY IMPLICATIONS

6. Nil.

FINANCIAL IMPLICATIONS

7. All expenditure has been approved via adoption of the 2022/23 Annual Budget, or resulting from a Council Motion for a budget amendment.

RISK MANAGEMENT:

8. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the financial activity statements as required by S6.4 of the <i>Local Government Act 1995</i> .	Rare	Insignificant	Very Low	That Council receives the financial activity statements as required by legislation.

ALTERNATE OPTIONS

9. Nil.

STRATEGIC ALIGNMENT

10. This item is relevant to the Councils approved Strategic Community Plan 2020-2030 and Corporate Business Plan 2020-2024.

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward

Item	Objectives and Strategies
5.5	The value of community owned assets is maintained
5.5.1	Assets renewals and upgrades are funded to the level required to maintain asset value and agreed service levels
5.5.2	Projects are well-planned planned and delivered on time and on budget, with effective and thorough risk management and reporting
5.6	Financial systems are effectively managed
5.6.1	Financial management and reporting systems are able to deliver on all administrative and management functions (including reporting), and long-term financial planning requirements

VOTING REQUIREMENTS

11. Simple Majority

OFFICER RECOMMENDATION

That Council RECEIVE the March 2023 Monthly Financial Reports as presented.

Moved: _____

Seconded: _____

Carried: _/_

12.2 CORPORATE SERVICES

12.2.2 SCHEDULE OF ACCOUNT PAYMENTS – March 2023

File Reference:	GR.ME.8
Location:	Shire of Ravensthorpe
Applicant:	Shire of Ravensthorpe
Author:	Accountant
Authorising Officer	Executive Manager of Corporate Services
Date:	13 April 2023
Disclosure of Interest:	Nil
Attachment: <u>RED</u>	Schedule of Payments to 31 March 2023 Credit Card Transactions 01 March 2023 Creditors List of Accounts Paid March 2023
Previous Reference:	Nil

PURPOSE

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

BACKGROUND

- Period 01/3/2023 – 31/3/2023

Month	Cheques	EFT Pymts	Direct Debits	Credit Card	Trust	Total Creditors	Payroll
Jul	9,412	1,344,302	67,653	5,967	0	1,427,333	309,447
Aug	13,186	1,135,858	130,685	3,466	0	1,283,195	302,671
Sep	7,250	996,136	43,399	7,971	0	1,054,756	302,386
Oct	9,643	769,594	76,558	7,747	0	863,543	337,295
Nov	6,218	870,407	59,909	6,864	0	943,397	455,624
Dec	10,270	1,866,819	71,121	6,537	0	1,954,748	314,391
Jan	8,802	287,567	43,935	6,337		346,641	304,371
Feb	10,798	822,870	123,746	12,870	0	970,284	345,470
Mar	6,299	982,560	133,501	3,670	0	1,126,031	306,943
Apr					0	0	
May					0	0	
Jun					0	0	
Total	81,878	9,076,113	750,508	61,428	0	9,969,928	2,978,597
21/22	109,610	11,455,728	1,217,128	101,107	0	12,883,572	4,057,812
20/21	219,357	8,442,181	965,406	135,103	0	9,762,047	3,790,863
19/20	197,977	8,450,678	997,212	102,791	6,319	9,754,977	3,174,082
18/19	147,967	21,298,438	1,329,904	70,241	13,590	22,860,140	2,219,053
17/18	327,905	18,507,404	209,587	65,010	317,445	19,427,351	2,601,283

COMMENT

3. These schedules 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

4. Senior Finance Officer

STATUTORY ENVIRONMENT

5. Regulation 13 (1) – (3) of the Local Government (Financial Management) Regulations

POLICY IMPLICATIONS

6. Nil.

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT

8. The following risks have been identified;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational; That Council does not receive the list of payments.	Rare	Insignificant	Very Low	That Council receives the list of payments as required by legislation

ALTERNATE OPTIONS

9. Nil.

STRATEGIC ALIGNMENT

10. This item is relevant to the Councils approved Strategic Community Plan 2020-2030 and Corporate Business Plan 2020-2024.

Outcome 1: Economy - The population is growing, in tandem with a thriving, resilient local economy

Item	Objectives and Strategies
1.2	The right resources and infrastructure are in place to support local commerce and industry

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward

Item	Objectives and Strategies
5.2	The Council ensures its decisions are well informed and considered
5.3	The Council, with the support of the community, is an effective advocate for resources and facilities which support the vision for the future
5.6	Financial systems are effectively managed
5.7	Customer service and other corporate systems are of high quality

VOTING REQUIREMENTS

11. Simple Majority

OFFICER RECOMMENDATION

That Council pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, the payment of accounts for the months of March 2023 be noted.

Moved: _____

Seconded: _____

Carried: /

12.2 CORPORATE SERVICES

12.2.3 SHIRE OF RAVENSTHORPE 2021/2022 ANNUAL REPORT AND ANNUAL ELECTORS MEETING

File Reference:

Location:	Shire Ravensthorpe
Applicant:	N/A
Author:	Executive Manager Corporate Services
Authorising Officer	Chief Executive Officer
Date:	13 April 2023
Disclosure of Interest:	Nil
Attachments: <u>RED</u>	Attachment 1: 2021/2022 Shire of Ravensthorpe Annual Report

PURPOSE

1. The purpose of this report is to accept the Shire of Ravensthorpe 2021/2022 Annual Report and set the date for the Annual General Meeting of Electors.
2. The statutory Annual Report is prepared to advise the Community on the activities of the local government. It also contains the audited Annual Financial Report.
3. It is recommended Council accepts the 2021/2022 Annual Report and set Tuesday, 9 May 2023 as the date for the Annual General Meeting of Electors.

BACKGROUND

4. Section 5.53 of the *Local Government Act 1995* (the "Act") requires a local government to prepare an Annual Report for each financial year and details what the Annual Report is to contain.
5. Section 5.54 of the Act requires a local government to accept the Annual Report for a financial year no later than 31 December in the year after that financial year, subject to the availability of the Auditor's Report.
6. Section 5.55 of the Act requires the Chief Executive Officer to give local public notice of the availability of the Annual Report as soon as practicable after the Annual Report has been accepted by the local government.
7. Section 5.27 of the Act requires that a general meeting of the electors of a district is to be held once every financial year.

COMMENT

8. The statutory Annual Report is prepared to advise the Community on the activities of the local government. It reports on the annual outcomes achieved by the organisation against the strategic priorities, objectives and strategies set out in the Strategic Community Plan 2020-2030 and Corporate Business Plan 2020-2024.
9. The Annual Report contains the audited Annual Financial Report and Audit Report.
10. The 2021/2022 Annual Report includes all information as required in accordance with changes in the Regulations, including demographic information provided related to elected members.

CONSULTATION

11. All Directorates within the Shire of Ravensthorpe have been involved in the preparation of the 2021/2022 Annual Report.

12. Section 5.55 of the Act requires that the Chief Executive Officer give local public notice of the availability of the Annual Report as soon as practicable after the Annual Report has been accepted by the local government.

STATUTORY ENVIRONMENT

13. *Local Government Act 1995*

POLICY IMPLICATIONS

14. There are no policy considerations with respect to the Annual Report.

FINANCIAL IMPLICATIONS

15. The costs of preparing and printing the Annual Report are funded within the existing budget.

RISK MANAGEMENT

16. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Override of Internal Controls	Possible	Moderate	Medium	Constantly monitor, review and reflect on adequacy and effectiveness of controls
Financial	Possible	Minor	Medium	Robust controls prevent the level and likelihood of loss

ALTERNATE OPTIONS

17. Nil.

STRATEGIC ALIGNMENT

18. This item is relevant to the Councils approved Strategic Community Plan 2020-2030 and Corporate Business Plan 2020-2024.

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward

Item	Objectives and Strategies
5.5	The value of community owned assets is maintained
5.6	Financial systems are effectively managed

VOTING REQUIREMENT

19. Absolute Majority

OFFICER RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY:

- ACCEPT the 2021/2022 Annual Report (Attachment 1) in accordance with Section 5.54 of the *Local Government Act 1995*; and**
- AGREE the Annual General Meeting of Electors be held on Tuesday, 9 May 2023.**

Moved: _____

Seconded: _____

Carried BY AN ABSOLUTE MAJORITY: __/__

12. REPORTS OF OFFICERS

12.3 INFRASTRUCTURE SERVICES

Nil.

12. REPORTS OF OFFICERS

12.4 DEVELOPMENT AND COMMUNITY SERVICES

12.4.1 DEVELOPMENT APPLICATION – FAMILY DAY CARE – LOT 445 (30) WILKINSON STREET, HOPETOUN

File Reference:	P23-06
Location:	Lot 445 (30) Wilkinson Street, Hopetoun
Applicant:	Julie-Ann Brennan
Author:	Peter Wilks
Authorising Officer	Chief Executive Officer
Date:	13 April 2023
Disclosure of Interest:	Nil
Attachments: <u>GREEN</u>	1. Plans of Proposal 2. Photos of Property 3. Applicants Response to Objections 4. Letters of Support (5) 5. Objections (3)
Previous Reference:	N/A

PURPOSE

1. For Council to consider Development Application P23-06 for a Family Day Care at Lot 445 (30) Wilkinson Street, Hopetoun.

BACKGROUND

2. Shire of Ravensthorpe received Development Application P23-06 for a Family Day Care at Lot 445 (30) Wilkinson Street, Hopetoun on 27 February 2023. Lot 445 (30) Wilkinson Street is zoned Residential R10/20, has a lot area of 900 square metres and is developed as a single house.
3. As per Local Planning Scheme No. 6, Family Day Care is an 'A' use and was subsequently advertised between 28 February 2023 and 22 March 2023 to the adjoining properties on all sides on the justification that these were the properties most likely to be impacted.
4. Four (4) objections were subsequently received from three properties to the rear of Lot 445 (30) Wilkinson Street, Hopetoun. Two of the objections are noted as being from properties that were not subject to the initial neighbour referral, due to not sharing a boundary, however these objections were deemed valid and comprise part of this report. One objection was later withdrawn by the objector after additional information was supplied by the applicant.

COMMENT

5. Lot 445 (30) Wilkinson Street, Hopetoun is zoned Residential R10/20, has a lot area of 900 square metres and is developed as a single house.
6. Family Day Care is defined as a premises where a family day care service, as defined in the Education and Care Services National Law (Western Australia), is provided. Note that this is substantially different to a Child Care Centre which means premises where – (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is

provided; or (b) a child care service as defined in the Child Care Services Act 2007 section 4, is provided.

7. Family Day Care is an 'A' use in the Residential zone, which requires mandatory advertising, however there are no other specific provisions that affect a Family Day Care under the Local Planning Scheme or Local Planning Policies.
8. Of the three objections received during the required advertising, the objections were on the following grounds:

Objection:	Planning Officers Comment:
Noise, rubbish odours and discarded toys are inevitable, so I would like to know what action the Shire would take when complaints were received. As I have a vacant lot next door, my property is the obvious dumping ground, whether intentional or not. I would expect the costs of clearing my property of rubbish, and toy removal would be borne by the applicant, and enforced by the Shire.	Noted. As a condition on any development approval, the applicant/operator would be required to ensure that the proposal does not generate a nuisance from odour, disposal of wastes, or other vectors and would further be responsible for any costs for mitigation works or cleaning of affected sites.
Adequate fencing to ensure the children remain within the confines of the applicant's property.	Noted. The applicant has indicated that the property is fully fenced and secured with a lockable gate. The applicant has further indicated that children are to be supervised at all times.
Adequate parking at the applicant's property for drop-off and pick-up of children. On-site parking for staff and visitors? What impact would additional vehicle traffic have on the street? Preserving the general amenity of the area by minimizing impact of additional vehicles, ensuring safety and the like for the existing residents should be of paramount importance to the Shire.	Noted. Lot 445 (30) Wilkinson possesses an unusually large driveway, which based on the calculations of Shire Officers, appears adequate to meet the car parking requirement of a Family Day Care under the Local Planning Scheme of 1 bay per 2 children. Conditions have been included with the option for approval that vehicles associated with the proposed use are to be parked on the property and no loading or unloading of vehicles is to be undertaken on the road verge.
Adequate public liability insurance carried by the Applicant.	Noted. The applicant will be required to obtain the required public liability insurance and to provide a copy to the Shire of Ravensthorpe as a condition of any approval.

Objection:	Planning Officers Comment:
My house is rented to mining workers often on night shift, this may mean loss of income. My appeal is against excessive noise.	Noted. The proposed Family Day Care may impact on properties used by night shift workers due to noise generation during the day. However it is noted that a degree of impact on night shift workers could be expected from the majority of potential uses of the property, including the current use as a Dwelling were a family with noisy children to move in.
I have received no information about the proposal, nor to its size, and hours of the day it will operate.	Noted. Advertising was directed to the three properties that share a boundary, which was then shared by one of those landowners to others in the area. Any interested party had the ability to ask at the Shire Offices or via email to view a copy of the proposal. The Planning Officers were not advised of anyone seeking to view a copy of the plans of the proposal.
This is a residential area and should not have an active business with the general public coming and going to its door.	Noted. Family Day Cares, Home Businesses, Holiday Houses and similar uses are all land uses that can be considered on a property in the Residential zone under the Local Planning Scheme.

9. The text of the objections with the contact and identifying details removed was then provided to the applicant who provided a response and justification.

Applicants Justification:	Planning Officers Comment:
Family day care educators must abide by strict educator-to-child ratios, which dictate one educator to a maximum of seven children with no more than five children under school age at a time. This means, I am able to care for a maximum number of 5 children during the day and 2 for before and after school care.	Noted. A condition will be included with any development approval to limit the number of children in accordance with this advice.
I operate as a sole trader and will also live at the property so there will not be other staff members at the premises.	Noted. This is a point in favour of the proposal, as someone who lives at the premises is less likely to accept excessive noise or mess.

<p>I am happy to work with surrounding residents to come to a compromise about a reasonable amount of time for the children to be able to play outside and they will always be supervised.</p>	<p>Noted. This is a point in favour of the proposal, as working with the adjoining and impacted landowners will enable the applicant to schedule activities such as outdoor playtime to when it causes less issue on the surrounding properties.</p>
<p>The inside area of the home that will be used for the day care is on the ground level and set back into the hill, so it is mostly underground and towards the front of the property. The noise from inside does not travel up into the backyard and the properties at the rear. Please refer to the attached photos of the property. I will have my private living quarters on the top level of the home.</p>	<p>Noted. A sensible option, as having the family day care on the bottom level both assists with noise mitigation but also safety of those utilising the service.</p>
<p>A family day care business would not generate any more noise than a family with children living in the property.</p>	<p>Noted. And correct assuming either very noise children, or a family with more children than the proposed family day care.</p>
<p>The name of my business has not been registered as yet. I am still using my old business name at present. I am waiting on Shire approval before sending the application of the name change. The name "Hopetoun's Little Dolphin Family Day Care" is my proposed name upon approval.</p>	<p>Noted. No comment.</p>
<p>Regarding the concern about rubbish and odors. I would have the same amount of rubbish as a normal household with a family and will dispose of my rubbish in the bins which are collected with normal rubbish collection. I would dispose of old and broken toys in the bin and if there were any larger items I would take them to the tip. The owners of the property are happy to give me their tips passes they received with their Shire Rates. I have no intention of using the vacant block next door as a dumping ground.</p>	<p>Noted. Assuming that it is just the applicant living at the premises, the level of waste generated should be similar to having a small family which would be within the limits of the regular bin service. It is appreciated that the landowner has passed on the tip passes for use if necessary.</p>
<p>Parking – there is plenty of room on the property for parents to drop off and pick up their children and park in the driveway, as shown in the attached photos. As mentioned, there are no</p>	<p>Noted. A condition or advice note should also be included as part of any development approval or council consent to advise people coming to the</p>

<p>other staff or visitors and if I notice that there is any congestion I will stagger start and finish times of the children. I will display signage for the parents instructing them where they can and cannot park.</p>	<p>property not to park in the street or road verge.</p>
<p>I have all the insurance that I am required to have. You cannot operate a Family Day Care without all the required insurances. Attached is a copy of the insurance cover.</p>	<p>Noted. A copy of any public liability insurance, not just the cover, will need to be submitted to the Shire of Ravensthorpe as a condition of any development approval.</p>

CONSULTATION

10. As per Local Planning Scheme No. 6, Family Day Care is an 'A' use and was subsequently advertised between 28 February 2023 and 22 March 2023 to the adjoining properties on all sides on the justification that these were the properties most likely to be impacted.
11. Four (4) objections were subsequently received from the three properties to the rear of Lot 445 (30) Wilkinson Street, Hopetoun. Two of the objections are noted as being from properties that were not subject to the initial neighbour referral, due to not sharing a boundary however these objections were deemed valid and comprise part of this report.
12. The text of the objections, with identifying details removed was then provided to the applicant who provided a response. The details in this response were then provided to the objectors who were given the option to amend, alter or withdraw their objections between 24 March 2023 and 11 April 2023 with one objection withdrawn by the objector and no response received from the other two objectors deemed to be a signal that they wished to maintain their objections as is.

STATUTORY ENVIRONMENT

13. Local Planning Scheme No. 6
14. The applicant has a right of review to the State Administrative Tribunal if aggrieved by any planning decision.
15. It should also be noted that pursuant to Section 211(1) of the *Planning and Development Act 2005*, a person aggrieved by the failure of a local government to enforce or implement effectively the observance of a local planning scheme may make representation to the Minister. If the Minister considers it appropriate to do so, representation may be referred to the State Administrative Tribunal for its report and recommendation. Following subsequent actions and recommendation by the SAT the Minister may order the local government to do all things considered necessary for enforcing the observance of the Scheme or any provisions of the Scheme.

POLICY IMPLICATIONS

16. None

FINANCIAL IMPLICATIONS

17. Application fees totalling \$295.00 were received as part of this application.

RISK MANAGEMENT

18. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environmental	Rare	Insignificant	Very Low	Existing fences and supervision of children will mitigate risk of nuisance issues such as noise, odour and waste from occurring. Applicant also intends to live on site and logically will not desire an untidy property.
Reputational	Rare	Insignificant	Very Low	Consistency with decision making.

ALTERNATE OPTIONS

19. Council does not approve the development application.

STRATEGIC ALIGNMENT

20. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Outcome 3: Built Environment - The built environment is accessible, honours history and provides for the economic and social needs of residents, industry and visitors

Item	Objectives and Strategies
3.2	New development (including commercial) is of a high quality and contributes positively to the character and appearance of the town
3.3	The towns of the Shire have attractive streetscapes in keeping with local character
3.4	It is easy and safe to move around and in and out of the district

VOTING REQUIREMENTS

21. Simple Majority

OFFICER RECOMMENDATION

That Council approve Development Application P23-06 for a Family Day Care at Lot 445 (30) Wilkinson Street, Hopetoun subject to the following conditions:

- 1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Ravensthorpe.**
- 2. The approved Family Day Care must not display a sign exceeding 0.2 square metres in area.**
- 3. The approved Family Day Care must not cause injury to or prejudicially affect the amenity of the neighbourhood.**
- 4. The approved Family Day Care must not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located.**
- 5. This planning approval relates to the land the subject of the application and the applicant only, and cannot be assigned to any other person or transferred to any other property or premises.**

6. All car parking, pick up and setdown areas are to be accommodated on the existing driveway.
7. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Ravensthorpe (Building Services).
8. The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Ravensthorpe.
9. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants.
10. The Family Day Care hereby approved is not to be expanded without further planning consent.
11. Family Day care from a private dwelling in a family or domestic environment is not to include more than (7) children including the operators own children within the premises cared for the purposes of Family Day Care within the meaning of Education and Care Services National Regulations 2012 at any one time.
12. No more than 5 children being preschool age or under Preschool - Kindy are to be cared for.
13. The proposed operations, during and after construction, are required to comply with the Environmental Protection (Noise) Regulations 1997.
14. The applicant is responsible for the removal of any waste, refuse or discarded materials from adjoining properties where the material has originated from the development hereby approved.
15. No parking or display of vehicles and/or storage of equipment shall occur within the road verge area at any time.
16. All vehicles must be located entirely on the site during loading and unloading of goods and passengers associated with the use of the site.
17. A copy of the public liability insurance for the business is to be provided to the Shire of Ravensthorpe prior to commencement of use.

And the following advice notes:

1. The development is to comply with the Building Code of Australia, Building Regulations and the *Local Government Act 1995*.
2. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.
3. Electricity Providers have requested the Shire to advise Applicants that certain restrictions regarding the installation of conductive materials near network assets. Applicants are advised to contact the local electricity providers for the Ravensthorpe region to ascertain whether any restrictions affect their proposed development.
4. The approved development is required to comply with the following legislation (as amended from time to time):

- ***Health (Miscellaneous Provisions) Act 1911***
 - ***Occupational Safety and Health Regulations 1996***
 - ***Sewerage (Lighting, Ventilation & Construction) Regulations 1971***
 - ***Food Act 2008***
 - ***Food Regulations 2009***
 - ***Health Act (Laundries and Bathrooms) Regulations 1971***
5. The development is defined as a “Food Business” under the ***Food Act 2008***. The development must comply with the Food Act 2008 and Food Regulations 2009 and the Australian New Zealand Food Standards Code.
 6. In accordance with the provisions of the Food Act 2008 and Food Regulations 2009 an application to register the food business hereby permitted must be submitted and approved by the Shire of Ravensthorpe (Health Services) prior to the commencement of operations.
 7. The development the subject of this development approval is required to comply with the Shire of Ravensthorpe Health Local Laws.
 8. In accordance with the provisions of the Children and Community Services Act 2004, an application for a family day care licence must be submitted to, and approval granted by the Department for Communities prior to the commencement of the development.
 9. This development approval does not remove or affect any statutory responsibility the owner may have under the Child Care Services (Family Day Care) Regulations 2006 as amended. The owner is advised to contact the Department for Communities before commencing the development to ensure statutory responsibilities are met. Further information can be obtained from Department for Communities, which is responsible for licensing and monitoring child care services through its Child Care Licensing and Standards Unit, on (08) 6210 3333 or at www.communities.wa.gov.au.

Moved: _____

Seconded: _____

Carried: /

12.4 DEVELOPMENT AND COMMUNITY SERVICES

12.4.2 HOPETOUN SPORTING PRECINCT MASTER PLAN

File Reference:	A14127
Location:	Veal Street, Hopetoun
Applicant:	Shire of Ravensthorpe
Author:	A/Executive Manager Development and Community Services
Authorising Officer	Chief Executive Officer
Date:	13 April 2023
Disclosure of Interest:	Nil
Attachments: <u>GREEN</u>	Hopetoun Sporting Precinct Concept Plan – Final Report
Previous Reference:	N/A

PURPOSE

1. To approve the Hopetoun Sports Precinct Master Plan to go out for public comment.

BACKGROUND

2. The Shire of Ravensthorpe has made significant investments in its sport and recreation assets which have been built over decades and are dispersed throughout the Shire. Maintenance and development has often been ad-hoc, and the facilities have rarely been designed for multi-use. In addition, the way the community has participated and volunteered in sport and recreation has changed over time and there is a need to look at smarter ways to use, build and maintain sport and recreation infrastructure.
3. Council has identified that there is a need to review and upgrade the Hopetoun Sporting Precinct. The Shire of Ravensthorpe Sport and Recreation Master Plan (2022), which was developed by the Shire of Ravensthorpe and Tredwell in collaboration with the local community and key stakeholders, also found that several of the existing facilities at the Hopetoun Sporting Precinct require renewal to meet modern standards.
4. The Concept Plan contains background information, demographic, trends and site analysis, consultation findings, guiding principles, concept design plan and staging plan which has been developed in collaboration with key stakeholders.

COMMENT

5. It has been acknowledged that the Master Plan will require a staged approach due to substantial works, and costs that will be associated with the overall approved plan. However, the plan will allow the Council to seek funding from external revenue streams. Stages will be prioritised on a community needs basis and funding opportunities.
6. Key benefits of shared use facilities include:
 - Enabling local government to better meet the growing needs and demands of emerging and existing communities
 - Allowing local governments to partner with schools to better deliver outcomes for community health and wellbeing
 - Increasing the capacity for schools to provide accessible community facilities
 - Minimising the duplication of facilities by maximising public access
 - Facilitating the delivery of programs and activities where resources are limited

- Maximising opportunities for cost-efficient sharing (e.g. maintenance, staffing, energy)
- Expanding community use by maximising the return on local government investment
- Delivering infrastructure earlier than anticipated by aggregating resources

CONSULTATION

7. The consultants Tredwell initially interviewed Community and sporting group individually, as well as State sporting bodies. Two local community and key stakeholder workshops were also held at the Hopetoun Sporting Pavilion. The following organisations/ groups were represented at the workshop:

- Shire of Ravensthorpe
- Southerners Sporting Club
- Hopetoun Bowling Club
- First Quantum Minerals
- Hopetoun Community Resource Centre
- Hopetoun Primary School
- Ravensthorpe Regional Arts Council
- Fitzgerald Business Network
- Youth Representative
- Local Residents
- Councillors and Executive team

STATUTORY ENVIRONMENT

8. Nil

POLICY IMPLICATIONS

9. WS1 Asset Management Policy

FINANCIAL IMPLICATIONS

10. Nil.

RISK MANAGEMENT

11. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational)	Unlikely	Insignificant	Very Low	The Concept plan will be publicly advertised for comment
Financial	Rare	Insignificant	Very Low	Public comment will be done in house via the Shire website and Facebook page, and electronically to community and sporting groups
Environmental	Rare	Insignificant	Very Low	Public comment will be carried out electronically.
Reputational	Unlikely	Insignificant	Very Low	Public comment will comply with the Shire Community engagement strategy

ALTERNATE OPTIONS

12. Council does not endorse the Plan for public comment

STRATEGIC ALIGNMENT

13. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

Outcome 1: Economy - The population is growing, in tandem with a thriving, resilient local economy

Item	Objectives and Strategies
1.1	To grow business and employment
1.2	The right resources and infrastructure are in place to support local commerce and industry

Outcome 2: Community - This is a safe and family-friendly community where people of all ages have access to services and facilities, and there is plenty to blow your socks off

Item	Objectives and Strategies
2.1	Social services and facilities are designed and delivered in a way that fits community needs and aspirations
2.2	Community groups function well with strong volunteer effort and feel supported by the community
2.4	People have access to attractive community facilities, activities and events which support activity and health, community involvement and enjoyment of life
2.5	Young people, older people and people with disability feel valued and have access to resources which provide opportunities for their development and enjoyment

Outcome 3: Built Environment - The built environment is accessible, honours history and provides for the economic and social needs of residents, industry and visitors

Item	Objectives and Strategies
3.2	New development (including commercial) is of a high quality and contributes positively to the character and appearance of the town
3.3	The towns of the Shire have attractive streetscapes in keeping with local character
3.4	It is easy and safe to move around and in and out of the district

Outcome 4: Natural Environment - Our unique world class biosphere is valued and protected for the enjoyment of current and future generations

Item	Objectives and Strategies
4.2	Water conservation and water harvesting opportunities are maximised
4.3	The Shire's valued natural areas and systems are protected and enhanced

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward

Item	Objectives and Strategies
5.1	The Shire's community is engaged and involved
5.2	The Council ensures its decisions are well informed and considered
5.3	The Council, with the support of the community, is an effective advocate for resources and facilities which support the vision for the future
5.4	The Shire of Ravensthorpe is known as a good employer, and staff have the capacity and skills to deliver identified services and strategies
5.5	The value of community owned assets is maintained

VOTING REQUIREMENTS

14. Simple Majority

OFFICER RECOMMENDATION

That Council endorse the Shire of Ravensthorpe – Hopetoun Sporting Precinct Final Concept Plan for public comment.

Moved: _____

Seconded: _____

Carried: __/__

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil.

15 MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

16 CLOSURE

The Presiding Member to declare the meeting closed.