



Agenda

Ordinary Meeting of Council

Tuesday, 21 March 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, 21 March 2023
commencing at 6.00pm

Council Chambers
Hopetoun Meeting Rooms
Hopetoun

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)

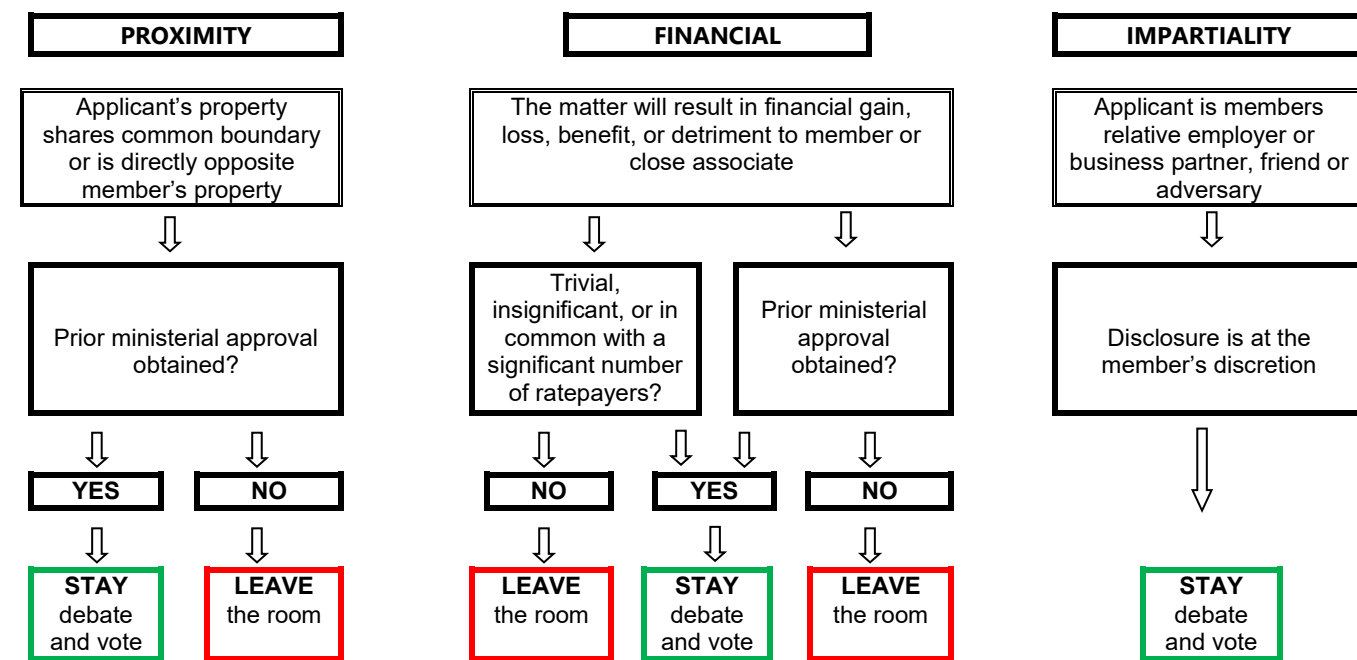
Signed: _____ Date: _____

- **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, 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 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

Cr Rachel Livingston

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).

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 28 FEBRUARY 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 28 February 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 AUDIT COMMITTEE

11.1.1 2021-2022 ANNUAL FINANCIAL REPORT AND 30 JUNE 2022 AUDIT REPORT

File Reference:	FM.AU.1
Location:	N/A
Applicant:	Audit Committee
Author:	Executive Manager Corporate Services
Authorising Officer	Chief Executive Officer
Date:	8 March 2023
Disclosure of Interest:	Nil
Attachments: <u>GREY</u>	1. Annual Financial Statements 30 June 2022 2. OAG Audit Opinion 30 June 2022 3. Final Management Letter 30 June 2022
Previous Reference:	N/A

PURPOSE

1. In accordance with section 7.12A(3) of the *Local Government Act 1995*, Council is required to examine the Auditors Report for the year ending 30 June 2022 and is to determine if any matters raised by the Auditors require action to be taken.
2. A copy of the Auditors Report and the Annual Financial Report for the year ending 30 June 2022 is presented for adoption.
3. Council is required to set a date for the Annual General Meeting of Electors within 56 days of adopting the annual financial statements.

BACKGROUND

4. This is the fifth year where the audit process has involved the Office of the Auditor General (OAG), in conjunction with Moore Australia, and given that the previous audit sign offs have been (17/18) 28 June 2019, (18/19) 11 December 2019, (19/20) 11 March 2021 and (20/21) 28 July 2022, we were looking forward to getting back to a December sign off to allow the timely arrangement of the annual electors meeting, however this was unable to be achieved with a current sign off of 27 February 2023.

COMMENT

5. The OAG, in conjunction with contracted auditors, Moore Australia, have completed the annual audit for the year ending 30 June 2022.
6. The audit plan for this year was delayed by one month given the late handing down of the 2021 audit on 28 July 2022 as a result of the detailed data requirements in the aftermath of the Crime and Corruption Commission (CCC) intervention 1 September 2021.
7. The OAG has returned the following audit opinion for the year ended 30 June 2022:
 - a) *In my opinion the financial report of the Shire of Ravensthorpe:*
 - i) *is based on proper accounts and records;*

- ii) *presents fairly, in all material respects, the results of the operations of the Shire for the year ended 30 June 2022 and its financial position at the end of that period in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.*
- iii) *Noting that the fraud had involved a misappropriation of funds, it is worthwhile referring to the Shire's Statement of Financial Position at the top of Page 4, where Cash and Cash equivalents had increased from \$4,774,669 in 2021 to \$4,991,336 in 2022. This reaffirms Shire finance staff assurances at the time of the CCC intervention September 2021 that notwithstanding the fraud, all cash deposits were maintained intact and accounted for without discrepancy.*

8. Whilst the audit opinion is unqualified, the OAG has raised the following significant matters where there is potentially a risk to the entity should the finding not be addressed by the entity promptly, together with a number of significant matters unresolved from the 2020/21 audit handed down on 28 July 2022 after the close of the 2021/22 period:

- a) Fair value of infrastructure assets – frequency of valuations;
- b) Fraud and corruption control plan not implemented (2021);
- c) Declarations of conflict of interest (2021);
- d) Purchases not in accordance with purchasing policy – property expenditure (2021);
- e) Information technology general controls – user access (2021); and
- f) Supplier master file changes are not reviewed (2021).

9. The Shire's management response to the audit findings are as follows;

- a) Fair value of infrastructure assets – frequency of valuations - For direct action the Shire will perform a full revaluation of infrastructure assets in 2023/24. Given that this is an emerging issue triggered by the recent inflationary cycle, we will also consult with the local government industry to determine the best approach in developing an annual management practice to monitor and assess a materiality position when determining whether it is appropriate to perform earlier revaluations than the current maximum 5 year cycle.
- b) Fraud and corruption control plan not implemented (2021) - As commented earlier in this financial year, we will be developing and implementing a Fraud and Corruption Control Plan. Our initial deadline of December 2022 proved to be a little optimistic given the timing of the previous audit in July 2022, late budget preparation and late annuals preparation, however this will be completed by June 2023.
- c) Declarations of conflict of interest (2021) - Following the immediate actions put in place in July 2022, the F2 Purchasing Policy was reviewed by Council in February 2023.
- d) Purchases not in accordance with purchasing policy – property expenditure (2021) - Our comment in July 2022 was that further training will be undertaken in the use of credit cards. This has produced a reduction in transactions and monetary volume which has been evidenced by the progress of our credit card expenditure in the monthly

accounts payment reports to Council, however we are also aware that this is a constant area of monitoring of which the CEO maintains vigilance.

- e) Information Technology General Controls – User Access (2021) - Following our comments in July 2022 we confirm that there may have been a slight misinterpretation of the CCC report as there are no shared accounts on Synergy, however there is the scope for staff to raise purchase orders under their own access that require an authorisation from a higher signing authority before the purchase order becomes valid.

We recognise that this was a case of the former CEO directing others to create purchase orders for his own purposes that had been misrepresented.

Having said that, it is also recognised that staff should be vigilant of others asking them to produce documents for a purpose that may appear to be slightly irregular. This awareness could be included in the development of a Fraud and Corruption Control Plan June 2023.

We also wish to make the point that Invoices are entered by a central Accounts Payable Officer which serves as a control mechanism to create a degree of separation between the purchasing officer and the entering of the invoice. This ensures that invoices are checked thoroughly by an additional officer for correct coding, purchasing authority and to ensure the correct processes are being followed. This aspect of internal control proved crucial in the detection of the corruption that occurred.

- f) Supplier Masterfile changes are not reviewed (2021) - As reported in July 2022, this procedure was implemented immediately.

10. In accordance with the *Local Government Act 1995*, the general meeting of electors is to be held on a day no later than 56 days after Council has adopted the Annual Financial Report, therefore Council would be required to hold the annual meeting of electors no later than Tuesday 16 May 2023 if the report is adopted at the 21 March 2023 Ordinary Council Meeting.
11. The Audit Committee, which is comprised of full Council, is to meet with the auditor during each financial year with such meetings able to be held via teleconference. The Chief Executive Officer arranged an audit exit interview for the audit committee with OAG and Moore Australia on 21 February 2023 via teleconference to discuss the 2021/22 audit findings.
12. The 2021/22 Annual Report will be submitted for Council consideration at the 18 April 2023 Ordinary Council Meeting.

CONSULTATION

13. All Councillors and Executive Team
Office of the Attorney General

STATUTORY ENVIRONMENT

14. *Local Government Act 1995* – Part 6 Financial Management; and Local Government (Financial Management) Regulations 1996 - Defines the processes and procedures that apply to the recording and reporting of financial matters.

15. *Local Government Act 1995* – Part 7 Audit; and Local Government (Audit) Regulations 1996 - Defines the audit of the financial accounts of local governments, including the conduct of audits.
16. *Local Government Act 1995* - 7.12A. Duties of local government with respect to audits - A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to determine if any matters raised by the report, or reports, require action to be taken by the local government; and ensure that appropriate action is taken in respect of those matters.

POLICY IMPLICATIONS

17. Nil

FINANCIAL IMPLICATIONS

18. Nil.

RISK MANAGEMENT

19. 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

20. Nil.

STRATEGIC ALIGNMENT

21. 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 REQUIREMENTS

22. Simple Majority

COMMITTEE RECOMMENDATION

That the Audit Committee RECOMMEND that Council:-

1. **ACCEPT the 2021/22 Annual Financial Statements and auditors report for the year ended 30 June 2022; and**
2. **SET the 2021/2022 Annual General Meeting of Electors within 56 days of the acceptance of the 2021/22 Annual Financial Report, being 9 May 2023.**

Moved: _____

Seconded: _____

Carried: /

11.1 AUDIT COMMITTEE

11.1.2 2022 COMPLIANCE AUDIT RETURN

File Reference:	GR AU1
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Executive Manager Corporate Services
Authorising Officer	Chief Executive Officer
Date:	08 March 2023
Disclosure of Interest:	Nil
Attachments: <u>GREY</u>	2022 Compliance Audit Return
Previous Reference:	Nil

PURPOSE

1. This report seeks Council to adopt the Local Government Compliance Audit Return for the period 1 January 2022 to 31 December 2022.

BACKGROUND

2. Section 7.13(i) of the Local Government Act 1995 requires that each local government completes a Compliance Audit Return for each calendar year for the period 1 January to 31 December.
3. The document is provided by the Department of Local Government, Sport and Cultural Industries (DLGSCI) in a prescribed manner and is designed to be a tool of self-assessment by local governments allowing identification of areas where compliance has been met or is not applicable for that particular year. It also provides guidance for improvement in instances of non-compliance.

COMMENT

4. The Compliance Audit Return for 2022 includes 95 compliance questions (98 last year), which requires Yes or No answers, however where an item has not occurred during the calendar year a response of not applicable (N/A) is provided. The areas of compliance this year have focused on commercial enterprises by local governments, delegation of powers, disclosures of interest, disposal of property, elections, finance, integrated planning and reporting, local government employees, official conduct, optional questions and tenders for providing goods and services. The 2021 return has been completed in good faith to the best of available records and the knowledge of senior officers.
5. After the Compliance Audit return has been presented to Council, a certified copy of the return, signed by President and Chief Executive Officer, along with the relevant section of the minutes and any additional information detailing the contents of the return are to be submitted to the DLGSCI by 31 March of each year. This return has been slightly delayed as a result of the disrupted year.

CONSULTATION

6. Nil

STATUTORY ENVIRONMENT

7. Section 7.13 Local Government Act 1995
Regulations 14 & 15 Local Government (Audit) Regulations 1996

POLICY IMPLICATIONS

8. Nil

FINANCIAL IMPLICATIONS

9. Nil

RISK MANAGEMENT

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Governance (operational)	Possible	Minor	Medium	Policy/Procedures
Financial	Unlikely	Minor	Low	Controls

ALTERNATE OPTIONS

11. Nil

STRATEGIC ALIGNMENT

12. 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

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

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

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

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

Item	Objectives and Strategies
5.4	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
5.6	Financial systems are effectively managed
5.7	Customer service and other corporate systems are of high quality

VOTING REQUIREMENT

13. Simple Majority

COMMITTEE RECOMMENDATION

That the Audit Committee RECOMMEND that Council:-

- 1. ADOPT the Compliance Audit Return for the period 1 January 2022 to 31 December 2022; and**
- 2. REQUEST the Chief Executive Officer to forward the Compliance Audit Return 2022 to the Department of Local Government, Sport and Cultural Industries once certified by the Shire President and Chief Executive Officer.**

Moved: _____

Seconded: _____

Carried: _/_

12. REPORTS OF OFFICERS

12.1 EXECUTIVE SERVICES

12.1.1 SHIRE OF RAVENSTHORPE MEETING PROCEDURES LOCAL LAW 2022 AND DOGS AMENDMENT 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 March 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 Attachment 3: Proposed Dogs Amendment Local Law 2022
Previous References:	Item 10.1 Ordinary Council Meeting 15 February 2022

PURPOSE

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

BACKGROUND

2. Following a review of the Shire's Local Laws, Council passed the following resolutions 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

'That Council:

In accordance with section 3.16(4) of the Local Government Act 1995 resolves to amend the Dogs Local Law by removing the prescribed areas in which dogs are prohibited and dog exercise areas, with prescribed areas to be determined by Council resolution, and to review the modified penalties.'

COMMENT

3. With regard to the *Dogs Amendment Local Law 2022* removal of the dog prohibited areas and dog exercise areas from the Local Law to instead be determined by policy, will provide greater flexibility as this will no longer require the Local Law to be reviewed by Council for changes to be made.
4. 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 laws for a

minimum six week period. At the closure of the submission period, Council is to consider all submissions before making a local law. The proposed local laws were 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.

5. To date no public submission on either of the local laws has been received.
6. To date, the Minister for Local Government has not advised any amendments.
7. Once formally adopted by Council,
 - a) the local laws are to be published in the Government Gazette,
 - b) local public notice is to be given of adoption of the local laws (separate to previous advertising of proposals),
 - c) signed copies are to be sent to Minister for Local Government; and
 - d) copies 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.
8. Please note –
 - a) disallowance of the local laws may be made by Parliament, and could take some time depending on sitting days,
 - b) if a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment,
 - c) the local laws takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

CONSULTATION

9. Executive Team, Councillors and local community

STATUTORY ENVIRONMENT

10. *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

- 11. A Dog Management Policy will be required to complement the *Dogs Amendment Local Law 2022*.
- 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 *Dogs Amendment Local Law 2022* and the *Meeting Procedures Local law 2022* as per the attached drafts.
2. **AUTHORISE** the Shire President and CEO to sign and affix the Common Seal to the Local Laws.
3. **AUTHORISE** the CEO to:
 - a) **PUBLISH** the Local Laws in the Government Gazette and provide copies of the local law to the Minister for Local Government; and
 - b) **FORWARD** copies of the Gazetted Local Laws, 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 – 28 February 2023

File Reference:	N/A
Location:	Shire of Ravensthorpe
Applicant:	Nil
Author:	Accountant
Authorising Officer	Executive Manager Corporate Services
Date:	13 March 2023
Disclosure of Interest:	Nil
Attachment: RED	Monthly Financial Reports for February 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 February 2023 Monthly Financial Reports.

COMMENT

3. The February 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 February 2023 Monthly Financial Reports as presented.

Moved: _____

Seconded: _____

Carried: _/_

12.2 CORPORATE SERVICES

12.2.2 SCHEDULE OF ACCOUNT PAYMENTS – February 2023

File Reference:	GR.ME.8
Location:	Shire of Ravensthorpe
Applicant:	Shire of Ravensthorpe
Author:	Finance Officer
Authorising Officer	Executive Manager Corporate Services
Date:	14 March 2023
Disclosure of Interest:	Nil
Attachment: <u>RED</u>	Schedule of Payments to 28 February 2023 Credit Card Transactions 01 February 2023 Creditors List of Accounts Paid February 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 01/2/2023 – 28/2/2023

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					0	0	
Apr					0	0	
May					0	0	
Jun					0	0	
Total	75,579	8,093,553	617,007	57,758	0	8,843,897	2,671,654
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. 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 February 2023 be noted.

Moved: _____

Seconded: _____

Carried: __/__

12.2 CORPORATE SERVICES

12.2.3 BUDGET REVIEW 2022/2023 AS AT 13 MARCH 2023

File Reference:	GR.RE.2
Location:	Shire of Ravensthorpe
Applicant:	N/A
Author:	Executive Manager Corporate Services
Authorising Officer	Chief Executive Officer
Date:	13 March 2023
Disclosure of Interest:	Nil
Attachments: <u>RED</u>	Shire of Ravensthorpe Budget Review Report
Previous Reference:	N/A

PURPOSE

1. This item is the statutory half yearly budget review and gives an indication and projection of the end of year financial position as at the review date. Based on current revenue and expenditure analysis and review of capital projects Council is projected to forecast a budgeted carry forward surplus of \$489,358 as at 30 June 2023.

BACKGROUND

2. Under Regulation 33A (1) the local government is required to carry out a review of the annual budget between 1 January and 31 March each year, with Regulation 33 (2A)(a) stipulating that the span of the review is the period beginning on 1 July and ending no earlier than 31 December in that financial year.
3. This statutory budget review was undertaken by the Executive Manager of Corporate Services for the period ending 13 March 2023. The timing of this review has been impacted by the 27 February 2023 sign off of the audit of the 30 June 2022 Annual Financials, therefore have only recently been able to confirm the carried forward balance of \$2,932,641 in comparison to the 2022/2023 Budget carried forward estimate of \$3,060,408, which had provided a budget funding shortfall of \$127,767 before the review process had begun. Notwithstanding the change in carried forward position, the attached Budget Review Summary Report details the review undertaken and the results are hereby submitted to be received by Council in consideration of a forecast surplus at 30 June 2023.

COMMENT

4. The projections contained within the reports are based on estimates to the best of the knowledge of staff, which has involved a process of considering current account balances, forecasted expenditures, current budgets and the materiality of any changes. These estimates do not guarantee that the 2022/2023 projected results will match the end of year result as there are many external influences that can have a bearing on Council's capacity or expenditure timing between now and 30 June 2023, however it does show that the Shire is currently heading towards a surplus position at years end.
5. The current financial period has been one of recovery and future planning following the difficult period for the Shire to navigate around the various impacts of COVID, the CCC investigation, turnover and the delay in replacement of key permanent staff including the appointment of a new Chief Executive Officer in March 2022. That said we are still in the

fortunate position of conservatively predicting a surplus which can provide a welcome buffer for any business challenges that may arise for the remainder of 2022/2023.

6. As per the Statement of Budget Review (Nature and Type) the following is a summary of material amendments for consideration \geq \$20,000.

a) Carried Forward Net Current Assets at start of year – Unfavourable \$127,767

The audited net current assets of \$2,932,641 was \$127,767 lower after all end of year balance day adjustments had completed. This had the effect of being unfavourable as a funding source for the 2022/23 balanced budget.

b) Revenue from Operating (excluding rates) – Favourable \$254,000

- (i) \$150,000 – Unfavourable – Proposal for mining company funding of Community Service Project not funded
- (ii) \$30,000 – Favourable – Increase income from usage of the waste facility
- (iii) \$225,000 – Favourable – Increased income from aerodrome operations
- (iv) \$65,000 – Favourable – Increased income from standpipe water sales
- (v) \$70,000 – Unfavourable – Lower estimate of Little Barrens childcare income
- (vi) \$41,000 - Favourable – Insurance recovery on 4 Daw Street House
- (vii) \$22,000 – Favourable – Reimbursement income from Cordingup Dam study
- (viii) \$88,800 – Favourable – Final investment recovery from 2009 Lehman Brothers

c) Expenditure from Operating – Favourable \$293,576

- (i) \$80,000 – Favourable – Decrease in Little Barrens childcare employment costs
- (ii) \$20,000 – Favourable – Decrease in The Cub House childcare employment costs
- (iii) \$44,000 – Favourable – Vacancy of Asset Technical Officer
- (iv) \$24,000 – Unfavourable – Recoverable Workers Compensation wages ended Oct'22
- (v) \$20,000 – Unfavourable – Increased works staff training time on course upskilling
- (vi) \$58,000 – Favourable – Decrease in Works superannuation estimates.
- (vii) \$45,000 – Favourable – Savings in Strategic Community Planning engagement project
- (viii) \$40,000 – Favourable – Deferment of town planning concept plan project
- (ix) \$150,000 – Favourable – Proposal for mining company funded Community Service project not progressed
- (x) \$23,000 – Unfavourable – Additional maintenance to Ravensthorpe Recreation Centre
- (xi) \$40,000 – Favourable – Change to \$40K land survey in place of \$80K master plan
- (xii) \$28,000 – Unfavourable – Additional recoverable cost of firebreak compliance using contractors

- (xiii) \$22,000 – Unfavourable – Additional recoverable cost of Cordingup Dam study
 - (xiv) \$20,000 – Unfavourable – Additional estimated costs of Depot expendable stores
 - (xv) \$20,000 – Unfavourable – Centralisation of cleaning expendables
 - (xvi) \$30,000 – Unfavourable – Additional estimate on total fuel costs
 - (xvii) \$60,000 – Unfavourable – Estimated cost of repair for Side Tipper No1
 - (xviii) \$30,000 – Favourable – Savings on lack of YTD need for temporary administration staff
 - (xix) \$59,800 – Favourable – Timing of payroll system upgrade project deferred to 23/24
 - (xx) \$40,000 – Unfavourable – Additional Hopetoun standpipe water use
- d) Investing Activities from Capital Programs – Unfavourable - \$151,483
- (i) \$21,000 – Favourable – Contribution from Disaster Relief Fund for 2 x Emergency Trailer Signs
 - (ii) \$107,024 – Favourable – Additional grant funds for Hopetoun Rural Bushfire shed
 - (iii) \$100,000 – Favourable – Additional income for Hopetoun Foreshore project
 - (iv) \$513,120 – Unfavourable – LRCI Round 3A grants funds not received until July 2023
 - (v) \$143,333 – Unfavourable – Portion of RRG grant for job RG002 deferred to 23/24
 - (vi) \$40,000 – Unfavourable – Timing of RADS airport master plan grant deferred to 23/24
 - (vii) \$107,024 – Unfavourable – Additional project cost of Hopetoun Rural Bushfire shed
 - (viii) \$513,120 – Favourable – Removal of RCP fitout contingency previously funded from LRCI Round 3A deferred grant
 - (ix) \$42,000 – Unfavourable – Additional cost of 2 x Emergency Trailer Signs 50% DRF funded
 - (x) \$215,000 – Favourable – Deferral for job RG002 in line with RRG grant approvals 23/24
 - (xi) \$118,699 – Favourable – Removal of RR004 Bedford Harbour Road from RTR funding
 - (xii) \$118,699 – Unfavourable – Addition of RR004 Bedford harbour Road to road reserve funding
 - (xiii) \$302,604 – Favourable – Removal of RR001 Moir Road sealing from RTR funding
 - (xiv) \$421,303 – Unfavourable – Addition of Jerdacuttup Road sealing under RTR funding
 - (xv) \$100,000 – Unfavourable – New Hopetoun Foreshore Project

e) Financing Activities – Favourable - \$221,032

- (xvi) \$47,032 – Favourable – Transfer from Roads Reserve, additional funding \$118,699 for Bedford Harbour Road less deferred funding \$71,667 for RG002 in line with RRG grant approvals 23/24
- (xvii) \$74,000 – Favourable – Transfer from Plant Replacement Reserve, for \$60K repair of Side Tipper No1 and \$14K foregone sales proceeds of Side Tipper No1
- (xviii) \$100,000 – Favourable – Rates revenue from backlog of Valuer Generals Office revaluations and interims

CONSULTATION

- 7. Executive Team and Responsible Officers

STATUTORY ENVIRONMENT

- 8. Regulation 33A. Local Government (Financial Management) Regulations 1996:
- 9. Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- 10. Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- 11. A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review. *Absolute majority required.
- 12. Within 30 days after a council has made a determination, a copy of the review and the determination is to be provided to the Department

POLICY IMPLICATIONS

- 13. Nil

FINANCIAL IMPLICATIONS

- 14. The proposed budget revisions identify an end of year forecast surplus of \$489,358.

RISK MANAGEMENT

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational)	Likely	Moderate Minor	High Medium	
Financial	Unlikely	Moderate	Medium	

ALTERNATE OPTIONS

- 16. Reject proposed amendments which may restrict the ability to respond to changes in the business climate or minor initiatives that support changes in priorities.

STRATEGIC ALIGNMENT

- 17. 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 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

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
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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
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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
5.5	The value of community owned assets is maintained

VOTING REQUIREMENT

18. Absolute Majority

OFFICER RECOMMENDATION

That Council, by AN ABSOLUTE MAJORITY:

1. **ADOPT the statutory half yearly budget review, as presented, for the period ended 13 March 2023 and ENDORSE amending the budget and line items according to the attached review schedule Note 5 for a forecast surplus of \$489,358; and**
2. **REQUEST the Chief Executive Officer to forward the results of the statutory budget review to the Department of Local Government, Sport and Cultural Industries within 30 days of the adoption of this budget review.**

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 – OUTBUILDING (SHED) AND PATIO – LOT 232 (44) SPENCE STREET, RAVENSTHORPE

File Reference:	P23-04
Location:	Lot 232 (44) Spence Street, Ravensthorpe
Applicant:	S Major
Author:	Peter Wilks, Senior Planner, Shire of Esperance
Authorising Officer	Chief Executive Officer
Date:	27 February 2023
Disclosure of Interest:	Nil.
Attachments: <u>GREEN</u>	Attachment 1: Plan of Proposed Shed and Patio – 44 Spence Street
Previous Reference:	N/A

PURPOSE

1. For Council to consider Development Application P23-04 for an Outbuilding (Shed) and Patio at Lot 232 (44) Spence Street, Ravensthorpe.

BACKGROUND

2. Shire of Ravensthorpe received Development Application P23-04 for an Outbuilding (Shed) and Patio at Lot 232 (44) Spence Street, Ravensthorpe on 16 January 2023.
3. Due to a number of variations to the provisions of the Residential Design Codes and Local Planning Policy: Outbuildings (namely to side setbacks, maximum wall height and maximum ridge height for Outbuildings), the application was referred to adjoining landowners between 31 January 2023 and 21 February 2023 with no comments or objections being received.
4. As per the provisions of Local Planning Policy: Outbuildings, as a variation is proposed to the provisions of Local Planning Policy: Outbuildings the application is to be determined by Council.

COMMENT

5. Lot 232 (44) Spence Street, Ravensthorpe is zoned Residential R10/30 with a lot size of 1214 square metres. The property is developed as a single house.
6. The only variation to the Residential Design Codes is in regards to the side setback criteria for the Outbuilding, with a 0mm (on the boundary) side setback proposed where a 1000mm (1 metre) side setback is required.
7. The proposal calls for an Outbuilding (Shed) with dimensions 6.5 by 5 metres for a total size of 32.5 square metres, a wall height of 3.2 metres and a ridge height of 4.2 metres
8. As per the provisions of LPP Outbuildings, the maximum wall height for Outbuildings in the Residential zone within 1.0 metres of a boundary is 2.4 metres. A 3.2 metre wall height is proposed.

9. As per the provisions of LPP Outbuildings, the maximum ridge height for Outbuildings in the Residential zone within 1.0 metres of a boundary is 3.9 metres. A 4.2 metre ridge height is proposed.
10. The patio would be exempt from Development Approval, but is included here as it was included with the application for the Outbuilding (Shed).
11. As per the provisions of Local Planning Policy: Outbuildings, Council is to have regard for matters such as:-
 - a) The visibility of the proposed outbuilding(s) as viewed from a street, public space or neighbouring property;
 - b) The need for removal of any native vegetation or major trees;
 - c) Comments from affected neighbours/landowners;
 - d) Preservation of useable on site open space areas;
 - e) The ability for the outbuilding(s) to be screened by existing or proposed landscaping;
 - f) Whether support for the application will set an undesirable precedent for similar sized surrounding lots;
 - g) The impact of the development on streetscape and the character of the area;
 - h) The objectives of the zone;
 - i) All relevant general matters as set out in Clause 67 of the Deemed Provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2); and
 - j) Any other matter considered relevant by the Council.
12. In regards to these criteria, Planning Officers advise the following:-
 - a) While the Outbuilding will be visible from the street from certain angles, the size of the Outbuilding will not be detrimental to the visual amenity in the locality or to adjoining landowners;
 - b) The site is predominantly cleared and as such there is negligible need/requirement to remove native vegetation or major trees;
 - c) The adjoining landowners declined to provide comment as a result of neighbour referral letters;
 - d) There will still be sufficient open space to comply with Residential Design Codes criteria for provision of open space on a Residential zoned properties;
 - e) While the outbuilding cannot be screened due to being located on the boundary, the small overall size means that any impact will be minor;
 - f) The Outbuilding does not set an undesirable precedent;
 - g) The impact from the proposed Outbuilding on the streetscape and surrounding area will be minor in comparison to an Outbuilding of maximum compliant size due to the small scale of proposed Outbuilding and the minor nature of the proposed variations;

- h) The proposed Outbuilding is compliant with the objectives of the Residential zone;
 - i) The proposal is either compliant or proposes only a minor variation from the general matters set out in Clause 67 of the Deemed Provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015.
13. As the proposal is for a relatively minor variation to the provisions of Local Planning Policy: Outbuildings and Residential Design Codes with impact on adjoining properties being mitigated by the small size of the outbuilding, it is the position of Planning Officers that the proposal should be approved subject to conditions.

CONSULTATION

14. The application was referred to adjoining landowners between 31 January 2023 and 21 February 2023 with no comments or objections being received.

STATUTORY ENVIRONMENT

15. *Mining Act 1979 (WA)*
Building Act 2011 (WA)

Shire of Ravensthorpe Local Planning Scheme No. 6

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

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. *Local Government Act 1995;*
Building Code of Australia;
Building Act 2011;
Building Regulations 2012;
Shire of Ravensthorpe Local Planning Policy No.3 – Outbuildings;
Shire of Ravensthorpe Local Planning Policy: Fencing;
Environmental Protection (Noise) Regulations 1997.

FINANCIAL IMPLICATIONS

17. Application fees totalling \$147.00 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	Use of Outbuilding to be for domestic purposes only.
Reputational	Rare	Insignificant	Very Low	Consistency with decision making.

ALTERNATE OPTIONS

19. Nil.

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 P23-04 for an Outbuilding (Shed) and Patio at Lot 232 (44) Spence Street, Ravensthorpe subject to the following conditions:

- 1. Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application.**
- 2. During construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).**
- 3. The approved outbuilding(s) shall be used for purposes incidental and ancillary to the enjoyment of the dwelling on the land only, and shall not be used for human habitation, commercial or industrial uses without the express written permission of the Shire of Ravensthorpe.**
- 4. 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.**
- 5. 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.**
- 6. 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.**
- 7. The works involved in the implementation of the development must not cause sand drift and/or dust nuisance. In the event that the Shire of Ravensthorpe is aware of, or is made aware of, the existence of a dust problem, measures such as installation of sprinklers, use of water tanks, mulching, or other land management systems as appropriate may be required to be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and manner directed by the Shire of Ravensthorpe.**

8. All fencing shall be in accordance with Shire of Ravensthorpe Local Planning Policy: Fencing.
9. The proposed operations, during and after construction, are required to comply with the *Environmental Protection (Noise) Regulations 1997*.

And the following advice notes:

1. THIS IS NOT A BUILDING PERMIT. An application for a building permit is required to be submitted and approved by the Shire of Ravensthorpe prior to any works commencing on-site.
2. The development is to comply with the *Building Code of Australia, Building Act 2011, Building Regulations 2012* and the *Local Government Act 1995*.
3. 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.
4. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Ravensthorpe will take no responsibility for incorrectly located buildings.
5. The Shire of Ravensthorpe strongly recommends that the vehicle parking, manoeuvring and circulation areas be suitably constructed, sealed (asphalt, concrete or brick pavers), drained and thereafter maintained to facilitate access to the property and Outbuilding (Shed).
6. The Department of Water and Environment Regulation has prepared dust control guidelines for development sites, which outline the procedures for the preparation of dust management plans. Further information on the guidelines can be obtained from the Department of Water & Environment and Regulation's website www.dwer.wa.gov.au under air quality publications.

Moved: _____

Seconded: _____

Carried: / /

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 COCANARUP TIMBER RESERVE

The Shire President drew attention to the Notice of Motion received from Cr Bell in relation to a request for Council to endorse the Chief Executive Officer contacting the Premier of Western Australia, the Hon Mark McGowan (cc: The Hon Bill Johnston MLA, Minister for Mines and Petroleum; Hon Reece Whitby, Minister for Environment; and Hon John Carey, Minister for Lands) seeking the following approvals:-

- a) That Cocanarup Timber Reserve be classified as a Class 'A' Reserve to safeguard the area for the community, the rest of the nation and future generations, of its uniquely important social, cultural, historical and natural values; and
- b) That no clearing for mineral exploration or any other purpose, be approved prior to the finalisation of the classification.

CR BELL REASON FOR MOTION

1. Cocanarup is a special place for our community and arguably for the nation. Its importance relates to:

- a) **Noongar significance:** it is the site of a first-contact massacre and is consequently immense significance to many Noongar Families. The story of this massacre and its aftermath have been expressed through the award-winning, and much visited, Kukenarup Memorial in Cocanarup on the South-Coast Highway. It is very important to Council that the Noongar heritage of Cocanarup be honoured and protected.
- b) **Settler heritage:** Cocanarup farm, established in the 1860's by the Dunn Family, is still definable as an enclave within the Timber Reserve, and at least two stone buildings still stand. It is an example of remarkable European settler heritage and should be preserved.

There is a strong, active Historical Society in the Ravensthorpe district and they are a repository of much information about Cocanarup and the Dunn Family history. It was this volunteer group that worked with the various Noongar Families to create the Kukenarup Memorial.

- c) **Natural values:** The salmon gum woodland which is a feature of the Timber Reserve is unique in our Shire because much of this vegetation-type was cleared or disturbed for agriculture and/or mining. There are no other stands of salmon gum which are as extensive, as intact, or as old as the Cocanarup woodland. It is a local popular drive to travel along Cocanarup Road through the salmon gums to the Philips River and its nearby spring, and to the old Farm.

2. Cr Bell notes that the salmon gum woodland is an extremely valuable fauna habitat, significantly for the Carnaby Black-Cockatoo nesting sites. Many Shire community members relate strongly to the Black-Cockatoos, not least because of the large flocks that live around Hopetoun over the summer and autumn periods, but also delighting many of the residents as the birds feed and roost in the vicinity of the town. Another group of residents regularly monitor the nesting of these birds in Cocanarup and are committed to their protection.

Consequently, many community members in the district would be devastated if anything happened to the nursery area of this iconic bird.

3. Of note, is that the future tenure of the Cocanarup area is currently under consideration by the Government and that an application for a mining exploration clearing permit is currently being considered.
4. Cr Bell considers it is inappropriate to grant a clearing permit prior to completion of the process for considering the appropriate tenure for Cocanarup.
5. Cr Bell emphasises the significance of Cocanarup as a special place in the Ravensthorpe District and requests that it be supported by the strongest conservation tenure.

OFFICER COMMENT

6. At the Ordinary Meeting of Council held on 17 March 2020, Council endorsed providing a letter of support to the Cocanarup Conservation Alliance in their seeking the Cocanarup Timber and the Cocanarup-Kundip Area be classed as an "A Class Reserve" as per resolution Res 23/20 below:

Moved: Cr Goldfinch

Seconded: Cr Norman

Res: 23/20

COUNCIL DECISION

That Council:

1. **Endorse the Chief Executive Officer providing a letter of support to the Cocanarup Conservation Alliance Inc. for the Cocanarup Timber Reserve and Cocanarup-Kundip being assessed for a potential "A Class Reserve".**
2. **Requesting the Chief Executive Officer to express this is only a letter of support and the importance of the Shire of Ravensthorpe being involved in all discussions of possible approvals regarding but not limited to the following items:**
 - **Ongoing management and conservation controls or programs**
 - **Road access to the reserve**
 - **Firefighting and mitigation works**
 - **Promotion and Tourism**
 - **Future public amenities and infrastructure**

Voting Requirements: Absolute Majority

Carried: 5/0

7. The CCA received a response from the Hon Mark McGowan MLC, Premier dated 30 April 2020 stating:

'I concur that the development of the State's mineral resources needs to be balanced with the need to protect Western Australia's important environmental and heritage values. To this end, I am concerned by the issues you have raised in your letter regarding the protection of the significant values of the Cocanarup Timber Reserve. Please be assured that this government will ensure that any development in this area is only undertaken if the important values can be adequately protected.'

and

'In considering any future applications for mineral exploration activities within this reserve, the Department of Mines, Industry Regulation and Safety (DMIRS) will only provide approval if the values of the reserve can be appropriately protected, and any past compliance issues have been suitably addressed.

I appreciate your interest in protecting the values of Cocanarup Timber Reserve, and the significant work the Ravensthorpe community has undertaken to conserve and enhance these values.

I believe that the growth of the lithium industry is of benefit to all West Australians, creating local jobs and economic benefits for regional communities, including Ravensthorpe. I agree that this growth should not occur at any cost, but should ensure protection of important natural and cultural values where appropriate.'

8. The CCA presented to Council at a Corporate Discussion on 6 September 2022 highlighting the cultural and natural environment importance of the Cocanarup Timber Reserve.
9. Bulletin Resources currently have a exploration/clearing permit application lodged with DMIRS and Bulletin have presented project updates to Council on 14 June 2022 and 7 March 2023.
10. There is strong support generally within the Ravensthorpe community for the ongoing protection of the Carnaby Cockatoo.

Proposed Transfer of Land under the South West Native Title Settlement

11. Lots 701 and 1234 of the Cocanarup Timber Reserve are currently under review for transfer under the Indigenous Land Use Agreement. The outcome of this has not been received from DPLH (currently the responsible agency for the Reserve) and so any implications remain unknown.
12. In response to questions from the Council, the DPLH noted to via email on 4 November 2022, the following:
 - a) The proposed selected tenure by the Noongar Boodja Management Body and Trustee id for management of a Reserve, with the power to Lease.
 - b) Any future land use will need to comply with the current zoning which is Public Open Space as the land is intended to remain Land Administration Act 1997 (LAA) reserves.
 - c) The reserve will be set aside as a reserve for the purpose of "Noongar Social, Cultural and/or Economic Benefit". This is a very broad reserve purpose, allowing for flexibility of use by the Noongar People across the future Noongar Land Estate in perpetuity. The Department does not require a specific land use to be provided to support the handover of land. However as with any other landholder, all future land use and development must be compliant with all applicable statutory and policy requirements. Importantly, the Trustee will designate land as either Cultural Land or Development Land, which will guide land use decision-making after handover.

13. Following the completion of the current referral process, the land will be referred to the Department of Mines, Industry Regulation and Safety (DMIRS) for section 16(3) approval under the *Mining Act 1978*. If section 16(3) approval is granted, depending on the types of tenements and their impact on the reserve, they may continue if the mining activity is compatible with the reserve use (once known). Any mining implications will be identified by DMIRS in their section 16(3) assessment. Any proposals for future mining activities post-handover would require referral to the Department of Planning, Lands and Heritage for consideration to allow consultation with the Noongar Management Body and Trustee before providing comments. Again, depending on the type of mining tenement it may not be an issue if the mining activity is compatible with the reserve use.
14. A number of land parcels referred to the Shire have been identified as culturally significant and located in a land area known to have high conservation values and mineral prospectivity. As such, the involved State Agencies have agreed to defer consideration of the land for possible inclusion in the Noongar Land Estate until detailed consultation can be undertaken with the Wagyl Kaip and Southern Noongar Regional Corporation.
15. A Class A reserve is defined as follows in the below sections.

Class 'A' Reserve

16. Under section 41 of the *Land Administration Act 1997* (LAA) the Minister may set aside Crown land as reserve for a particular purpose in the public interest.
17. Reserve tenure is usually applied to land that;
 - a) holds intrinsic community value or is of high conservation value that should be preserved and maintained for the benefit of future generations;
 - b) for core business/service delivery needs of general sector State agencies and local governments.
18. Reserves are not usually granted for long-term economic development or for a commercial purpose or benefit.
19. Some examples include: Recreational activities (e.g. sporting ovals); Aboriginal uses; local community sporting clubs; foreshore reserves, national parks, conservation reserves, heritage reserves, community centres, Department of Fire and Emergency facilities, sea rescue, state emergency services.
20. The *Land Act 1933* was replaced by the LAA on 30 March 1998. It provided for Crown Reserves to be classified as Class A, B or C.
21. Under the LAA, there is now only one classification of reserves being Class A Reserves. All other reserves are simply known as "reserves."
22. Amendments to Class A Reserves will require advertising and may require tabling of the proposal in both Houses of Parliament to facilitate amendments.
23. The Class A Reserve classification is used solely to protect areas of high conservation or high community value and has the greatest degree of protection.

The Shire President to put the motion to the vote.

VOTING REQUIREMENTS

24. Simple Majority

RECOMMENDATION

That Council ENDORSE the Chief Executive Officer forwarding correspondence to the Premier of Western Australia, the Hon Mark McGowan (cc: The Hon Bill Johnston MLA, Minister for Mines and Petroleum; Hon Reece Whitby, Minister for Environment; and Hon John Carey, Minister for Lands) to seek the following approvals:-

- a) **That Cocanarup Timber Reserve be classified as a Class 'A' Reserve to safeguard the area for the community, the rest of the nation and future generations, of its uniquely important social, cultural, historical and natural values; and**
- b) **That no clearing for mineral exploration or any other purpose, be approved prior to the finalisation of the classification.**

Moved: _____

Seconded: _____

Carried: /

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.