

## **MINUTES**

For the Council Meeting held on

Monday February 17, 2013

Commencing at 5.05 p.m.

In the Council Chambers, Ravensthorpe.

**ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE  
ON 17 FEBRUARY 2013, COMMENCING AT 5.05PM**

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**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

5.05pm – Presiding person, Cr Dunlop, declared the meeting open.

**2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE**

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

STAFF: Pascoe Durtanovich (Chief Executive Officer)  
Brent Bailey (Deputy Chief Executive Officer)  
Darryn Watkins (Manager Engineering Services)  
Portia Ridout (Executive Assistant)

APOLOGIES:

ON LEAVE OF ABSENCE:  
Cr Ian Goldfinch (Shire President)

ABSENT:

**3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

NIL

**4. PUBLIC QUESTION TIME**

NIL

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

NIL

**5.1 CR GOLDFINCH – LEAVE OF ABSENCE**

Cr Goldfinch has requested leave for the Ordinary Council meetings on the 17 and 20 February, 2014 and the 17 and 20 March, 2014.

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 5.1
Moved: Cr Norman	Seconded: Cr Gairen
That leave of absence be granted to Cr Goldfinch from the 17 and 20 February and the 17 and 20 March, 2014 Ordinary Council meetings.	
Carried: 6/0	Res: 5/14

**6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS**

NIL

## 7. CONFIRMATION OF MINUTES

### 7.1 COUNCIL MEETING – 16 DECEMBER, 2013

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 7.1
Moved: Cr Gairen	Seconded: Cr Duncan
That the minutes of the meeting of council held on 16 December, 2013 be confirmed as a true and correct record of proceedings.	
Carried:6/0	Res: 6/14

### 7.2 SPECIAL MEETING – 8 JANUARY, 2014

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 7.2
Moved: Cr Gairen	Seconded: Cr Duncan
That the minutes of the special meeting of council held on 8 January, 2014 be confirmed as a true and correct record of proceedings.	
Carried: 6/0	Res: 7/14

### 7.3 SPECIAL MEETING – 14 FEBRUARY, 2014

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 7.3
Moved: Cr Belli	Seconded: Cr Kelton
That the minutes of the special meeting of council held on 14 February, 2014 be confirmed as a true and correct record of proceedings.	
Carried: 6/0	Res: 8/14

## 8. SUSPENSION OF STANDING ORDERS

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 8
Moved: Cr Belli	Seconded: Cr Norman
That all Standing Orders be suspended for the remainder of the agenda items to enable detailed discussion, Councillors' questions and briefing by staff on the agenda items in accordance with Council's policy that the meeting on the third Monday of each month is a briefing/discussion meeting only and no decisions will be made on agenda items at this meeting. Decisions on the agenda items listed will be made at the meeting on the following Thursday.	
Carried: 6/0	Res: 9/14

## 9. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS

NIL

## 10. REPORTS OF OFFICERS

### 10.1 DEPUTY CHIEF EXECUTIVE OFFICER

<b>10.1.1 MONTHLY FINANCIAL REPORT – 31 DECEMBER 2013</b>
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**File Ref:**

<b>Applicant:</b>	Not applicable
<b>Location:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	7 February, 2014
<b>Author:</b>	Brent Bailey – Deputy Chief Executive Officer
<b>Authorising Officer:</b>	Not applicable
<b>Attachments:</b>	Yes – Monthly Financial Report

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**Summary:**

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

**Background:**

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

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

**Comment:**

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

**Consultation:**

Council Financial Records

**Statutory Obligations:**

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that financial activity statement reports

are provided each month reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month.

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

**Policy Implications:**

Nil

**Budget / Financial Implications:**

As detailed within the attachments

**Strategic Implications:**

Nil

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority

OFFICER RECOMMENDATION

ITEM 10.1.1

That Council receive the Monthly Financial Report for the period ending 31 December 2013 in accordance with Section 6.4 of the Local Government Act 1995.

*Discussion*

**10.1.2 MONTHLY FINANCIAL REPORT – 31 JANUARY 2014**

**File Ref:**

**Applicant:** Not applicable

**Location:** Not applicable

**Disclosure of Officer Interest:** None

**Date:** 7 February, 2014

**Author:** Brent Bailey – Deputy Chief Executive Officer

**Authorising Officer:** Not applicable

**Attachments:** Yes – Monthly Financial Report

**Summary:**

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

**Background:**

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

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

**Comment:**

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

**Consultation:**

Council Financial Records

**Statutory Obligations:**

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

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

**Policy Implications:**

Nil

**Budget / Financial Implications:**

As detailed within the attachments

**Strategic Implications:**

Nil

**Sustainability Implications:**

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

- **Social:**  
There are no known significant social considerations.

**Voting Requirements:**

Simple majority

OFFICER RECOMMENDATION	ITEM 10.1.2
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That Council receive the Monthly Financial Report for the period ending 31 January, 2014 in accordance with Section 6.4 of the Local Government Act 1995.
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*Discussion*

<b>10.1.3 SCHEDULE OF ACCOUNT PAYMENTS – JANUARY 2014</b>
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**File Ref:**

<b>Applicant:</b>	Not applicable
<b>Location:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	31 January, 2014
<b>Author:</b>	Tahnee Gairen- Accounts Payable
<b>Authorising Officer:</b>	Brent Bailey – Deputy Chief Executive Officer
<b>Attachments:</b>	Yes- Schedule of Payments to 31 January 2014

**Summary:**

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

**Background:**

FUND	PAYMENT	VOUCHERS	AMOUNTS
<b>Municipal Account</b>	EFT and	EFT2478-EFT2582	\$374,481.85
	Cheques	38569-38618	\$137,077.90
<b>Reserve Bank Fee</b>	959		\$230.81
<b>Payroll</b>	Dates	08/01/2014 22/01/2014	\$140,596.68
<b>Municipal Account Total</b>			<b>\$652,387.24</b>
	Trust	EFT2503-EFT2559	\$35,698.30
	Trust	1238-1241	\$260.00
	Cheques		
<b>Trust Account Payments</b>			<b>\$35,958.30</b>
			<b>\$688,345.54</b>



**Comment:**

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

**Consultation:**

Not applicable.

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

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

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

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

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

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

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

**Policy Implications:**

Nil

**Budget / Financial Implications:**

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

**Strategic Implications:**

Nil

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority

**OFFICER RECOMMENDATION**

ITEM 10.1.3

That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of January 2014, be noted.

*Discussion***10.1.4 SCHEDULE OF ACCOUNT PAYMENTS – DECEMBER 2013****File Ref:**

<b>Applicant:</b>	Not applicable
<b>Location:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	31 December, 2013
<b>Author:</b>	Tahnee Gairen- Accounts Payable
<b>Authorising Officer:</b>	Brent Bailey – Deputy Chief Executive Officer
<b>Attachments:</b>	Yes - Schedule of Payments to 31 December, 2013

**Summary:**

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

**Background:**

<b>FUND</b>	<b>PAYMENT</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
<b>Municipal Account</b>	EFT and	EFT2360-EFT2475	\$316,252.46
	Cheques	38499-38555	\$114,838.67
<b>Reserve Bank Fee</b>	958		\$546.38
<b>Payroll</b>	Dates	11/12/2013 23/12/2013	\$141,509.93
<b>Municipal Account Total</b>			<b>\$573,147.44</b>
	Trust	EFT2370-EFT2501	\$19653.10
	Trust	1235-1237	\$170.00
	Cheques		
<b>Trust Account Payments</b>			<b>\$19,823.10</b>
			<b>\$592,970.54</b>

**Comment:**

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

**Consultation:**

Not applicable.

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

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

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

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

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

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

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

**Policy Implications:**

Nil

**Budget / Financial Implications:**

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

**Strategic Implications:**

Nil

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority

**OFFICER RECOMMENDATION**

ITEM 10.1.4

That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of December 2013, be noted.

*Discussion***10.2 MANAGER OF PLANNING AND DEVELOPMENT****10.2.1 PROPOSED EXPLORATION LICENCE**

<b>File Ref:</b>	EM.LC.1; ICR13122061
<b>Applicant:</b>	Austwide Mining Title Management Pty Ltd
<b>Location:</b>	Reserves 7380, 30254, 17515 & Ravensthorpe Townsite reserve
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	5 February, 2014
<b>Author:</b>	Craig Pursey, Planning Officer
<b>Authorising Officer:</b>	Pascoe Durtanovich – Chief Executive Officer
<b>Attachments:</b>	None

**Summary:**

Council has received a referral from the Department of Mines and Petroleum (DMP) on a proposal to issue an exploration licence over a number of reserves currently managed by the Shire of Ravensthorpe.

The reserves include the Ravensthorpe townsite and this report recommends that an exploration licence not be supported for the following reasons:

1. There is no point in exploring land for minerals that the Shire will not support as a mine;
2. The reserves are within close proximity to the Ravensthorpe townsite and if eventually developed as a mine would be highly likely to have a detrimental impact on the Ravensthorpe community; and
3. The reserves in question are managed and required by the Shire of Ravensthorpe as essential land for the use and enjoyment of the Ravensthorpe community.

**Background:**

DMP have received an "application for consent to explore on reserved land" from Silver Lake Resources Ltd to explore a 48.4km<sup>2</sup> area to the south and east of the Ravensthorpe townsite, including the townsite. An extract of the application is attached to this report including a plan of the exploration area.

The exploration licence area (74/406) includes the following reserves managed by the Shire of Ravensthorpe:

- Reserve 7380 - Rubbish Disposal Site
- Reserve 30254 – Recreation
- Reserve 17515 – Sanitary Site
- Ravensthorpe townsite

**Comment:**

Discussion with DMP officers indicate that the Council's position is *usually* supported by the Minister when determining if an exploration licence should be issued over a reserve.

A brief assessment of the reserves in question is provided in the table below:

Reserve No.	Existing & proposed land use	Comment
7380	Ravensthorpe rubbish tip & proposed regional waste facility	The site forms an essential part of the infrastructure required to support the local government area.
30254	Recreation reserve	Located within 2km of the town centre
17515	Remnant vegetation, adopted site for a pet cemetery.	The site is required by the Shire of Ravensthorpe and is located opposite the human cemetery. Mining is inappropriate in such a location.
Townsite	Ravensthorpe townsite	Even if a substantial deposit of gold or copper were found, it is unlikely that the whole townsite would be relocated.

When considering whether to support the exploration licence request in the Shire managed reserves above the following points should be considered:

- The reserves in question are mostly required by the Ravensthorpe community for essential and desirable infrastructure.
- They are within close proximity to the Ravensthorpe townsite and within the generic buffers established under State Industrial Buffer Policy and the Environmental Protection Authority Guidance Statement No 3 "Separation Distances Between Industrial and Sensitive Land Uses" (2005).
- There seems little point in supporting exploration in an area where mining is not desirable.
- On the other hand, mining does have short to medium term benefits for the local economy.

**Consultation:**

DMP are the decision makers in this application and they are consulting with the Council as required by legislation.

**Statutory Obligations:**

The Mining Act 1978 requires the Minister for Mines and Petroleum to first consult and obtain the recommendation of the authority vested with the management of a reserve when considering issuing an exploration licence.

**Policy Implications:**

Nil

**Budget / Financial Implications:**

Nil

**Strategic Implications:**

The Ravensthorpe townsite is constrained from growth to the west, south and north by mineralisation issues raised previously by the Department of Mines and Petroleum. The only area that Ravensthorpe can grow is to the south west, as acknowledged by the Shire's existing and draft Local Planning Strategy.

If exploration of this area found considerable evidence of minerals it may have the potential to constrain Ravensthorpe entirely.

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority

**OFFICER RECOMMENDATION****ITEM 10.2.1**

That the issuing of an exploration licence over Reserves 7380, 30254, 17515 and the Ravensthorpe townsite reserve not be supported for the following reasons:

1. There is little point in exploring land for minerals that the Shire will not support as a mine;
2. The reserves are within close proximity to the Ravensthorpe townsite and if eventually developed as a mine would be highly likely to have a detrimental impact on the Ravensthorpe community; and
3. The reserves in question are managed and required by the Shire of Ravensthorpe as essential land for the use and enjoyment of the Ravensthorpe community.

*Discussion*

**10.2.2 PROPOSED ROAD RESERVE CLOSURE – PORTION GORDON ROAD, RAVENSTHORPE**

<b>File Ref:</b>	RC.DC.9
<b>Applicant:</b>	N/A
<b>Location:</b>	Gordon Road & Jubilee Road, Ravensthorpe
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	5 February 2014
<b>Author:</b>	Craig Pursey, Planning Officer
<b>Authorising Officer:</b>	Pascoe Durtanovich – Chief Executive Officer
<b>Attachments:</b>	None

**Summary:**

Council resolved to close portions of Gordon Road, Ravensthorpe at their November 2013 meeting. The road closures have been advertised for public comment and only one submission from the Water Corporation has been received raising no objection.

It is recommended that the road closure process be progressed and that the Shire continue to advocate with the Department of Lands for the sale of the unconstructed portion of Gordon Road free of cost to the adjoining landowner, Mr John Roy.

**Background:**

At Council's meeting of 21 November 2013 Council considered the proposed closure of portions of Gordon Road and resolved as follows:

*“That Council:-*

- 1. In pursuance of section 58 of the Land Administration Act 1997, support the permanent closure of the unconstructed portion of Gordon Road between Jubilee Road and South Coast Highway;*
- 2. In pursuance of section 3.50 (1a) of the Local Government Act 1995, support the permanent closure of the eastern end of Jubilee Road to the passage of all vehicles;*
- 3. Advertise the road closures for a period of 28 days for public comment;*
- 4. Advocate with the Department of Lands for the sale of the unconstructed portion of Gordon Road free of cost to Mr Roy.”*

**Consultation:**

In accordance with Council's November 2013 resolution the road closures were advertised for 28 days in accordance with the requirements of the Land Administration Act 1997 and Local Government Act 1995.

Service authorities were written to directly as well as adjoining land owners and adverts placed in local papers.

The advertising period closed on the 10<sup>th</sup> January 2014 with one submission received from the Water Corporation raising no objection.

**Comment:*****Proposal***

In order to tidy up the existing road reserves and complete the black spot program in this area the following road closures are proposed:

- Close the unconstructed portion of Gordon Road that runs north-south.
- Close the road pavement at the end of the east-west road now named Jubilee Road, turning it into a cul-de-sac.

**North-South closure**

This portion of road reserve is not required as it is unconstructed and has no other services located within it. The seed cleaning business of Mr John Roy has been constructed within this road reserve.

Usually a closed road reserve is offered to adjoining landowners. If interested, the adjoining landowners buy the road reserve from the State for market value.

If no adjoining landowner is interested then the road reserve may revert to unallocated Crown land (UCL).

In this case it looks likely that Mr Roy will be interested in obtaining the portion of road reserve; provided it is offered to him free of charge. The cost of the land is a matter between the Department of Lands and Mr Roy. The Shire gains no income from the sale of former road reserves.

However, given that land was recently ceded free of charge by the neighbouring landowner to create the road reserve for the Gordon Road realignment, then it may be appropriate to advocate for the sale of the unrequired road reserve for free.

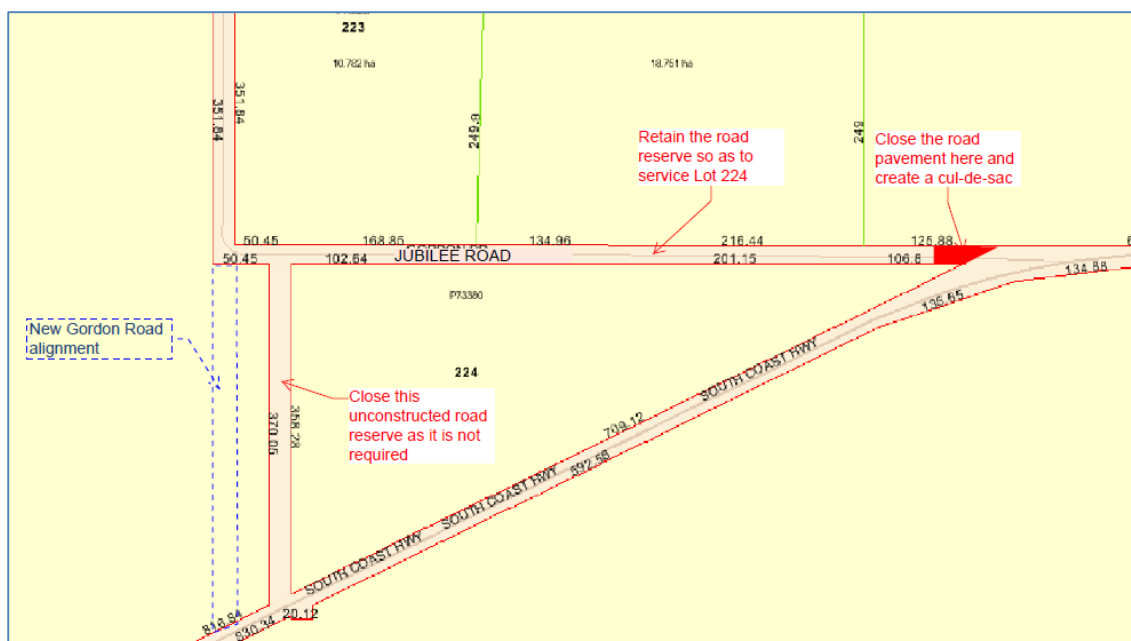
**East-West closure (Jubilee Road)**

This portion of road was proposed to be closed once the realignment of Gordon Road was completed.

On review, this stretch of road may still be required to service an existing farm shed and provide access to Lot 224 and Lot 220. It is proposed to close only the very end of the road pavement in order to block access to South Coast Highway and remove the accident black spot. The proposed road closure and issues are summarised in the diagram below.

Now that the realignment of Gordon Road is completed it is intended to close this portion of road reserve permanently using planting, bollards, rocks etc.





Recommended road closures (Landgate 2013)

**Statutory Obligations:**

Road closures are undertaken in accordance with section 58 of the Land Administration Act 1997.

The closure of a portion of road pavement for greater than a 4 week period requires approval under section 3.50 of the Local Government Act 1995.

**Policy Implications:**

Nil

**Budget / Financial Implications:**

There will be administrative costs for the remainder of the road closure process and potentially some survey costs as directed by the Department of Lands.

Some costs will be incurred with the physical works required to close the end of Jubilee Road.

**Strategic Implications:**

Nil

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority

**OFFICER RECOMMENDATION** **ITEM 10.2.2**

That Council,

1. In pursuance of section 58 of the Land Administration Act 1997, support the permanent closure of the unconstructed portion of Gordon Road between Jubilee Road and South Coast Highway;
2. In pursuance of section 3.50 (1a) of the Local Government Act 1995, support the permanent closure of the eastern end of Jubilee Road to the passage of all vehicles;

Advocate with the Department of Lands for the sale of the unconstructed portion of Gordon Road free of cost to the adjoining landowner, Greenlight Pastoral Company Pty Ltd.

*Discussion***10.2.3 DEDICATION OF THE HEAVY HAULAGE ROUTE - SECTION 3**

<b>File Ref:</b>	RD.DC.4
<b>Applicant:</b>	Main Roads WA
<b>Location:</b>	North of Ravensthorpe town site
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	5 February, 2014
<b>Author:</b>	Craig Pursey, Planning Officer
<b>Authorising Officer:</b>	Pascoe Durtanovich – Chief Executive Officer
<b>Attachments:</b>	Yes - Heavy Haulage Route plans

**Summary:**

Main Roads WA has requested that the Shire of Ravensthorpe agree to dedicate Section 3 of the heavy haulage route road reserve alignment as per the requirements of the Land Administration Act 1997.

**Background:**

Council considered the dedication of sections 1 & 2 of the proposed heavy haulage route (HHR) at their meeting in November 2013 where it was resolved to:

*“That Council,*

1. *In pursuance of section 56 of the Land Administration Act 1997, support the dedication of the land required for the Ravensthorpe heavy haulage route as a road, as shown on the following Main Roads’ Drawings:*
  - a) *201301-532 to 201301-538 inclusive*
  - b) *Part plan 201301-540; and*

- c) 201301-341 to 201301-544 inclusive.
2. That Council not support the dedication of the land required for the linkage between the Ravensthorpe Heavy Haulage Route and Queen Street as shown on the following Main Roads' Drawings:
- a) Part plan 201301-540; and
  - b) 201301-539
3. Council support access off the Heavy Haulage Road to South Coast Highway via Floater Road."

The portion of the proposed HHR requested for dedication this month is at the eastern end of the proposed route and is the final request.

**Comment:**

Council has received a request from Main Roads WA to consider the alignment of Section 3 of the proposed HHR and if supportive, dedicate the alignment of the road as a road reserve under the land Administration Act 1997.

The dedication would involve the full resumption of Lot 250 Coleman Road, owned by Ian and Susanne Small. This is required as the existing house on this site is located in the low point of the immediate area and is planned as a detention basin in the drainage design for the HHR.

Main Roads WA and crown solicitors are currently negotiating with the landowners.

The road dedication will affect a small portion of the equestrian centre, some fencing will need to be relocated and take a portion of the golf course reserve. However, the closest tee on the course will be unaffected.

Main Roads WA has stated that they will indemnify Council against all costs and charges that relate to the dedication action.

**Consultation:**

Main Roads WA and the Shire have consulted widely with the broader community and affected landowners to reach this point.

**Statutory Obligations:**

The dedication of roads takes place under Section 56 of the land Administration Act 1997.

**Policy Implications:**

Nil

**Budget / Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Sustainability Implications:**

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

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

**Voting Requirements:**

Simple majority

**OFFICER RECOMMENDATION**

ITEM 10.2.3

That Council,

1. In pursuance of section 56 of the Land Administration Act 1997, support the dedication of the land required for the Section 3 of the Ravensthorpe heavy haulage route as a road, as shaded on Main Roads' Drawings 201301-545 to 201301-551 inclusive.
2. That a copy of these minutes be provided to State Land Services in support of the road dedication.

*Discussion***10.2.4 REQUEST FOR IN-PRINCIPLE SUPPORT FOR SCHEME AMENDMENT**

<b>File Ref:</b>	A1554
<b>Applicant:</b>	Ravensthorpe Hopetoun Future Fund
<b>Location:</b>	Lot 168 (#96) Maitland Street, Hopetoun
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	5 February 2014
<b>Author:</b>	Craig Pursey, Planning Officer
<b>Authorising Officer:</b>	Pascoe Durtanovich – Chief Executive Officer
<b>Attachments:</b>	None

**Summary:**

Council is asked to consider in-principle support for a Scheme Amendment to change the zoning of the Maitland Street local shops from Special Use site No.15 to the 'Residential' zone.

Justification for the proposal includes the lack of demand for commercial floor space in this location over a number of years and that commercial land use should be concentrated in the 'Town Centre'.

This report recommends that the request be supported in-principle subject retail modelling being prepared by a suitably qualified professional examining the demand for commercial floor space for Hopetoun.

**Background:**

Council has received a request for preliminary support from the Ravensthorpe Hopetoun Future Fund for an Amendment to Town Planning Scheme No.5 in respect of Lot 168 Maitland Street, Hopetoun. The purpose of the request is to ascertain Council's willingness to entertain rezoning Lot 168 prior to undertaking the relatively costly amendment preparation process.

**Background & Zoning**

Lot 168 Maitland Street, Hopetoun, (Lot 168) is 2019m<sup>2</sup> in area, developed with a mixed use development and fronts both Maitland Street and Canning Boulevard. There are five ground floor commercial tenancies and with four separate residential tenancies above serviced by 23 parking bays. Only two commercial and two residential tenancies are occupied.

Lot 168 is zoned 'Special Use' site No.15 in the Shire of Ravensthorpe Town Planning Scheme No5 (the Scheme). Special Use zones apply to special categories of land use which do not sit comfortably within any other zone in the Scheme.

The Scheme describes Special Use site No.15 as follows:

*"Local Centre with the following uses and level of permissibility as provided by clause 4.3.2 of this Scheme:*

*Shop (P), Consulting Rooms (D), Family Day Care (D), Childcare Premises (D), Laundrobar (D), Medical Centre (A), Fast Food Outlet (A), Liquor Store (A), Restaurant (A).*

*Residential Development (R30) will only be permitted as an ancillary use"*

The conditions of approval are:

*"Prior to any development being approved on the site, an overall concept plan shall be prepared to the satisfaction of Council."*

**Past Approvals**

Council has issued planning approvals and building permits as follows:

1. Five commercial ground floor tenancies and four first floor residential units in July 2007;
2. Conversion of tenancy 1A to a café in September 2008.

**Local Planning Strategy**

Lot 168 is identified as a "Local Centre" in the Hopetoun Development Area Outline Development Plan; this is a guiding document for the Mary Anne Waters estate.

The Local Planning Strategy does not specifically identify this site but does recommend concentrating commercial development in Veal Street.

**Comment:****Proposal**

It is proposed that the entire site would be zoned 'Residential R40' and the ground floor commercial tenancies converted to residential units.

There is adequate parking on site to support the residential densities proposed. There has not been demand and there is no demand envisioned for the commercial tenancies.

There is demand for one and two bedroom units in Hopetoun.

## **Assessment**

In favour of the proposal are the following considerations:

- There has been no consistent demand for the commercial tenancies and many businesses over the past 5 years have proven to be unviable in this location.
- The Local Planning Strategy supports the concentration of commercial and entertainment activity into the Town Centre zone, in Veal Street. The Town Centre services both town and a wider catchment and is central to the entire Hopetoun community. It needs to be given every chance to succeed to the benefit of the entire district. It can be argued that there is not the population to support two commercial areas and that the two may work against each other.
- Lot 168 was zoned and built when Hopetoun was experiencing a boom with the opening of the BHP copper mine. It was anticipated that the entire Mary Anne Waters estate would be fully developed and all housing and units would be fully occupied providing a reasonably large walking catchment for the Maitland Street Local Shops. However, since the closure of the mine and its more modest reopening it does not appear there is a sustainable population to support the local shopping area.

On the other hand, the intention at the time of developing Mary Anne Waters was to provide local shopping opportunities within walking distance of residences. This is sound planning practice and is consistent with the recommendations of 'Liveable Neighbourhood' sustainable design principles advocated by the Western Australian Planning Commission.

Additionally, people may have bought into the area with the expectation that there would be local shops (or the potential for local shops) within walking distance of their house.

Therefore, any scheme amendment documentation should provide evidence that the existing and projected population of Hopetoun cannot sustain both the Maitland Street Local Shops and the Veal Street Town Centre.

In conclusion, the proposal has some merit. The existing development clearly is not viable and has the potential to dilute commercial land use away from the Town Centre. However, if a scheme amendment is supported in principle then the scheme amendment documentation should include retail modelling proving that the commercial floor space at Lot 168 is not required now or into the future.

### **Consultation:**

Should the Council support the proposal then all scheme amendments undergo referral to the Department of Planning, Environmental Protection Authority and all affected government agencies as part of the standard process.

### **Statutory Obligations:**

The current proposal is a request for support in-principle only and any response from Council is considered to be advice only.

Should the applicant choose to lodge a scheme amendment application then there is no right of appeal if Council chooses not to initiate the amendment.

### **Policy Implications:**

Nil

### **Budget / Financial Implications:**

There are no direct financial implications resulting from the recommendations of this report.

**Strategic Implications:**

As discussed in the body of the report.

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority

**OFFICER RECOMMENDATION**

ITEM 10.2.4

That a scheme amendment to rezone Lot 168 Maitland Street, Hopetoun from 'Special Site No.15' to the 'Residential R40' zone be supported, in principal, subject to:

- a) The scheme amendment documentation including retail modelling prepared by a suitably qualified professional examining the demand for commercial floor space for Hopetoun.

*Discussion***10.2.5 PROPOSED HOPETOUN OFF ROAD CLUB USE OF RESERVE**

<b>File Ref:</b>	RC.PR.10
<b>Applicant:</b>	Mr Lloyd Goddard
<b>Location:</b>	Reserve 37806, John Forrest Road, Hopetoun
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	5 February 2014
<b>Author:</b>	Craig Pursey, Planning Officer
<b>Authorising Officer:</b>	Pascoe Durtanovich – Chief Executive Officer
<b>Attachments:</b>	Yes- Map of Reserve

**Summary:**

Council has been asked to consider the formation of a Hopetoun Off-road Club and allow it to use reserve 37806. The reserve is currently managed by the Shire of Ravensthorpe for the purpose of 'Gravel'.

The Club would provide an opportunity for somewhere that people could ride a motorbike that is safe and in a more controlled environment.

This report recommends that the Council support the concept of the Off-road Club and support management of Reserve 37806 being handed over to the Club once incorporated.

**Background:**

Reserve 37806 is 31.7ha in area and reserved for the purpose 'Gravel' under management of the Shire of Ravensthorpe.

Large areas of the reserve have been excavated for gravel, the remainder is remnant vegetation. The cleared areas appear to be ideal for the off-road club's use.

The reserve is surrounded by national park to the west, Unallocated Crown Land to the east and farmland to the north and south. The closest house is ~700m away to the north on Lot 1353 John Forrest Road.

The site is accessed from John Forrest Road and is ~17km to the north of Hopetoun town centre.

Staff have conducted an inspection of the gravel deposits and they appear to be largely exhausted. If there is any gravel left on the site then any approval for an off-road club should include the Shire retaining access to construction materials such as gravel and sand.

**Comment:****Assessment**

Council has no role in forming an incorporated body; this may be left to the members interested in forming the Hopetoun Off-road Club.

Council has a role in determining the use and management of reserve 37806 as the reserve is managed by the Shire of Ravensthorpe.

An Off-road Club in Hopetoun may encourage additional visitors, be another recreation option for locals and assist in reducing the current incidents of illegal and unsafe practices around the community.

If the use of reserve 37806 by the proposed Off-road Club is supported then the Shire has two options once the Club is incorporated:

1. Lease the reserve to the Off-road Club; or
2. Hand management of the reserve over to the Off-road Club.

**Other approvals**

The Club would still need to secure planning approval to use the Reserve and would therefore need to provide more detailed information for Council to consider such as how the club would operate, safety, noise and dust management, construction of facilities and provision of basic infrastructure.

**Consultation:**

None required.

However, if Council support the idea of allowing a Hopetoun Off-road Club to use reserve 37806 then the subsequent planning application should be referred to neighbouring landowners and the Department for Parks and Wildlife for comment.



**Statutory Obligations:**

Nil

**Policy Implications:**

Nil

**Budget / Financial Implications:**

There are minimal costs involved in the change of reserve manager.

**Strategic Implications:**

Nil

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority

**OFFICER RECOMMENDATION**

ITEM 10.2.5

That the use of Reserve 37806 for the purpose of an Off-road Club be supported subject to the club:

1. Obtaining management of the reserve,
2. The Hopetoun Off-road Club becoming an incorporated body.
3. The Hopetoun Off-road Club gaining planning approval for the proposed activity within a reserve; and
4. The Hopetoun Off-road Club agreeing to the Shire maintaining access rights to gravel and sand for road construction within reserve 37806.

*Discussion*

### 10.3 MANAGER OF ENGINEERING SERVICES

<b>10.3.1 FENCING OF HOPETOUN WASTE TRANSFER STATION</b>
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**File Ref:**

<b>Applicant:</b>	Not applicable
<b>Location:</b>	Reserve 35865 Senna Road Hopetoun
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	5 February, 2014
<b>Author:</b>	Darryn Watkins – Manager Engineering Services
<b>Authorising Officer:</b>	Pascoe Durtanovich – Chief Executive Officer
<b>Attachments:</b>	None

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**Summary:**

Council to authorise the proposed increase in expenditure to facilitate the fencing of the Hopetoun Waste Transfer Station site to meet the licence condition requirements of the Department of Environment Regulation.

**Background:**

The Hopetoun Waste Transfer Station is a licensed facility with the Department of Environment Regulation. The facility is classified as a Category 62 site i.e. Solid waste depot, premises on which waste is stored or sorted pending final disposal or reuse. The License Conditions for this facility require the installation and maintenance of suitable fencing to prevent unauthorised access to the site.

**Comment:**

In the 2013/2014 adopted budget council allocated \$17,918 for the supply and installation of stock proof fencing for the Hopetoun Waste Transfer Site. Recent communications with the Department of Environment Regulation has revealed that the standard of fencing required to comply with the licence conditions is to “prevent unauthorised access” rather than provide “stock proof fencing” as initially advised.

Quotations have been sought for the supply and installation of 1.8metre high galvanised chain mesh fencing for the perimeter of the site. The revised project cost incorporating clearing, minor earthworks and supply and installation of chain mesh fencing is now \$35,000 excluding GST.

**Consultation:**

Department of Environment Regulation

**Statutory Obligations:**

Environmental Protection Act 1986  
Absolute majority vote required.

**Policy Implications:**

Nil

**Budget / Financial Implications:**

Council is required to provide an additional unbudgeted \$17,082 to complete this project.

**Strategic Implications:**

Nil

**Sustainability Implications:**

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

**Voting Requirements:**

Absolute majority

OFFICER RECOMMENDATION

ITEM 10.3.1

That additional funding of \$17,082 to meet the requirements of the Department of Environment Regulation for the provision of fencing to prevent unauthorised access to the Hopetoun Waste Transfer Station Facility, be approved.

*Discussion***10.3.2 PROPOSED CAR PARK EARTHWORKS- MEN IN SHEDS****File Ref:**

**Applicant:** Men in Sheds Incorporated  
**Location:** Lot 717 Tamar Street, Hopetoun  
**Disclosure of Officer Interest:** None  
**Date:** 5 February, 2014  
**Author:** Darryn Watkins – Manager Engineering Services  
**Authorising Officer:** Pascoe Durtanovich – Chief Executive Officer  
**Attachments:** None

**Summary:**

Council to consider the request from Hopetoun Men In Sheds Incorporated to supply and install two gravel cross overs and construct a gravel car park and concourse - hardstand area.

**Background:**

Council resolved at the December 2012 Ordinary Meeting of Council (Resolution: 230/12) that "Council consider contributing up to \$15,000 in the 2013/2014 budget towards paving of the parking area." The reason for Council Decision – Should the Men in Sheds not be in a position to seal the parking / manoeuvring area Council will consider funding the works.

**Comment:**

The requested works require site set out, preparation and levelling, importation of selected sub base fill and compaction, importation of 310 cubic meters of gravel and spread over an area of 1200 square metres to provide a 200mm thick gravel base course to parking and trafficable areas.

It is estimated to take 3 days to complete from the commencement of works.

**Consultation:**

Not applicable.

**Statutory Obligations:**

Nil

**Policy Implications:**

Nil

**Budget / Financial Implications:**

Council would be required to contribute an unbudgeted amount of \$15,000 to facilitate the proposed works.

**Strategic Implications:**

Nil

**Sustainability Implications:**

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

**Voting Requirements:**

Absolute majority

OFFICER RECOMMENDATION

ITEM 10.3.2

That unbudgeted expenditure of up to \$15,000 be authorised for the construction of the gravel car park and trafficable hardstand area for the Men In Sheds Incorporated facility in Hopetoun, utilizing shire, plant equipment and labour.

*Discussion*

## 10.4 CHIEF EXECUTIVE OFFICER

### 10.4.1 JOINT VENTURE UNITS, DUNN STREET RAVENSTHORPE

**File Ref:****Applicant:**

Not applicable

**Location:**Crown Reserve 29814, Ravensthorpe Lots 174 and  
175 Dunn Street**Disclosure of Officer Interest:**

None

**Date:**

3 February, 2014

**Author:**

Ian Neil - Contractor

**Authorising Officer:**

Pascoe Durtanovich – Chief Executive Officer

**Attachments:**

Yes – Management Agreement

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**Summary**

Council considered the transfer of management of the three seniors' units in Dunn Street Ravensthorpe at the Ordinary Council meeting in October, 2013 and resolved that the CEO negotiate an agreement with the Great Southern Community Housing Association (GSCHA). These negotiations have been undertaken and a management agreement is attached for Council consideration.

**Background**

In 2003 the Shire entered into a Joint Venture agreement with Homeswest (now Department of Housing) to construct 1, one bedroom and 2, two bedroom units in Dunn Street Ravensthorpe.

The units are allocated for seniors housing and are currently managed by the Ravensthorpe Residential Facility Care Committee. The committee manages the allocation of tenants, collecting rent, minor maintenance and provision for future works and development.

The Committee has accrued an amount of approximately \$140,000 in reserve and has managed the units well to date. The Committee has noted that there is a need for additional seniors housing in the community and feels that this growth phase could be better managed by a professional housing association.

As a consequence discussions commenced with GSCHA.

**Comment**

The GSCHA manages approximately 400 houses in Albany and the region. As part of its portfolio, it manages houses in the Shires of Denmark, Lake Grace, Katanning and Gnowangerup. It has undertaken major housing developments in Albany, Denmark and Katanning.

The negotiated management option is for the Shire to enter into a direct agreement with GSCHA. The Association would then be responsible for the functions of the facility, taking over the role of the Committee.

The Agreement states that the Association will be responsible for, but not limited to, the following

- Transferring tenants to a GSCHA lease and managing the tenancy in accordance with its procedures manual, the Residential Tenancies Act (1987) and any other relevant legislation.
- Tenant selection via an allocations committee, which could include members of the current committee and the Shire,
- Rent Assessment and collection, reviews and monitoring,
- Property inspections and condition reports,
- Property Maintenance, including meeting safety requirements,
- All required insurance,
- Reporting to the Department and the Shire

The Association will charge a management fee for its services. This fee equates to approximately \$8,250 per annum. This cost would be taken from rent income received by the Association.

Funds currently held by the Committee will be managed by the GSCHA and any surplus would be added to these funds. The funds will be set aside for future housing development in the shire; the GSCHA is experienced in this type of development work.

There is no major maintenance required to the properties and the GSCHA will be responsible for keeping the properties maintained.

### **Consultation**

Meetings have been held with the Great Southern Community Housing Association and the Ravensthorpe Residential Facility Care Committee. These have proven successful with the Committee unanimously agreeing to transfer the management of the properties. GSCHA has inspected the properties and met the tenants.

### **Statutory Obligations**

The Shire will continue to lease the properties from the Department of Housing. The Department is not required to authorise the management transfer.

The term of the contract is five years, therefore the total cost over this period is less than \$50,000 and a tender process is not required.

The Association is a registered community housing provider with the Department of Housing, it is the only provider in the region licensed to manage properties that the Department has an interest in. As the sole provider the tendering provisions of the Local Government Act do not apply. In this regard Clause 11<sup>(2)</sup>(f) states:-

Tenders do not have to be publically invited according to the requirements of this Division if-

The local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.

### **Policy Implications**

Nil

### **Budget/Financial Implications**

The current committee retains funds received from the units for future works and development, this will continue under the management agreement, therefore there will be no financial implications to the Shire. The Department will continue to be responsible for major structural maintenance to the buildings.

The management fee charged by the GSCHA is approximately \$8,250 per annum, reviewed annually.

### Strategic Implications

Negotiations will be undertaken with the Association to development a strategy for the construction of further seniors' dwellings in the town.

### Sustainability Implications:

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

### Voting Requirements:

Simple majority

#### OFFICER RECOMMENDATION

ITEM 10.4.1

1. That given that Great Southern Community Housing is the only housing provider registered with the Department of Housing in the region tenders not be invited for the management of the Dunn Street Aged Persons Units.
2. That the management agreement with the Great Southern Community Housing Association for the future management of the three seniors units on Crown Reserve 29814, Ravensthorpe Lots 174 and 175 Dunn Street be adopted and signed and sealed by the Chief Executive Officer and the Shire President.

### Discussion

#### 10.4.2 FINANCIAL HARDSHIP AND SERVICES COMPLAINT POLICY – SEWERAGE AND EFFLUENT REUSE SCHEME

#### File Ref:

**Applicant:** Not applicable

**Location:** Not applicable

**Disclosure of Officer Interest:** None

**Date:** 3 February, 2014

**Author:** Ian Neil - Contractor

**Authorising Officer:** Pascoe Durtanovich – Chief Executive Officer

**Attachments:** Yes – Draft Policies

## Summary

The Shire operates and maintains a sewerage and effluent re-use scheme for residents in the Ravensthorpe and Munglinup Township.

The licence to operate the service has been issued under the Water Services Licensing Act 1995. This Act has now been replaced by the Water Services Act 2012 and, as a result, some licence conditions have changed.

Licensees are now required to adopt a financial hardship policy and a complimentary complaints policy.

## Background

The Water Service commenced with the construction of a sewerage scheme in 1983, this included an effluent reuse scheme for irrigating sporting grounds.

The current licence was granted on 21 May 1997 and amended on 6 August 2008.

The licence has now been amended again as a result of the proclamation of the Water Services Act 2012, and associated Water Services Code of Conduct which replaces the existing Act. The changes to the legislation which affects the Shire's licence are summarised as follows.

- A requirement to have a financial hardship policy and complimentary complaints policy,
- The establishment of an Energy and Water Ombudsman,
- The removal of the need to have a customer service charter, and
- Various minor reporting changes

The management and oversight of the licencing regime is the responsibility of the Economic Regulation Authority (ERA), a division of the State Government.

The ERA has provided guidelines for the development of the policies and must approve all policies. Policies have to be submitted to the Authority by the 18 February 2014, for approval by 18 May 2014

## Comment

Currently the Shire deals with financial hardship on a case by case basis and negotiates payment arrangements with the customer. It does not have a written policy. Similarly, with complaints, it does not have a written policy, although a detailed complaints register is maintained.

The ERA have advised that for it to approve a hardship policy the policy must include the following

- the range of alternative payment arrangements
- a statement that usage needs and capacity to pay are considered
- the customer or a representative is involved in setting a payment arrangement
- that any payment arrangement will be reviewed and revised as appropriate
- the landowner, if not the occupier, is advised of any arrangement
- any amount owing may be reduced if considered appropriate
- a debt will not be recovered whilst payment arrangements are being negotiated and the arrangements are being met.



- that debt collection may be outsourced to a third party
- advice about the Shires fees and charges
- where customers can find the Water Services Code
- contact details for the Shire, Water Ombudsman, and financial counselling services
- information about the Shire's complaints handling process

The above is quite descriptive and in some cases only relates to water services. It is considered that if the Shire is required to develop a financial hardship policy it should encompass all of the Shire's operations.

The only stipulation the ERA has in relation to a complaints procedure is that complaints have to be resolved in 15 working days.

The attached policies have been written to meet the requirements of the Act and to also apply to Shire services as a whole. This has proved difficult as Code requires Councils to consider reducing the debt owing and not charge interest on a payment plan. This conflicts with the intent of the Local Government Act. However discussions with the ERA have established the Council only has to consider reducing the debt and interest will be back dated and apply if the payment plan is not honoured.

Further, the policy as drafted is quite clear that real Financial Hardship has to be demonstrated. The customer has to demonstrate a willingness to pay but, due to exceptional circumstances, cannot. Four examples contained in the policy are

- spousal separation or divorce
- loss of a spouse or loved one
- physical or mental health issues
- a chronically ill family member

Council may wish to amend this list as it sees fit

The attached policies have been written to meet the requirements of the Act and to also apply to Shire services as a whole.

The policies can easily be incorporated into Shire operations and current practices will not change significantly. Staff will have a training session to make them aware of the policies and their implementation.

The ERA needs to approve any hardship policy and it will be provided with a copy of the proposed policy for consideration. If the Authority requires changes the policy will be subject to a further report to Council.

For the Authority to approve the policy the Shire has to demonstrate that it has consulted with relevant parties regarding the contents of the policy. It is recommended that an advertisement be placed in the local press and relevant shire publications calling for comments on the policies.

Due to the restricted timelines for ERA approval, the draft policy will be submitted to the ERA pending community consultation.

### **Consultation**

The document as approved by Council will be advertised to call for comment from residents.

**Statutory Obligations**

The creation of these policies is a requirement of the Water Services Code of Conduct (Customer Service Standards) 2013.

The Code is established under the Water Services Act 2012

**Policy Implications**

The following policies will be incorporated into the Shire's policy manual

Policy - Financial Hardship

Policy and Procedure – Service Complaints

**Budget/Financial Implications**

Nil

**Strategic Implications**

The adoption of these policies will assist in the establishment of sound management practices and a structure which will enable the delivery of the Strategic Plan.

**Sustainability Implications**

The proper management of complaints will ensure policies and procedures remain relevant into the future.

Effectively managing financial hardship will ensure customers are able to meet financial responsibilities.

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority

OFFICER RECOMMENDATION

ITEM 10.4.2

That draft Financial Hardship and Service Complaint policies, identified as attachment 10.4.2 be adopted subject to approval by the Economic Regulation Authority and no submissions being received through the advertising process.

*Discussion*

**10.4.3 JOINT VESTING – RAVENSTHORPE LANDFILL RESERVE****File Ref:**

<b>Applicant:</b>	Not applicable
<b>Location:</b>	Lot 1363 Moir Road Ravensthorpe
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	1 February, 2014
<b>Author:</b>	Pascoe Durtanovich – Chief Executive Officer
<b>Authorising Officer:</b>	Not applicable
<b>Attachments:</b>	None

**Summary:**

For a number of years, the Shire of Ravensthorpe has been working collaboratively with the Shire of Jerramungup to establish a regional landfill facility at Lot 1363 Moir Road, Ravensthorpe.

Detailed design has concluded with the consultants commencing a process to gain works approval.

It is now timely for the Shires of Ravensthorpe and Jerramungup to apply for joint management of Reserve 7380 to guarantee land tenure into the future.

**Background:**

Under the Royalties for Regions Program, a regional component was established to deliver regionally significant projects. These projects must cross local government boundaries for the greater benefit of the region.

In response to the availability of funding, the Shire of Jerramungup, Ravensthorpe, Gnowangerup, Kent and Katanning decided to embark on a regional waste management solution.

In October 2010, GHD was appointed to complete an assessment on the participating Shire's waste management facilities and propose a series of outcomes to achieve industry best practise.

The report was delivered in early 2011 and recommended a series of strategically located transfer stations that deliver waste to a regional waste management facility or facilities. Both Katanning and Ravensthorpe were selected as ideal locations to construct the regional landfill sites.

Since 2011, the Shire of Ravensthorpe has completed a geotechnical process, ground water monitoring, concept design and detailed design for the regional landfill facility. At the point in time, the appointed consultants are preparing a works approval so that construction of the facility can commence.

**Comment:**

Given that the Shire of Jerramungup has been moving towards closing all landfill facilities with the aim of transporting waste to Ravensthorpe, it is now timely to apply for land tenure security over the proposed regional facility.

In consultation with the Department of Lands, it has been recommended that the Shire of Jerramungup apply for joint management of Reserve 7380.

In addition to the joint management of the reserve, it is also recommended that the participating Shire's establish a service level agreement that will govern the operational aspects of the facility. This memorandum could include the management, acceptance of waste and setting fees. The agreement would also recognise that both Shire's have invested significantly in constructing that facility.

**Consultation:**

Not applicable.

**Statutory Obligations:**

Section 46 of the Land Administration Act 1997 applies to this item.

**46. Care, control and management of reserves**

(1) the Minister may by order place with any one person or jointly with and 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies

**Policy Implications:**

Nil

**Budget / Financial Implications:**

There are no financial implications in perusing joint vesting of the reserve.

**Strategic Implications:**

The establishment of a Regional Landfill site has been identified in the Shire of Ravensthorpe Forward Capital Works Plan

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority

OFFICER RECOMMENDATION	ITEM 10.4.3
<ol style="list-style-type: none"> <li>1. That joint vesting of Reserve 7380, Moir Road, Ravensthorpe with the Shire of Jerramungup be supported and the Chief Executive Officer apply to the Department of Lands accordingly.</li> <li>2. That the Chief Executive officer prepare, for Council consideration at the April, 2014 ordinary Council meeting, a service level agreement that will govern the operations of the regional landfill facility.</li> </ol>	

*Discussion*

**10.4.4 APRIL ORDINARY COUNCIL MEETING DATE CHANGE****File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 4 February, 2014**Author:** Portia Ridout – Executive Assistant**Authorising Officer:** Pascoe Durtanovich – Chief Executive Officer**Attachments:** None

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**Summary:**

The Monday Ordinary Council meeting which has been scheduled to be held on 21 April, 2014 in the Ravensthorpe Council Chambers will fall on the Easter Monday public holiday. This recommends that the Monday meeting be rescheduled to the Tuesday.

**Background:**

When the Council meeting dates were confirmed at the November Council meeting 2013, the public holiday was not taken into account.

**Comment:**

It is recommended that Council change the Monday Ordinary Council meeting to Tuesday the 22 April, 2014.

**Consultation:**

The new meeting date will be advertised in the Community Spirit, Community Resource Centres, Council notice board and the Esperance Express.

**Statutory Obligations:**

The Local Government Act 1995, Local Government (Administration) Regulations, require that the meetings be advertised for public information.

**Policy Implications:**

Nil

**Budget / Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority

**OFFICER RECOMMENDATION**

ITEM 10.4.4

That the Monday 21 April, 2014 Ordinary Council meeting be changed to Tuesday 22 April, 2014 and the Thursday 24 April Ordinary Council meeting remain the same.

*Discussion***10.4.5 REVIEW OF DELEGATIONS**

<b>File Ref:</b>	Delegation Register
<b>Applicant:</b>	Not applicable
<b>Location:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	30 January, 2014
<b>Author:</b>	Pascoe Durtanovich – Chief Executive Officer
<b>Authorising Officer:</b>	Not applicable
<b>Attachments:</b>	Yes – Copy of Delegations Register

**Summary:**

The purpose of this report is for Council to review existing delegations to the Chief Executive Officer, consider new delegations and approve the Delegated Authority Register.

**Background:**

To assist in the effective administration of the Shire, Council has granted various delegations. Delegations made under the Local Government Act can only be made to the Chief Executive Officer or Council Committees. Where appropriate, the Chief Executive Officer on delegates to other officers.

Delegations under other legislation are made directly to the officer concerned.

Council last reviewed delegations in February, 2013.

The Chief Executive Officer exercises the delegated authority in accordance with the Delegated Authority Register and Council policies.

**Comment:**

The Chief Executive Officer has reviewed the current Delegated Authority Register and recommends retention of existing delegations with amendment to Town Planning delegation Number 070102 to delete delegation to the Manager Planning and Development.

Under the Town Planning Scheme Council can only delegate to the Chief executive Officer, the Chief Executive Officer can on delegate to another employee however as the manager

Planning and Development is a contractor and not an employee of the Shire of Ravensthorpe duties and powers cannot be delegated to him.

**Consultation:**

Not applicable

**Statutory Obligations:**

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the Chief Executive Officer the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a Chief Executive Officer to further delegate to an employee and states that the Chief Executive Officer is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

**Policy Implications:**

Where a Policy exists for an activity/function that has been delegated the Chief Executive Officer is to adhere to that policy.

**Budget / Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Sustainability Implications:**

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

**Voting Requirements:**

Absolute majority

**OFFICER RECOMMENDATION****ITEM 10.4.5**

That delegations 010101 to 10107, 020101 to 020130, 030101 to 030110, 040101 to 040102, 050101 to 050112, 060101 to 060106, 070101 to 070102 in the attached Delegation of Authority Register, identified as attachment 10.4.5 be adopted.

*Discussion*

<b>10.4.6 RAVENSTHORPE AIRPORT – SECURITY SCREENING SERVICES</b>
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<b>File Ref:</b>	TT.SE.5
<b>Applicant:</b>	Not applicable
<b>Location:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	12 February, 2014
<b>Author:</b>	Steve McGuire – Airport Manager
<b>Authorising Officer:</b>	Pascoe Durtanovich – Chief Executive Officer
<b>Attachments:</b>	None

**Summary:**

The Shire of Ravensthorpe, as the Screening Authority for Ravensthorpe Airport is required to provide Aviation Security Screening. Tender documents indicated the initial period for the supply of Aviation Security Screening was 36 months from 01 July, 2012, with the tender being awarded to MSS Security Pty Ltd ('MSS').

MSS has requested a review of the pricing schedule, which in accordance with the Tender contract was due for review after twelve months.

This report recommends amendment to the fee schedule, backdated to 1 November, 2013.

**Background:**

MSS has provided the aviation security screening function at Ravensthorpe Airport since 1 July, 2012. A tender agreement at that time set the payment schedule and included a clause that it be reviewed twelve months from commencement. The price was also subject to annual CPI increases.

MSS has incurred costs additional to the agreed fee through being unable to attract locally based staff; this required staff to be brought in from either Esperance or Albany to fulfil contractual obligations; however the additional costs were not passed onto the Shire of Ravensthorpe. Additionally, MSS did not pass on the CPI increase included in the contract nor did it review the rate at the expiration of the twelve month period.

MSS has been actively pursuing locally based staff and has now achieved the required staffing level of local personnel.

**Comment:**

The proposed cost structure for the service is outlined as follows:

STAFFING LEVEL	Current Rate	Current Rate + CPI	NEW Option A	NEW Option B	NEW Option C	NEW Option D	NEW Option E
	\$	\$	\$	\$	\$	\$	
4	769.63						
4		789.64					
3 EX Esperance			1222.46				
4 EX Esperance				1488.80			
2 EX Esperance 2 Local					1211.01		
2 EX Esperance 3 Local						1346.12	
4 Local							646.60.



The requested fee structure, when utilising Option E, clearly identifies savings for the Shire, over the previous and proposed rate scenarios.

Based on a CPI increase of 2.6% the rate from 1 July, 2014 should have increased to \$789.64 (ex GST) per flight (from \$769.63) – an increase of \$60.03 per week for three flights. An 18 week period to the end of October would have incurred additional screening costs of \$1080.54 had MSS passed on the CPI increase.

The difference between the accepted tender price for the period 1 November, 2013 to 14 February, 2014 and the proposed figure utilising staff ex Esperance would cost an approximate amount of \$25,000 - \$30,000.

Taking into account the new fee structure in place available from 14 February, 2014 – utilising local staff only – there would be a cost saving per flight of \$123.03 on the current rate. Extrapolating this saving to the end of the tender period, some 61 weeks, the saving over the current rate would be in the vicinity of \$22,514.49. Therefore at face value the deficit incurred for the November 2013 to February 2014 period would be nullified.

However it is anticipated that all charter flights will be screened from 1 July, 2014 presenting another scenario. On the presumption that one Fokker 50 Regular Passenger Transport flight would be deleted on Fridays, but replaced by two Fokker 100 jet services, there is a net increase of one flight per week. Adding the possible saving from an extra flight, there is a net saving of \$5,536.35.

During the period 1 July, 2012 to 31 October, 2013 MSS bore the over-tender costs associated with providing the service at Ravensthorpe. MSS has now recruited six residents of the shire who have been appropriately trained, including two who are cross-trained on baggage handling duties. The depth of locally-trained residents gives some assurance that there will be little or no requirement for MSS to source staff from outside the locality and therefore has no need to utilise one of the other pricing options.

**Consultation:**

Not applicable

**Statutory Obligations:**

Tender documents in relation to fee the fee structure review.

**Policy Implications:**

Nil

**Budget / Financial Implications:**

As outlined in this report.

**Strategic Implications:**

Adoption of the proposed fee schedule would have the effect of reducing outgoings for this service resulting in a more profitable airport operation.

**Sustainability Implications:**

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

**Voting Requirements:**

Absolute majority

**OFFICER RECOMMENDATION****ITEM 10.4.6**

1. That the following fee structure for the provision of Aviation Security Screening services at the Ravensthorpe Airport by MS Security be adopted.

<u>Ref:</u>	<u>Description</u>	<u>Fee \$/flight</u>
A	3 APOs - all ex Esperance (insufficient for 'good' service)	\$1,222.46
B	4 APOs - all ex Esperance	\$1,488.80
C	4 APOs - 2 ex Esperance, 2 local	\$1,211.01
D	5 APOs - 3 locals, 2 from Esperance (minimum - W/C risk)	\$1,346.12
E	4 APOs - all local	\$646.60

2. That the back payment for the period 1 November, 2013 to 14 February, 2014 be approved.

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

#### 14. CLOSURE OF MEETING – 6.10PM

These minutes were confirmed at the meeting of the \_\_\_\_\_

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

Date: \_\_\_\_\_