



MINUTES

For the Council Meeting held on

Thursday July 24, 2014

Commencing at 5 p.m.

In the Council Chambers, Ravensthorpe.

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE
ON 24 JULY 2014, COMMENCING AT 5PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.00pm – the presiding person, Cr Goldfinch, declared the meeting open.

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

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

STAFF: Ian Fitzgerald (Chief Executive Officer)
Keith White (Deputy Chief Executive Officer)
Darryn Watkins (Manager Engineering Services)
Portia Ridout (Executive Assistant)

APOLOGIES:
NIL

ON LEAVE OF ABSENCE:
NIL

ABSENT:
NIL

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

NIL

4. PUBLIC QUESTION TIME

NIL

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

NIL

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

NIL

7. CONFIRMATION OF MINUTES**7.1 COUNCIL MEETING – 21 JULY, 2014**

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 7.1
Moved: Cr Kelton	Seconded: Cr Dunlop
That the minutes of the meeting of council held on 21 July, 2014 be confirmed as a true and correct record of proceedings.	
Carried: 7/0	Res:118/14

8. SUSPENSION OF STANDING ORDERS

NIL

9. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS**9.1 ACKNOWLEDGEMENT OF RECEIVAL OF LETTER FROM THE PREMIER OF WESTERN AUSTRALIA THE HONOURABLE COLIN BARNETT MLA**

Cr Ian Goldfinch advised Council of a letter received from the Premier of Western Australia thanking the Shire for their assistance in the Fitzgerald River National Park Improvement Project.

10. REPORTS OF OFFICERS**10.1 DEPUTY CHIEF EXECUTIVE OFFICER****10.1.1 SCHEDULE OF ACCOUNT PAYMENTS – JUNE 2014****File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 11 July, 2014**Author:** Stacey Addis – Senior Finance Officer**Authorising Officer:** Keith White – Deputy Chief Executive Officer**Attachments:** Yes - Schedule of Payments to 30 June, 2014**Summary:**

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

Background:

FUND	PAYMENT	VOUCHERS	AMOUNTS
Municipal Account	EFTs	EFT2982- EFT3003	\$361,532.88
		EFT3044- EFT3059	
		EFT3063- EFT3083	
		EFT3085- EFT3107	
		EFT3109- EFT3116	
		EFT3119- EFT3120	
		EFT3122- EFT3143	
	Municipal Fund Cheques	38881-38951	\$225,796.34
	Bank Fees		\$259.96
Payroll	Dates	11/06/2014-25/06/2014	\$148,773.24
Municipal Account Total			\$736,362.42
Trust Account Payments	EFTs	EFT3031- EFT3043	\$26,478.95
		EFT3060- EFT3062	
		EFT3081, EFT3084, EFT3108, EFT3117	
		EFT3118, EFT3144	
	Trust Cheques	1253-1270	\$400.00
Grand Total			\$763,241.37

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 AND COUNCIL DECISION	ITEM 10.1.1
Moved: Cr Belli	Seconded: Cr Duncan
That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of June 2014, be noted.	
Carried: 7/0	Res: 119/14

10.1.2 REVIEW OF COUNCIL POLICY – F1 CREDIT CARDS AND FUEL CARDS

File Ref:	Policy Manual
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	15 July, 2014
Author:	Keith White – Deputy Chief Executive Officer
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	Yes – Updated Policy F1 – Credit and Fuel Cards

Summary:

The purpose of this item is to update Policy F1 – Credit Card and Fuel Cards.

Background:

The current policy is as follows

F 1 *Credit and Fuel Cards*

Policy Objective: *To provide details for the use, allocation, control and safe custody of corporate credit cards and fuel cards.*

Policy: *Policy Definitions*

“Credit Card” is defined as a facility allowing the cardholder to pay for goods and services on credit.

“Fuel Card” is defined as a facility allowing the cardholder to pay for fuel on credit.

“Business Expense” is defined as any expense necessary to the conduct of the business or is allowed under the terms of the employee’s contract of employment with the Shire or relevant Council policies.

“Personal Expense” is defined as any expense not of a business nature.

The following policy statements govern the issue and use of corporate credit cards.

- 1. Credit Cards may be issued to the following members of staff:*

- (a) *Chief Executive Officer.*
2. *The use of credit cards by employees is restricted to business expenses only. The credit card is to be used by the authority of the CEO. The use of corporate credit cards for any items of personal expenditure is expressly disallowed.*
 3. *Corporate credit cards are issued with a credit limit of \$5,000 as defined in the agreement with the provider of the credit card.*

The following policy statements govern the issue and use of fuel cards.

1. *Fuel Cards may be issued to the following members of staff:*
 - (a) *Chief Executive Officer*
 - (b) *Manager – Engineering Services*
 - (c) *Works Supervisor*
 - (d) *Building Maintenance Officer*
 - (e) *Ranger*
2. *Fuel cards may be issued to the following non-members of staff:*
 - (a) *Wild Dog Control Officer*
 - (b) *Doctor.*
3. *A fuel card may be issued for the use by Elected Members when using a Shire vehicle for official duties.*
4. *Fuel cards are available for the Shire pool vehicles and are to remain in the vehicle.*
5. *The use of fuel cards by employees is restricted to fuel purchases only.*
6. *The Chief Executive Officer is permitted to utilise his fuel card for his personal vehicle if it is impracticable to utilise the Shire provided vehicle.*

Policies are reviewed annually however some policies will be reviewed when circumstances change. The current policy does not allow for any Officer other than the Chief Executive Officer to hold a corporate credit card and the allocation of fuel cards in the policy does not represent the current situation.

Comment:

Administration has reviewed the Credit and Fuel Cards policy and following discussion with the Chief Executive Officer it is recommended to change the level of and number of corporate credit cards that can be issued. The policy has also been updated to reflect the true requirement for the allocation of fuel cards to support the current fleet of vehicles.

Council is finding that there are an increasing number of transactions being done over the internet and the only option is to pay for these via credit card. As the Shire only has one authorised officer it is increasingly more difficult to process these transactions with only one Shire credit card being available. It is recommended that the overall credit available be increased to \$20,000 and that the following Officers be allocated cards with the following limits.

(a) Chief Executive Officer	\$10,000
(b) Deputy Chief Executive Officer	\$ 5,000
(c) Manager Engineering Services	\$ 5,000

As per the policy only genuine business expenses are to be charged to the corporate credit card.

Consultation:

Consultation is not required for the policy review.

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

No impact as any expenditure paid for by credit card is within the current budget allowances.

Strategic Implications:

Nil

Sustainability Implications:

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

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.1.2
Moved: Cr Kelton	Seconded: Cr Dunlop
1. That the Policy F1 be amended to reflect the changes as detailed in Attachment 10.1.2.	
Carried: 7/0	Res: 120/14

10.2 MANAGER OF PLANNING AND DEVELOPMENT

10.2.1 PREPARATION AND INITIATION OF NEW LOCAL PLANNING SCHEME NO. 6

File Ref:**Applicant:**

Not applicable

Location:

Entire Shire area

Disclosure of Officer Interest:

None

Date:

10 July 2014

Author:

Craig Pursey, Planning Officer

Authorising Officer:

Ian Fitzgerald – Chief Executive Officer

Attachment:

Yes - Flowchart of new scheme/strategy processes from Department of Planning

Summary:

The Shire adopted the Local Planning Strategy review at their May 2014 meeting. The next stage in updating the planning framework for the Shire is to review Town Planning Scheme No.5.

Town Planning Scheme is over eleven years old and should ideally be reviewed every 5 years.

It is therefore recommended that Council formally resolve prepare Local Planning Scheme No.6 pursuant to Section 72 of the Planning and Development Act 2005 as the first step in this review.

Background:

The Council started the review of its Local Planning Strategy (20 year land use planning vision) in 2007, redrafting it four times in response to the opening, closure and reopening of the Nickel Mine. The Strategy has now been adopted for final approval by Council and forwarded to the Western Australian Planning Commission for final approval and gazettal.

The adoption of a Local Planning Strategy is a required precursor to the preparation of a new Local Planning Scheme (the Scheme).

The initiation of the new Scheme represents the first step in the process of preparing the new Local Planning Scheme. The new Scheme will replace existing Town Planning Scheme No. 5 which was gazetted on 11 July 2003 and is to be known as Local Planning Scheme No. 6 (LPS6). The new Scheme will cover the whole district of the Shire of Ravensthorpe.

Comment:

The existing Town Planning Scheme No. 5 has operated since being gazetted on 11 July 2003 and has been subject to some 27 proposed amendments over that time. As the Council has adopted a Local Planning Strategy that recommends a number of land use changes it is recommended that a new Local Planning scheme be prepared and adopted to enact the recommendations of the Strategy.

The table overleaf provides a summary of the processes/timelines for preparing the new local planning scheme:

No	Task	Estimated Timeline
1	Initiate preparation of draft Local Planning Scheme No. 6 and refer resolution/scheme area map to WA Planning Commission with proposed scheme objectives and scheme text format.	July 2014
2	WA Planning Commission considers documents and recommends any adjustments and comments on preparing new local planning scheme	August/September 2014
3	Local Government publishes resolution in Government Gazette and local newspaper and forwards copies to adjoining Local Governments and every State agency likely to be affected by the new local planning scheme with a request to forward any matters they wish to be considered by the Local Government.	September 2014
4	Local Government considers responses from adjoining Local Governments and State agencies.	October 2014
5	Staff prepare draft Local Planning Scheme No. 6 text/maps for the Local Government to consider/modify.	November 2014 to June 2015
6	Local Government adopts draft Local Planning Scheme No. 6 for consent to advertise and refers it to the Environmental Protection Authority for environmental assessment/clearance and Department of Planning/WA Planning Commission for endorsement/consent to advertise.	June 2015
7	Local Government receives advice from the Environmental Protection Authority that draft Local Planning Scheme No. 6 does not require formal assessment <i>(Note: If the EPA requires a formal assessment of draft LPS6 the timeframe can only be determined once the matters to be addressed have been considered by Local Government).</i>	August 2015
8	WA Planning Commission provides advice and suggested modifications on the draft Local Planning Scheme No. 6 for Local Government consideration.	December 2015
9	Local Government considers advice and suggested modifications from WA Planning Commission and adopts final draft Local Planning Scheme No. 6.	December 2015
10	Local Government forwards final draft Local Planning Scheme No. 6 to WA Planning Commission for consent to advertise for submissions.	January 2016
11	WA Planning Commission/Minister grant consent for the draft Local Planning Scheme No. 6 to be advertised for a minimum period of 3-months.	February 2016

No	Task	Estimated Timeline
12	Local Government undertakes consultations on the draft Local Planning Scheme No. 6.	February-April 2016
13	At the completion of the advertising period for submissions, the Local Government considers all submissions received and recommends any modifications required from the submissions and resolves to proceed, or not, with the new scheme.	April/May 2016
14	Local Government refers outcomes to the WA Planning Commission who consider the Local Government's response to submissions and any modifications recommended from the submissions and provides advice to Local Government on any modifications required for final approval of Local Planning Scheme No. 6.	May 2016
15	Local Government settles modifications with WA Planning Commission.	June 2016
16	Minister for Planning approves new Local Planning Scheme No., 6 with or without modifications and advises Local Government <i>(Note: If the Minister requires modifications and dependent on their nature, the timeframe can be expected to be extended by one month).</i>	July 2016
17	New Local Planning Scheme No. 6 gazetted and existing Town Planning Scheme No. 5 revoked.	July 2016

The information in the above table is shown graphically in the flowchart (see attachment) from the Department of Planning's Local Planning Manual. As can be seen from the above table, the process of preparing a new local planning scheme may take approximately 24-months and it is recommended that the Shire of Ravensthorpe start the process as soon as practicable.

The purpose of the new Local Planning Scheme No. 6 (taken from the Model Scheme Text) is to:

- (a) Set out the Local Government's planning aims for the scheme area;
- (b) Set aside land as reserves for public purposes;
- (c) Zone land within the scheme area for the purposes defined in the scheme;
- (d) Control and guide land use and development;
- (e) Set out procedures for the assessment and determination of planning applications;
- (f) Make provision for the administration and enforcement of the scheme; and
- (g) Address other matters contained in the Schedule 7 to the *Planning and Development Act 2005*.

Consultation:

The Local Government is required to undertake extensive consultations with the landowners, community and relevant government/non-government agencies during the preparation of a new local planning as set out in the Town Planning Regulations 1967.

Statutory Obligations:

The preparation and format of the new local planning scheme must comply with the requirements of the Planning and Development Act 2005 and Town Planning Regulations 1967. The scheme text is required to follow the Model Scheme Text (MST) format in the Town Planning Regulations 1967, which includes standard clauses and terms for use in all Local Planning Schemes prepared in Western Australia.

Policy Implications:

Nil

Budget / Financial Implications:

The majority of the work is budgeted to be undertaken in house. The cost of commencing the preparation of the new scheme is proposed to be \$10,000 which is budgeted within the 2014/15.

Strategic Implications:

The commencement of the new scheme will assist the Council achieve the outcomes of its Community Strategic Plan including:

4.2.1. High quality corporate governance, accountability and compliance

Sustainability Implications:

- **Environmental:**
Local Planning Scheme No.6 will address the environmental factors associated with land use and development.
- **Economic:**
Local Planning Scheme No.6 will address the economic factors associated with land use and development.
- **Social:**
Local Planning Scheme No.6 will address the social factors associated with land use and development.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.2.1
Moved: Cr Gairen	Seconded: Cr Norman
THAT with respect to the preparation of a new Planning Scheme, Council resolves:	
<ol style="list-style-type: none">1. In pursuance of Section 72 of the <i>Planning and Development Act 2005</i> to prepare the Shire of Ravensthorpe Local Planning Scheme No. 6 for the entire municipal area of the Shire Ravensthorpe, with Local Planning Scheme No.6 revoking Town Planning Scheme No.5 upon gazettal;2. That having regard to the Shire of Ravensthorpe Local Planning Strategy (2013), the purpose of Local Planning Scheme No.6 will be to modernise the statutory planning controls within the municipality, reflect current best practice with regard to land use planning and provide guidance for the future development of the municipality;3. That the anticipated format of Local Planning Scheme No.6 will be prepared having regard to the Model Scheme Text and the Shire of Ravensthorpe Local Planning Strategy (2013) and comprise of:<ol style="list-style-type: none">a) Scheme Text; andb) Scheme Maps.4. To authorise the Chief Executive Officer to complete and certify the Form No. 1A in Appendix A and refer the resolution to the Western Australian Planning Commission for comment.	
Carried: 7/0	Res: 121/14

10.2.2 STATE PLANNING POLICY 3.7 PLANNING FOR BUSHFIRE RISK MANAGEMENT

File Ref:	GR.SL.6
Applicant:	Western Australian Planning Commission
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	10 July, 2014
Author:	Craig Pursey - Planning Officer and Geoffrey Lush, Consultant
Authorising Officer:	Ian Fitzgerald - Chief Executive Officer
Attachments:	A: Draft State Planning Policy 3.7 B: Development Application flowchart C: BAL Setback Table

Summary:

This report is to consider the draft State Planning Policy 3.7 'Planning for Bushfire Risk Management' which has been advertised by the Western Australian Planning Commission.

In addition to the Policy it has been announced that the proposed State Bushfire Prone Mapping will be completed by November 2014 in the south west region. There will also be new Bushfire (Planning) Regulations in operation from May 2015. These will operate as part of the Town Planning Scheme and will be administered by Council.

While the general approach and provisions of the State Planning Policy are supported there are likely to be a number of issues with the implementation of the measures.

Background:

The State Government has released a new bushfire management framework which will consist of the following:

- SPP 3.7 Planning for Bushfire Risk Management – advertised until 25th July.
- Planning for Bushfire Risk Management Guidelines – advertised until 1st August.
- OBRM bushfire prone mapping specifications –released in June 2014.
- State bushfire prone maps – May 2015 (1st phase by November 2014).
- Bushfire (Planning) Regulations – May 2015.

Copies of these documents may be found at:

<http://www.planning.wa.gov.au/publications/7055.asp>

The draft State Planning Policy 3.7 Planning for Bushfire Risk Management (SPP 3.7) and the revised draft Planning for Bushfire Risk Management Guidelines have been prepared to strengthen bushfire risk management measures in the planning and development process. Specifically, the documents address the land use planning elements arising from the Keelty Inquiry into the Perth Hills Bushfire in February 2011.

The key measures in the framework are:

1. Elevating bushfire issues to be addressed in the highest level of planning policy available,
2. Emphasising the need to consider bushfire management measures in strategic level policy documents, and
3. Seeking to achieve the consistent implementation of bushfire risk management measures across the community.

SPP 3.7 Planning for Bushfire Risk Management

SPP 3.7 applies to all planning proposals located in bushfire-prone areas, including:

- regional planning schemes and amendments;
- sub-regional structure plans;
- local planning strategies;
- local planning schemes and amendments;
- district and local structure plans;
- subdivision applications; and
- development applications.

The key policy measures are summarised as follows:

1. Promoting that bushfire management be incorporated into the design of developments and subdivisions rather than as a condition of approval.
2. New development should provide the highest achievable level of protection from bushfire.
3. Responsible planning authorities should apply the 'precautionary principle' to all decision-making that potentially involves bushfire risk.
4. Proposals within identified bushfire-prone areas are to undertake a bushfire hazard assessment.
5. Proposals on land that has or will have a bushfire hazard level above "low" are to comply with the policy measures.
6. Any proposal in an area that has or will have an extreme bushfire hazard level, and/or requires construction standards of BAL-40 or BAL-FZ, shall not be supported unless it can be demonstrated that the risk can be reduced.
7. Any proposal in an area that has or will have a moderate bushfire hazard level, and where construction standards at or between BAL-12.5 and BAL-29 may apply, may be approved where it can be undertaken in accordance with policy measures.
8. Any planning proposal or development application to which this policy applies shall be accompanied by a Bushfire Management Plan prepared by a fire consultant.
9. Proposals with a BAL-40 or BAL-FZ rating shall only be supported if it is unavoidable development.
10. The decision-maker may require an independent assessment of the bushfire risk be undertaken by a fire consultant prior to a decision being made on any proposal.

11. Proposals for vulnerable or high-risk land uses in moderate bushfire hazard level areas shall not be supported unless they are accompanied by a Bushfire Management Plan.
12. The decision-maker may impose conditions on subdivision or development applications to address bushfire protection issues in accordance with the policy.

Bushfire Risk Management Guidelines

The revised guidelines are designed to supplement the objectives and policy measures established in SPP 3.7. They also provide an overview of the Western Australian planning process as it relates to bushfire protection.

The Guidelines address:

- The identification of bush fire prone areas;
- Assessing bushfire risk;
- Applying SPP3.7; and
- Roles and Responsibilities.

Bush fire prone land will be designated in three ways:

1. On the proposed State Bushfire-Prone Area Map;
2. if the land is identified on a local government bushfire map; or
3. If the land is not covered by (1) or (2), but is within 100 metres of an area of bushfire-prone vegetation equal to or greater than one hectare.

The Planning for Bushfire Risk Management Guidelines include the “Bushfire Protection Criteria.” These replace the current Planning for Bush Fire Protection Guidelines and contain the performance measures and acceptable solutions for development and subdivisions.

Element 1 Location

A1.1 Development – Development is not to be located in an extreme hazard area or require the use of BAL-40 or BAL-FZ construction standards.

Element 2 Siting and Design of Development

A2.1 Hazard separation zone in areas with a moderate hazard rating. May be reduced where AS3959 construction standards are applied.

A2.2 Building protection zone – 20m around dwellings.

A2.3 Hazard separation zone – fuel load requirements.

Element 3 Vehicular Access

A3.1 Two access routes required.

A3.2 Public roads construction specifications

A3.3 Cul-de-sac design criteria

A3.4 Battle axe design criteria

A3.5 Driveway design criteria

A3.6 Emergency access design criteria

- A3.7 Fire service access design criteria
- A3.8 Gates on emergency accessways design criteria
- A3.9 Signs on emergency accessways.

Element 4 Water

- A4.1 Hydrants in reticulated areas.
- A4.2 Non reticulated areas – alternative supplies.

The above are generally the same as the existing Guidelines with the exception that the current requirement for boundary firebreaks on land greater than 0.5 hectares in size has been omitted.

As the Bushfire Protection Criteria form part of the SPP the Planning Commission will be the custodian of the documents whereas the Planning Commission and Department of Fire and Emergency Services jointly administer the current Guidelines.

Bushfire Regulations

It proposed to introduce Regulations to “capture” any bush fire prone land not addressed in the mapping. Bush fire prone land will include any land within 100m of land with more than 1 hectare of “bush fire prone vegetation.”

These Regulations will be prepared under section 256 of the Planning and Development Act 2005. They will operate as part of the Local Planning Scheme and be administered by Council.

It is proposed that residential development in close proximity to “bush fire prone vegetation” will require a planning approval.

Comment:

While the immediate task is to consider and comment on the draft State Planning Policy (SPP) many of the issues relate to the other subsequent documents some of which are not currently available.

The key objectives and measures in the Policy have existed for some time but have not been the importance of a SPP. The integration of bushfire management issues into the early phases of the planning process is critical in providing a sustainable outcome.

Therefore, whilst the general principles in draft SPP3.7 are supported, some of details have potential to cause confusion, added administration time and costs and cause added costs and time delays for people wishing to construct housing.

Some of the issues with the draft SPP3.7 are explored in more detail below.

Bushfire Prone Land

The identification of bushfire prone land is the foundation element of the Policy. There are several different methods for doing this being:

- The generalized low, moderate and extreme hazard ratings in the Guidelines;
- The Bushfire Attack Level (BAL) rating under AS3959 Construction of Buildings in Bushfire Prone Areas; or
- Based upon the fuel loads found in the vegetation. Fuel loads relate the amount of fine fuel found close to ground level and is expressed as tonnes per hectare.

The proposed Regulations will refer to “bush fire prone vegetation” and this definition will be a critical factor in the operation of the Policy. It is assumed that this definition will be consistent with that used by OBRM for the State Bushfire Prone Area Map, but this has not been confirmed.

Within bushfire prone land it is proposed that:

- a) All dwellings will be required to be constructed in accordance with AS3959 Construction of Buildings in Bushfire Prone Land.
- b) All building applications must be accompanied by a BAL assessment. This is likely to apply in all the current Rural Conservation and Rural Small Holdings zones and potentially large parts of the Hopetoun and Ravensthorpe townsites. On any rural land it will be necessary for every application to be checked against the maps to determine if it is affected or not.

There has not been indication of whether building application fees will be increased to cover the additional administration costs to Council.

- c) All subdivision applications must be accompanied by a bushfire management plan. This will be a more significant issue for the development industry than it will be for Council. If the application demonstrates that the hazard will be removed i.e. by clearing then no bushfire management plan should be required.
- d) All scheme amendments or structure plans must be accompanied by a bushfire management plan. This is in order to ensure that appropriate fire management measures are incorporated into the design and any statutory provisions. However whenever the subdivision design is altered it will be necessary to modify the bushfire management plan which will create additional work and delays. Councils should be able to have some flexibility in the level of detail in a bushfire management plan and advise the Commission accordingly.
- e) Development applications must have a hazard assessment done. Any land with native vegetation is likely to at least have a moderate hazard rating. A formal hazard assessment will in many instances just be confirming / stating the obvious. Whereas the real issue is assessing the impact of the development and the associated risks.
- f) Development applications may be required to have a bushfire management plan prepared to support the application. This should be at Council’s discretion. Requiring a bushfire management plan to support non-compliant proposals is still likely to attract an objection from DFES. DFES are currently very poorly resourced to administer this with one officer handling the entire south west of the state at the moment.
- g) Irrespective of any existing Scheme provisions a planning application will be required for dwellings in areas with a BAL-40 or BAL-FZ rating. The determination of the BAL-40 or BAL-FZ rating will also be done through the BAL assessment process. This will

be required before any development application is lodged and may have implications for Council in relation to resources and budget.

There are number of issues relating to BAL assessments which are discussed in the following section.

In relation to (g) above the likely process for considering a development application is shown in Attachment B. There is an inherent contradiction between the Policy and the Regulations. While the Regulations might require a planning application for BAL-40 or BAL-FZ, the Policy has a strong presumption against this and any bushfire management plan which is submitted in support of this would not comply with the Bushfire Criteria. A non compliant bushfire management plan is unlikely to be supported by DFES.

It is not clear which agency (Council, DFES or WAPC) will be responsible for the approval of hazard assessments and bushfire management plans.

Bushfire Attack Levels (BALs)

AS3959 Construction of Building in Bush Fire Prone Areas provides measures for improving the ability of buildings to withstand burning debris, radiant heat and flame contact during a bush fire. The lower the separation distance from bushfire prone vegetation, the higher the standard of construction is required for building.

The Standard contains six Bushfire Attack Levels (BAL) categories as follows:

- | | |
|----------|---|
| BAL Low | The risk is considered to be very low and does not warrant any specific construction requirements. |
| BAL 12.5 | The risk is considered to be low but there is still a risk of ember attack. |
| BAL 19 | The risk is considered to be moderate. There is risk of ember attack and burning debris by wind borne embers and a likelihood of exposure to radiant heat. |
| BAL 29 | The risk is considered to be high. There is an increased risk of ember attack and burning debris by wind borne embers and a likelihood of exposure to an increased level of radiant heat. |
| BAL 40 | The risk is considered to be very high. |
| BAL FZ | The risk is considered to be extreme. |

Each BAL level corresponds to different construction requirements.

The BAL assessment is based upon the type of vegetation within 100m of the development and the slope relative to that vegetation. There are 28 vegetation types categorized as:

- A Forest;
- B Woodland;
- C Shrubland;
- D Scrub;
- E Mallee/Mulga;
- F Rainforest; and

G Grassland - unmanaged

The minimum development setbacks for the different BALs are shown in Attachment C. The minimum BAL setbacks will take priority over traditional boundary setbacks in the Planning Scheme.

Council will be responsible for the approval of the BAL assessment.

While a number of Councils are implementing BAL levels there are many issues arising in relation to these including:

- The BAL assessment is based upon the site conditions when the assessment is done i.e. this would normally be uncleared.
- The BAL assessment does not include any right to clear land which must be done through another approval processes.
- The BAL assessment is for 100m from the site and this will often extend into a neighbouring property where the applicant has no control over vegetation maintenance.
- An uncleared vacant lot within an existing estate may impose BALs on the adjoining land which are then extinguished once that land is developed. The neighbouring lots have had to incur additional construction standards and expenses which are then no longer required.
- Many of the BAL setbacks conflict with the requirement for a 20m BPZ.
- Can the BAL assessment have regard to Council's fire break notice and any potential BPZ requirements?
- Can the Planning Scheme, structure plan or development approval stipulate minimum or maximum BAL levels?

The majority of the existing fire management plans in the Shire already require the use of different BALs.

Accreditation of Fire Consultants

A major issue with the above proposals is that there is currently no accreditation scheme in operation in Western Australia for people preparing or approving BAL assessments; hazard assessments or bushfire management plans.

Fire Protection Association Australia (FPAA) administers the national accreditation scheme known as Bushfire Planning and Design (BPAD). It presently operates in the eastern states and the FPAA are negotiating the introduction of it in Western Australia.

While the SPP refers to fire consultants being accredited there is no such provision in relation to the Building Regulations. The FPAA is presently having discussions with the Building Commissioner regarding this.

It is highly likely that it will be difficult for developers in regional and remote areas to engage appropriately qualified people to conduct BAL assessments in the short term, slowing development and adding costs.

Bushfire Management Plans

Bushfire management plans are not assigned any statutory weight in the proposed reforms. They will remain as a technical document which supports a planning proposal or a development application.

This will raise a number of potential issues with the implementation of the recommendations within a bushfire management plan. Potentially:

- Design issues should be incorporated into the subdivision or development plan;
- Development provisions should be incorporated into the structure plan; amendment provisions; or as conditions of development approval.
- Subdivision conditions requiring a bushfire management plan will still lapse when the conditions are cleared.
- Some maintenance recommendations could be included in the Fire Break Notice.

It is likely that the above implementation will be piecemeal and confusing. Recommendations may easily be missed especially if there is no subsequent development approval.

A possible solution is to have a general reference to bushfire management plans in the Planning Scheme as occurs in some Schemes at present. Effectively the bushfire management plan would be adopted under the Scheme and its recommendations would have greater statutory weight.

The better alternative would be for the proposed Regulations to also address this and so avoid Councils having to individually amend their Scheme.

Property Maintenance

The maintenance of the vegetation in the BAL setback is a contentious issue. This setback may vary from between 20 – 100m and must be maintained as low threat vegetation. If this is not maintained then the BAL rating is no longer applicable and the safety of residents may be compromised.

There have been suggestions that Council's Ranger should be responsible for inspecting these in conjunction with inspections for the Fire Break Notice. It would be logistically difficult as neighbouring properties can have different BAL setbacks.

Other suggestions include:

- Requiring an inspection whenever a property is sold; or
- Requiring the landowner to have a regular audit done by a fire consultant.

While this may not form part of the current SPP, it will be an important issue for Council to monitor as it potentially has budgetary implications.

Housing Affordability

Large areas of the townsites in the Shire and all of the Rural Conservation and Rural Small Holdings areas are likely to be declared bushfire prone. Building to higher construction standards and preparing the additional documentation for building and planning applications will inevitably raise the cost of building a home raising issues of housing affordability.

“Unavoidable Development” and Environmental Objectives

The SPP addresses new zoning and subdivision well. It is anticipated that these will be reasonably easily administered through the new SPP. However, what is difficult will be the assessment of new housing in existing subdivisions.

SPP3.7 has an objective to *“achieve a responsible balanced approach between bushfire risk management measures and landscape amenity and biodiversity conservation objectives.”* SPP3.7 requires referral to environmental agencies where substantial clearing is proposed and referral to DFES where compliance with the policy is unlikely to be achieved (the policy currently states that development to BAL40 and FZ is unacceptable).

In existing subdivisions with steep topography, good quality (even endangered vegetation communities), visual management and landscape protection objectives it may not always be possible to avoid constructing to a BAL40 or FZ standard if a balance between the landscape and environmental qualities of the land is to be reached. This has the potential to lead to a situation where, for example:

- i) An application is lodged where the site conditions dictate that it is not possible to build to BAL29 and that BAL40 is required.
- ii) The SPP and Guidelines will require that a planning application be referral to DFES and DER.
- iii) DFES will refer to the SPP and recommend against approval as they are not required to assess landscape and environmental factors; only fire safety.
- iv) DER will undoubtedly recommend protection of the vegetation via an increase in the development standard.
- v) The local government is the decision maker but is left in a situation where they have to refuse development on the site or run contrary to either DFES or an environmental agency’s requirements/recommendations.
- vi) Local Government does not generally have the in-house expertise capable of making a decision on fire related matters. To approve it opens the local government to future repercussions in the event of a major fire event.

One solution is to either extend the definition of “Unavoidable Development” or make further comment on new housing in existing subdivisions.

Implications for Council

The implications to Council are summarized below.

1. Council will be required to review the draft State bush fire prone mapping within the municipality. It is then likely to become a party to any modification requests made by landowners to the Emergency Services Commissioner.
2. It is expected that the vegetated areas of the shire and land within 100m of this vegetation will be classified as being bush fire prone. This will require the checking of all building licence applications against the State bush fire prone mapping. Alternatively if the Regulations apply then this will have to be done by other means e.g. aerial photography.
3. The current building and planning application processes will need to be modified.
4. Potential need to include a fee for the approval of BAL assessments in its annual fees and charges.
5. That there is likely to be an increase in the number of planning applications once the Regulations are introduced in May 2015.
6. The potential for Council to have to review BAL assessments; hazard assessments and bushfire management plans may require additional staff training and resources.
7. The potential for Council to have to review hazard assessments and bushfire management plans may result in additional costs. If considered as a planning cost then Council can charge a fee for this.
8. Council may need to review its Fire Break Notice especially in relation to maintenance measures contained in bushfire management plans.
9. Council may need to prepare a planning/building policy in relation to Bushfire Attack Level classifications and associated issues. Especially as a BAL-40 or BAL-FZ rating will require a planning application under the Regulations.
10. Council will need to prepare a planning policy relating to the administration of the Policy in particular "unavoidable development."

Consultation:

State Planning Policy is on advertising until the 25 July 2014 (recently extended from the 4th July 2014). The policy and associated bushfire management framework have been on advertising for comment state-wide including 18 public meetings.

The Planning Officer attended a workshop in Albany on the 19 June 2014.

Statutory Obligations:

- Planning and Development Act 2005
- Building Act 2011

Policy Implications:

Council will have to review both building and planning policies.

Budget / Financial Implications:

The administration of the Policy, State bushfire prone mapping and Regulations are likely to result in additional costs to Council.

Strategic Implications:

Commenting upon a draft State Planning Policy aligns with Theme 4 "Civic Leadership" of the Strategic Community 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

Moved: Cr Norman

ITEM 10.2.2

Seconded: Cr Duncan

That Council,

- a) In relation to the draft SPP3.7 Planning for Bushfire Risk Management, Council submit the following comments to the Western Australian Planning Commission:
- b) That the general principles within the Policy are supported but there needs to be more information on the proposed Regulations.
- c) The uniform application of state wide regulations is very difficult and must recognise district variations and conditions.
- d) The classification of bushfire prone land in country towns will lead to lower housing affordability due to increased construction costs. The classification is based on the assumption that existing vegetation in townsites has environmental priority over housing whereas there should be greater recognition in environmental regulations and policies that this vegetation may need to be removed / managed for the protection of the townsite.
- e) The interchanging of terminology in the Policy / Guidelines with that in AS3959 is confusing especially in relation to the hazard ratings. For example a low hazard rating does not equate to a BAL Low rating.
- f) The classification of bushfire prone land is not clear in respect of planning proposals and development applications which may contain revegetation areas which will create the bushfire hazard where the vacant undeveloped land is not bushfire prone.
- g) Consideration should be given to the proposed Regulations providing a statutory recognition of approved bushfire management plans. Reliance on Council's Firebreak

Notice under Section 33 of the Bush Fires Act is considered to only provide a partial solution as it is restricted to those measures relating to fuel management.

- h) Clause 6.1 is redundant as the Hazard Assessment criteria in Appendix 2 of the Guidelines stipulate that any land with a low hazard rating within 100m of hazard vegetation (i.e. bushfire prone land) shall be classified as having a moderate hazard rating. Hence on bushfire prone land all planning proposals and development applications are required to comply with the Policy.
 - i) Clause 6.3 should highlight that the focus should be on what the hazard level will be on the developed site, rather than the undeveloped land.
 - j) Clause 6.6 requires more explanation regarding unavoidable development especially in relation to single dwellings on existing lots.
 - k) Clause 6.9 requiring DPaW comments structure plans, planning strategies etc which require land clearing is noted. As it can be expected that DPaW will normally object to such clearing or submit that it must be minimal, the Policy does not provide any guidance to Decision Maker as to how to resolve any such objection.
 - l) Serious concerns are raised with the level of resourcing available in the Department of Fire and Emergency Services in assessing Bushfire Management Plans and development applications that propose to apply performance criteria.
 - m) Additional clarification is required regarding how policy objective 5.4 is to be achieved, in relation to the involvement of emergency services and environmental agencies in assessment of proposals, and in particular how this may be achieved when considering new housing in existing environmentally sensitive subdivisions.
1. A copy of this report be provided to the Western Australian Planning Commission in support of the submission.

Carried: 7/0

Res: 122/14

**10.2.3 NATIONAL HERITAGE LIST ASSESSMENT - FITZGERALD RIVER-
RAVENSTHORPE RANGE**

File Ref:	GR.LR.11
Applicant:	Australian Heritage Council
Location:	Fitzgerald River- Ravensthorpe Range
Disclosure of Officer Interest:	None
Date:	11 July, 2014
Author:	Craig Pursey - Planning Officer
Authorising Officer:	Ian Fitzgerald - Chief Executive Officer
Attachments:	Yes - Australian Heritage Council referral & information sheet

Summary:

The Federal Government Department of Environment has written to Council seeking comment on a proposal to list the Fitzgerald River & Ravensthorpe Range area on the National Heritage List.

Any comment will be taken into account by the Australian Heritage Council and eventually the Minister for the Environment when making a decision on whether to list the area.

This report recommends that Council acknowledge the special nature of the area but raise concerns with listing potentially affecting the mining proposals in the area and access to raw materials for the Shire.

Background:

Council has received an invitation to comment on a proposal to list the Fitzgerald River & Ravensthorpe Range area on the National Heritage List. It is a part of a required consultation step in the assessment process. The information relevant to the referral is in the information sheet attached to this report. In summary:

The National Heritage List has been established to recognise places of outstanding heritage significance to Australia. It includes natural, historic and Indigenous places.

There are currently 100 places in the National Heritage List, including iconic landmarks such as Bondi Beach, Uluru Kata-Tjuta, the Great Barrier Reef and Port Arthur Historic Site.

The Council's preliminary assessment is that the place might meet National Heritage criteria for:

- **natural processes** relating to its diverse and endemic flora and fauna
- **representativeness** of the extraordinary richness of the south west Australian flora
- **community involvement** in natural resource Management

Places included in the National Heritage list are protected under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). This means that approval must be obtained before any action takes place that could have a significant impact on the National Heritage values of a listed place.

Comment:

The portion under consideration in the Shire of Ravensthorpe is a large area running through the middle of the Shire that includes:

- i) A portion of the Fitzgerald River National Park;
- ii) The Ravensthorpe Ranges running broadly north-south through the eastern portion of the Shire (consisting largely of Unallocated Crown Land); and
- iii) All UCL and reserve land that interconnects the two areas.

See the attached referral for more information and a plan of the proposed area to be listed.

The privately owned land and Shire managed reserves within the nominated area appears to have been deliberately excluded.

The implications for the Shire of Ravensthorpe in terms of affecting development potential of the nominated area would be that any major development proposal within the listed area would require referral under the EPBC Act for assessment against its impact on the heritage listed values of the area.

Most of the area in question is part of the National Park, managed by DPAW/DPI or is UCL and unlikely to be developed in a manner that would be contrary to the purpose of the National Listing in any case.

The National Heritage Listing of this area may have benefits for the Shire including:

- Increasing the profile of this area domestically and internationally with potential increases in tourism; and
- It would provide additional protection for the natural features of the area that already attract people to the district.

Its listing would be consistent with the Biosphere listing and the Shire's Community Strategic Plan.

However, balancing the tourism and environmental benefits is the fact that large areas recommended for listing are covered by existing mining tenements. Listing on the national heritage list would be likely to add another formal layer of assessment to any mining proposal in the Shire, potentially making a mine a less viable or attractive proposition.

Additionally, there is a small risk that this area would not be available to the Shire for extraction of raw materials for road construction.

Consultation:

Council is being consulted as part of a requirement of the Environment Protection and Biodiversity Act 1999.

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

No direct financial benefits but additional exposure may bring increased tourism.

The heritage listing may make it more difficult to approve mining in the Ravensthorpe Ranges.

Strategic Implications:

Commenting upon a national Heritage Listing proposal aligns with Theme 4 "Civic Leadership" of the Strategic Community Plan.

Sustainability Implications:

- **Environmental:**
Briefly addressed in the body of this report.
- **Economic:**
Briefly addressed in the body of this report.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION

ITEM 10.2.3

THAT Council support the inclusion of the Fitzgerald River & Ravensthorpe Range area on the National Heritage List but raise the following concerns:

- Limitations on mining and the potential effect on the local economy
- Any limitations on access to raw materials for road construction.

Motion lapsed due to the lack of a mover and seconder

10.3 MANAGER OF ENGINEERING SERVICES
NIL**10.4 CHIEF EXECUTIVE OFFICER****10.4.1 FIRE CONTROL OFFICERS – NORTH RAVENSTHORPE BRIGADE****File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 8 July, 2014**Author:** Steve McGuire – Manager Airport & Compliance**Authorising Officer:** Ian Fitzgerald – Chief Executive Officer**Attachments:** None

Summary:

This item recommends that Council approve the appointment of Mr Kye Chambers and Mr Chad Tuckett as Fire Control Officers for the North Ravensthorpe Brigade.

Background:

The Chief Bush Fire Control Officer, Mr Rodney Daw has endeavoured to obtain the services of two qualified and efficient members of the brigade to take on the role of Fire Control Officer for the North Ravensthorpe Brigade. The lack of qualified personnel in the past has placed an additional burden on Mr Daw and other FCOs in the district. This matter has been an ongoing process that Mr Daw has pursued with some vigour as responsible officers are required to manage the issue of Permits to Burn, bush fire outbreaks and the brigade management in general.

Comment:

Nil

Consultation:

Nil

Statutory Obligations:

Nil

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 AND COUNCIL DECISION	ITEM 10.4.1
Moved: Cr Norman	Seconded: Cr Kelton
That Council approve the nomination of Mr Kye Chambers and Mr Chad Tuckett as Fire Control Officers within the Shire of Ravensthorpe.	
Carried: 7/0	Res: 123/14

10.4.2 FEASIBILITY STUDY – STARVATION BAY**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	15 July, 2014
Author:	Ian Fitzgerald – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Project Report (Final)

Summary:

The final report of the Starvation Bay Boat Ramp Launching Facility has now been received. The report has been accepted by the Department of Transport – Phase 1 only.

This report recommends the report be received and no further action taken.

Background:

A boat ramp structure was constructed at Starvation Bay in 2005, with further modifications in 2007. In 2009 the construction was determined to be inadequate in design and hence safety and was subsequently removed.

Boats are now launched from the beach and with swimming lessons being held at the location during the peak tourist season boat launching is limited to avoid conflict with beach users.

A number of Shire strategic planning documents refer to the need for an investigation into the possibility and feasibility of providing a boat launching facility at Starvation Bay.

With the advent of funding availability under the Recreation Boating Facilities Scheme BMT JFA Consultants Pty Ltd were appointed to undertake the feasibility study.

The study involved the following :-

- A. Feasibility Study Phase 1 involved the completion of the following tasks:
 - Collate relevant information from design reports and studies, metocean data, topographic and hydrographic surveys;
 - Review available design wave and ambient wave data for the site;
 - Review existing design criteria and provide recommendations;
 - Develop a concept layout for the ramp;
 - Produce a preliminary cost estimate based on in-house cost rates;
 - Undertake desktop review of the likely environmental impacts; and
 - Prepare a feasibility study report.

Comment:

A copy of the Final Phase 1 report is attached. The majority of the report deals with technical issues and data collection, these aspects are more an area that the Department of Transport has passed comment on and accepted.

From Council's point of view the main issue is the estimated cost and funding for the project, should it proceed to construction.

The cost estimate of \$2M seems excessive, particularly in the areas of mobilisation, demobilisation and contingencies.

Whilst this project is identified in the Shire of Ravensthorpe Tourism Strategy it is not in the Shires Forward Capital Works Plan. Council may consider amending the Capital Works Plan to include the project however given other capital works priorities already committed to the shire is not in a position to contribute funds to the project although it may be in a position to undertake some of the construction aspects, such as the carpark, should the project proceed to that stage.

Funds allocated to this project through the Recreation Boating Facilities Scheme \$60,000 and shire \$20,000 will cover both Phase 1 and Phase 2 of the study.

Consultation:

The Strategic Planning documents that identify the need for an investigation into the provision of a boat launching facility at Starvation Bay were prepared with intensive public consultation.

Statutory Obligations:

Completion of the project will have to be in accordance with the Recreational Boating Facilities Scheme Funding Agreement that the Shire has entered into.

Policy Implications:

Nil

Budget / Financial Implications:

The total cost of the project is \$80,000. Grant funding of \$60,000 has been received. Under the funding guidelines the Shire of Ravensthorpe's contribution is 25% (\$20,000) this was included in the 2012/2013 Budget. To date some \$37,000 has been expended and Council will need to recoup an agreed contribution from the Department of Transport especially if Phase 2 does not proceed.

Strategic Implications:

In 2008 the New Coastal Asset Branch of the Development for Planning and Infrastructure undertook a study to develop reference document DPI Report No. 454, *Goldfields-Esperance region, Public Recreational Boating Facilities (2008)*. This report noted

- The Starvation Bay ramp is subject to adverse weather conditions so an investigation into improving the shelter at this site should be considered.

- The need for a ramp was reconfirmed and supported by the *Shire of Ravensthorpe Coastal Management Plan 2011-2021* prepared in March 2011.

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“It is considered prudent that the Shire investigate further the possibility of constructing a boat ramp at the location. This will require consultation with the community in order to determine the demand and the most appropriate location. An engineer will also be required to oversee the location and construction of the boat ramp.”

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Starvation Boat harbour Recommendations

“S4-11. Investigate the possibility of establishing a formal boat ramp at Starvation Boat Harbour. The exact location will need to be determined based on engineering investigations and community consultation.”

Sustainability Implications:

- **Environmental:**
The feasibility study will identify and environmental implications.
- **Economic:**
Potential for increased tourist activity.
- **Social:**
The provision of additional facilities at Starvation Bay will increase recreational opportunities for locals and visitors.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION	ITEM 10.4.2
That:-	
1) The Feasibility Study on Starvation Bay Boat Ramp, Phase 1 dated July, 2014 be received.	
2) No further action be taken at this time.	

COUNCIL DECISION	ITEM 10.4.2
Moved: Cr Goldfinch	Seconded: Cr Duncan
That:-	
1) The Feasibility Study on Starvation Bay Boat Ramp, Phase 1 dated July, 2014 be received.	
2) No further action be taken.	
3) The Shire of Ravensthorpe recover the agreed funds from Department of Transport for the cost of preparing the Feasibility Study.	
Carried: 7/0	Res: 124/14

10.4.3 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

File Ref:	Personnel Files
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	15 July, 2014
Author:	Ian Fitzgerald – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

Summary:

As Council is aware the Chief Executive Officer had pre-arranged holiday arrangements prior to his appointment to the Shire of Ravensthorpe and will absent for 4 weeks in late July - August 2014.

Council is required to appoint an Acting Chief Executive Officer for the period 28th July 2014 to 22nd August, 2014 inclusive.

Background:

Nil.

Comment:

The Chief Executive Officer will be on leave for the period 28th July to 22nd August 2014 and Council is required to appoint an Acting Chief Executive Officer for this period.

The Deputy Chief Executive Officer has previously acted as Chief Executive Officer whilst employed by other local governments and is willing to take on the role for the 4 week period. Discussions have been held with an experienced local government contractor who may be in a position to provide some assistance with the end of financial year processes to take some pressure off the Acting Chief Executive Officer during the period in question, but this has yet to be confirmed.

Consultation:

Not applicable.

Statutory Obligations:

Section 5.36 (1) (2) 23(2)(e) Local Government Act 1995 relates to the appointment of a Chief Executive Officer.

Policy Implications:

Nil.

Budget / Financial Implications:

Funding has been included in the current budget for the appointment of and Acting Chief Executive Officer.

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 AND COUNCIL DECISION	ITEM 10.4.3
Moved: Cr Kelton	Seconded: Cr Duncan
That Mr Keith White be appointed Acting Chief Executive Officer for the period 28th July 2014 to 22nd August 2014 with a cash salary equivalent to 85% of the Chief Executive Officer's cash salary.	
Carried by absolute majority: 7/0	Res: 125/14

10.4.4 RFT 1/2014 – HOPETOUN COMMUNITY CENTRE CONSTRUCTION

File Ref:	Tender Register
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	16 July, 2014
Author:	Ian Fitzgerald – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes - H+H Tender Evaluation Report provided to Councillors under separate cover

Summary:

Tenders have been called for the construction of the Hopetoun Community Centre. In all 13 compliant tenders were received and have been assessed. This report recommends that the preferred tender as recommended by H+H Architects is adopted by Council.

Background:

Council has been working on developing suitable plans for a new Hopetoun Community Centre for a number of years and has secured a range of funding arrangements for the proposed project.

Comment:

Tenders were invited for the construction of the Hopetoun Community Centre.

At the close of the date of 8 July, 2014 a total of 13 tenders were received.

Qualitative criteria set for the request for tender were:

Relevant Experience	-	Weighting 10%
Personnel and Experience	-	Weighting 10%
Resources	-	Weighting 10%
Demonstrated Understanding	-	Weighting 5%
Cost	-	Weighting 65%

The rating scale was 0 to 10. The attached report details the evaluation of the tenders by the assessment panel. The panel was made up of Tom Stevens, Director of H+H Architects and Chief Executive Officer Ian Fitzgerald.

The Shire is under no obligation to accept and tender.

Consultation:

Consultation was held with out-going Chief Executive Officer Pascoe Durtanovich and Tom Stevens from H+H Architects. Statutory advertising was undertaken by adverts placed in the West Australian newspaper.

Statutory Obligations:

Section 3.75 (1) of the Local Government Act 1995 requires a Local Government to invite tenders before it enters into a contract of a prescribed kind. Part 4 of the Local Government (Functions and General) Regulations 1996 (Regulation 11) states that tenders are required for projects worth more than \$100,000.

Policy Implications:

The successful tender is to comply with all relevant Council Policies. The Shires Regional Price Preference is relevant to the assessment and weighting criteria and was used in the assessment process.

Budget / Financial Implications:

The recommended tender is within the budget set by Council and external funding has been secured to assist in financing the project.

Strategic Implications:

The construction of the Hopetoun Community Centre meets Outcome 3.5 of the Strategic Community Plan (Provision of Recreation and Community Resource) and is one of the Planned Capital Projects outlined in the Councils Corporate Business 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:

Absolute majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.4.4
Moved: Cr Duncan	Seconded: Cr Dunlop
That Council adopt the Assessment Panel's recommendation and award the tender for the construction of the Hopetoun Community Centre to Wauters Enterprises for \$4,111,833 GST inclusive.	
Carried by absolute majority: 7/0	Res: 126/14

**11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
NIL**

12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

**12.1 ELECTED MEMBERS
NIL**

12.2 OFFICERS

COUNCIL DECISION	ITEM 12.2
Moved: Cr Belli	Seconded: Kelton
That the late item 12.2.1 be dealt with at this meeting due to the fact that the formal consultation period closed on the 18 July, 2014 and the Department of Environment have agreed to accept a late submission by 25 July, 2014.	
Carried: 7/0	Res: 127/14

12.2.1 LATE ITEM - NATIONAL HERITAGE LIST ASSESSMENT - FITZGERALD RIVER-RAVENSTHORPE RANGE**12.2.1 NATIONAL HERITAGE LIST ASSESSMENT - FITZGERALD RIVER-RAVENSTHORPE RANGE**

File Ref:	GR.LR.11
Applicant:	Australian Heritage Council
Location:	Fitzgerald River- Ravensthorpe Range
Disclosure of Officer Interest:	None
Date:	22 July, 2014
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Ian Fitzgerald, Chief Executive Officer
Attachments:	

- A. Australian Heritage Council referral & information sheet
- B. Additional Information on Heritage Listing and relevant Act
- C. Place details from the Heritage Listing nomination
- D. Previous correspondence from Stuart Taylor, CEO (2007)
- E. Significant Impact Guidelines extract

Summary:

The Federal Government Department of Environment has written to Council seeking comment on a proposal to list the Fitzgerald River & Ravensthorpe Range area on the National Heritage List (attachment A).

Any comment will be taken into account by the Australian Heritage Council and eventually the Minister for the Environment when making a decision on whether to list the area.

This report recommends that Council support the listing of the Fitzgerald River national Park but not the Ravensthorpe ranges and land between raising concerns with listing potentially affecting the use and enjoyment of the Ranges for the wider community.

Background:

The Fitzgerald River & Ravensthorpe Range was originally nominated for listing on the National Heritage List in 2007. The proposal to list was referred to the Shire in October 2007 and the Shire of Ravensthorpe responded in a letter from the CEO at the time, Mr Stuart Taylor (as attached). This letter made the following points:

- The Council supports the listing of the Fitzgerald River National park but does not support the listing of the Ravensthorpe Range and surrounding UCL;
- In general the Ravensthorpe community understands the value of the Range and has enjoyed the use of this area for over 100 years and to date has not undertaken any activity that would threaten the future of this area;
- Management of this area was sought by the Shire in the past but refused. It was recommended that this area be managed by CALM (*now DPAW*) but the Shire did not support this as it may result in the area being listed as a nature reserve and people may be excluded;
- Council understand management of this area is important and is preparing a Dieback Management Plan for the area with South Coast NRM;
- That communities should be trusted to recognise the value of an area without holding an environmental qualification. The general community does not want to be excluded from this area as a result of its potential listing as has occurred in the Fitzgerald River National Park;
- It is of concern that Heritage Listing of these areas will provide the impetus to reserve the land and exclude the community from enjoying these areas; and
- The local community should be trusted to understand the environmental impact and ensure the ongoing management of this area.

A full copy of this letter is attached to this report at Attachment D.

Following Council's letter of 2007 the Australian Heritage Council informed the Shire that it had progressed its assessment and believed that the area may have one or more 'National Heritage' values. The area was placed onto a priority list for consideration which is only now being formally considered.

The current letter is the last formal invitation to provide comment on the proposed Heritage Listing before consideration by the Minister for Environment. Although the formal consultation period enclosed on the 18th July the Department of Environment have indicated that they are prepared to receive a submission as late as 25th July 2014.

Council has received an invitation to comment on a proposal to list the Fitzgerald River & Ravensthorpe Range area on the National Heritage List. It is a part of a required consultation step in the assessment process. The information relevant to the referral is in the information sheet attached to this report. In summary:

The National Heritage List has been established to recognise places of outstanding heritage significance to Australia. It includes natural, historic and Indigenous places.

There are currently 100 places in the National Heritage List, including iconic landmarks such as Bondi Beach, Uluru Kata-Tjuta, the Great Barrier Reef and Port Arthur Historic Site.

The Council's preliminary assessment is that the place might meet National Heritage criteria for:

- **natural processes** relating to its diverse and endemic flora and fauna
- **representativeness** of the extraordinary richness of the south west Australian flora
- **community involvement** in natural resource Management

Places included in the National Heritage list are protected under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). This means that approval must be obtained before any action takes place that could have a significant impact on the National Heritage values of a listed place.

The place information on the nomination is attached to this report (attachment C).

Comment:

The portion under consideration in the Shire of Ravensthorpe is a large area running through the middle of the Shire that includes:

- iv) A portion of the Fitzgerald River National Park;
- v) The Ravensthorpe Ranges running broadly north-south through the eastern portion of the Shire (consisting largely of Unallocated Crown Land); and
- vi) All UCL and reserve land that interconnects the two areas.

See the attached referral for more information and a plan of the proposed area to be listed (attachment B).

The privately owned land and Shire managed reserves within the nominated area appear to have been deliberately excluded.

Most of the area in question is part of the National Park, managed by DPAW/DPI or is UCL and unlikely to be developed in a manner that would be contrary to the purpose of the National Listing in any case.

Positive Implications of Listing

The National Heritage Listing of this area may have benefits for the Shire including:

- Increasing the profile of this area domestically and internationally with potential increases in tourism; and
- It would provide additional protection for the natural features of the area that already attract people to the district.

Its listing would be consistent with the Biosphere listing and the Shire's Community Strategic Plan.

Negative Implications of Listing

However, balancing the tourism and environmental benefits is the fact that some areas recommended for listing are covered by existing mining tenements (staff have double checked on the DMP database). Listing on the national heritage list would be likely to add another formal layer of assessment to any mining proposal in the Shire, potentially making a mine a less viable or attractive proposition. On the other hand, the environmental values that have led to the nomination of the area will still need to be addressed as part of any mining proposal regardless of Heritage Listing.

The implications for the Shire of Ravensthorpe in terms of affecting development potential of the nominated area would be that any development proposal or 'action' within the listed area that was determined to have a "***significant impact on biological and ecological values***" would require referral under the EPBC Act for assessment against its impact on the heritage listed values of the area.

The Minister for Environment would make a determination on any such proposal, making one of the following determinations:

- (i) The action is not “significant”;
- (ii) Approval;
- (iii) Approval with conditions; or
- (iv) Refusal

An information sheet on what would constitute a “**significant impact**” is attached, the information sheet summarises a significant action as follows:

An action is likely to have a significant impact on the National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause:

- *one or more of the National Heritage values to be lost*
- *one or more of the National Heritage values to be degraded or damaged, or*
- *one or more of the National Heritage values to be notably altered, modified, obscured or diminished.*

The description and examples in the information sheet remain broad and open to interpretation.

In discussions with Department of Environment staff existing uses such as 4WD club activity and other recreational uses would not be considered to have a “significant impact”. However, it is unclear whether proposals to mine, extract raw materials, or conduct extensive fire management measures that would use clearing would be considered ‘significant’.

One issue dealt with in Stuart Taylor’s letter in 2007 remains relevant. Listing on the National Heritage List may give any proposal to place the ranges in a National Park or other conservation reservation additional weight.

Lastly, it is unknown who nominated the place, this is confidential information.

It is stressed that the Shire’s comment only is being sought and the decision will be made by the Minister for Environment. Therefore the Council should raise any concerns they have at this stage in the process.

Consultation:

Council is being consulted as part of a requirement of the Environment Protection and Biodiversity Act 1999.

This Department of Environment considers that the consultation period for the proposed listing started in 2007 and they are only now getting into a position where they can progress the assessment. Therefore they consider the consultation period provided to be adequate.

The previously sent response in 2007 will be considered by the Minister of Environment as well as any further comment the Council wishes to make.

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

No direct financial benefits but additional exposure may bring increased tourism.

The heritage listing may make it more difficult to approve mining in the Ravensthorpe Ranges.

Strategic Implications:

Commenting upon a National Heritage Listing proposal aligns with Theme 4 "Civic Leadership" of the Strategic Community Plan.

Sustainability Implications:

- **Environmental:**
Briefly addressed in the body of this report.
- **Economic:**
Briefly addressed in the body of this report.
- **Social:**
The area has been enjoyed by the Ravensthorpe community for a considerable time and the listing may have potential to reduce access to this area by being a precursor to its reservation and further management

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION

ITEM 12.2.1

THAT Council,

1. Support and reiterate the issues raised in Council's letter of November 2007 and a copy be forwarded to the National Heritage Council for consideration;
2. Recognises that although there are likely to be tourism benefits from the proposed Heritage Listing, including any area outside of the Fitzgerald River National Park on the National Heritage List is not supported for the following reasons:
 - Potential limitations on mining proposals and the resultant effect on the local economy;
 - Potential limitations on access to raw materials for road construction;
 - That listing may be a precursor to further reservation and restrictions to access to the Ravensthorpe Ranges for the general community;
 - Necessary fire management measures such as winter burning and clearing strategic fire breaks may become more difficult and complicated;
 - The Listing would encumber the area with another layer of bureaucracy for any proposals to utilise the area;
 - Listing the Fitzgerald River National Park alone would suffice to increase the national and international exposure of the area and therefore tourism benefits to the local economy; and
 - That the area is currently adequately respected for its environmental and recreational qualities by the Ravensthorpe community without necessitating further federal controls.

COUNCIL DECISION

Moved: Cr Kelton

ITEM 12.2.1

Seconded: Cr Belli

THAT Council,

1. Support and reiterate the issues raised in Council's letter of November 2007 and a copy be forwarded to the National Heritage Council for consideration;
2. Recognises that although there are likely to be tourism benefits from the proposed Heritage Listing, including any area outside of the Fitzgerald River National Park on the National Heritage List is not supported for the following reasons:
 - Potential limitations on mining proposals and the resultant effect on the local economy;
 - Potential limitations on access to raw materials for road construction;
 - That listing may be a precursor to further reservation and restrictions to access to the Ravensthorpe Ranges for the general community;
 - Necessary fire management measures such as winter burning and clearing strategic fire breaks may become more difficult and complicated;
 - The Listing would encumber the area with another layer of bureaucracy for any proposals to utilise the area;
 - Listing the Fitzgerald River National Park alone would suffice to increase the national and international exposure of the area and therefore tourism benefits to the local economy; and
 - That the area is currently adequately respected for its environmental and recreational qualities by the Ravensthorpe community without necessitating further federal controls.
3. Council does not wish to comment on land that falls outside the jurisdiction of the Shire of Ravensthorpe.

Carried: 7/0

Res: 128/14

13. MATTERS BEHIND CLOSED DOORS

14. CLOSURE OF MEETING – 5.25PM

These minutes were confirmed at the meeting of the _____

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

Date: _____