

MINUTES

For the Council Meeting held on

Thursday 18th February 2016

Commencing at 5.02 p.m.

In the Meeting Room, Hopetoun Community Centre

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE
ON 18 FEBRUARY 2016, COMMENCING AT 5.02PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.02pm – the presiding person, Cr Dunlop, declared the meeting open.

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS: Cr Keith Dunlop (Shire President)
Cr Angela Kelton (Deputy Shire President)
Cr Sharyn Gairen
Cr Ian Goldfinch
Cr Ken Norman
Cr Peter Smith

STAFF: Ian Fitzgerald (Chief Executive Officer)
Jenny Goodbourn (Manager Corporate & Community Services)
Darryn Watkins (Manager Engineering Services)

APOLOGIES: Cr Kerry Dickinson

ON LEAVE OF ABSENCE:

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

COUNCIL DECISION	ITEM 5.1
Moved: Cr Kelton	Seconded: Cr Gairen
That Councillors P Smith and I Goldfinch be granted Leave of Absence for March 2016 Council meetings.	
Carried: 6/0	Res: 1/16

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

NIL

7. CONFIRMATION OF MINUTES

7.1 COUNCIL MEETING – 17 DECEMBER 2015

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 7.1
Moved: Cr Goldfinch	Seconded: Cr Smith
That the minutes of the meeting of council held on 17 December, 2015 be confirmed as a true and correct record of proceedings.	
Carried: 6/0	Res: 2/16

8. SUSPENSION OF STANDING ORDERS

NIL

9. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS

NIL

UNCONFIRMED

10. REPORTS OF OFFICERS

10.1 MANAGER OF CORPORATE & COMMUNITY SERVICES

10.1.1 MONTHLY FINANCIAL REPORT – 31 DECEMBER 2015 & 31 JANUARY 2016

File Ref:

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: None

Date: 05 February 2016

Author: Jenny Goodbourn – Acting Manager of Corporate & Community Services

Authorising Officer: Not applicable

Attachments: Yes – Monthly Financial Report–January 2016
Monthly Financial Report – December 2015

Summary:

This report presents the monthly financial reports for December 2015 & January 2016 to Council which are provided as an attachment to the agenda. The recommendation is to receive the December & January monthly financial reports. As there was no January meeting both reports are presented to the February meeting of council.

Background:

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

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

Comment:

To provide timely financial information to the Council this report is based on the 2015/2016 Budget adopted by Council on 20 August 2015. The report contains the budget amounts, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the draft budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

Consultation:

Council Financial Records

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

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.1.1
Moved: Cr Goldfinch	Seconded: Cr Smith
That Council receive the Monthly Financial Reports for the period ending 31 December 2015 and 31 January 2016 in accordance with Section 6.4 of the Local Government Act 1995.	
Carried: 6/0	Res: 3/16

UNCONFIRMED

10.1.2 SCHEDULE OF ACCOUNT PAYMENTS – DECEMBER 2015 & JANUARY 2016

File Ref:

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: None

Date: 31st January, 2016

Author: Ashleigh Stade – Creditors/Payroll Officer

Authorising Officer: Jenny Goodbourn, Acting Manager Corporate & Community Services

Attachments: Schedule of Payments to 31st December, 2015
Schedule of Payments to 31st January, 2016
Credit Card Transactions to 25th December, 2015
Credit Card Transactions to 25th January, 2016

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:

31st December 2015

FUND	PAYMENT	VOUCHERS	AMOUNTS
Municipal Account	EFTs	EFT5021-EFT5122	\$740,669.88
	Municipal Fund Cheques	39940-39996	\$98,187.51
Payroll	Dates	09/12/2015 23/12/2015	\$183,710.36
Bank Fees			\$368.52
Municipal Account Total			\$1,022,936.27
Shire Credit Card Facility	Westpac VISA	26/10/2015-25/11/2015	\$6,208.62
Trust Account Payments	EFTs	EFT5018-EFT5123	\$21,199.90
	Cheques	1344-1349	\$1,140.00
Grand Total			\$1,051,484.79

31st January 2016

FUND	PAYMENT	VOUCHERS	AMOUNTS
Municipal Account	EFTs	EFT5124-EFT5243	\$781,063.99
		39997- 40060	\$115,566.10
	Municipal Fund Cheques		
Payroll	Dates	06/01/2016 20/01/2016	\$231,241.67
Bank Fees			\$669.79
Municipal Account Total			\$1,128,541.55
Shire Credit Card Facility	Westpac VISA	26/12/2015- 25/01/2016	\$7,973.35
Trust Account Payments	EFTs	EFT5244	\$16,567.25
Grand Total			\$1,153,082.15

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 10.1.2
Moved: Cr Gairen	Seconded: Cr Kelton
That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the months of December 2015 and January 2016, be noted.	
Carried: 6/0	Res: 4/16

10.1.3 RAVENSTHORPE ENTERTAINMENT CENTRE – TAVERN LICENCE

File Ref:

Applicant:	N/A
Location:	N/A
Disclosure of Officer Interest:	None
Date:	6 th February 2015
Author:	Jenny Goodbourn - AMCCS
Authorising Officer:	Ian Fitzgerald - CEO
Attachments:	No

Summary:

Following many previous discussions regarding the restricted Tavern Licence held by the Shire of Ravensthorpe for the Ravensthorpe Entertainment Centre it is now proposed that the time has come to surrender the licence and for the shire to move away from the provision of a licenced area at the entertainment centre.

Background

Over the past months we have been looking into the restrictions of the Tavern licence and the need to have an approved bar manager on site – even when the bar is not open for business, if anyone is using the function room or anywhere within the designated licenced area at the Ravensthorpe Entertainment Centre. There have also been issues with who can use the kitchen – anyone so doing having to enter into a profit sharing agreement and be approved by the department of Racing Gamin & Liquor.

All of this is making the operation difficult for the shire and is preventing many of the opportunities it was envisaged having such a licence would offer.

In 2009 when the shire applied for a licence they were advised to apply for a tavern licence as it was proposed to have weekly events, meals, sporting fixtures and a lot of activity within the centre. Unfortunately over the following years this usage has not developed. There have been numerous attempts to get things going - often being well supported for the first couple of weeks but then tailing off.

With the declining population, less down time for farmers and family unfriendly shifts at the mine it is becoming harder and harder for the sporting clubs to field full teams and commit to a seasons fixtures. The bar has not made a profit in the last couple of years and is being used less and less placing a further cost on council.

Comment:

With all this in mind it is time to consider where we go from here. As advised in the recent meeting with Royce Bond of the Department of Racing Gaming & Liquor on Monday 23rd December he said that he would never have advised the shire to take out a tavern licence as it has so many restrictions regarding 'trading' activities. His suggestion was that Tigers Sporting Club and the Basketball Club both apply for a restricted club licence for the times/dates they wish to use the venue. There is no problem with two or more groups having a licence over the one venue as long as they don't both want to use it at the same time. The shire would give them permission to use the facility during those times. Outside of that the function room could be used for meetings/functions/seminars without it being deemed a licenced area.

Other options could be for the clubs to apply for an occasional licence – a person or group can apply for up to 12 occasional licences in any twelve months – Costs start from \$52 for functions with up to 250 people and increase dependent on numbers expected to attend. A restricted club licence costs \$279 per year. By allowing the clubs to have the licence they could use the bar to generate profits, they would still need an approved bar manager but most clubs have qualified people and if it was part of the club activity the person may do it on a voluntary basis and add to the clubs fund raising.

Alternatively clubs could look at having no bar sales – they currently do not get any of the proceeds – (apart from the two functions a year they can nominate as part of the RECMC) and run as a BYO – applying to the shire for permission to consume alcohol. This would free up the kitchen for them to use as they want as it would no longer be in a licenced area.

Whilst we did not want to surrender the tavern licence and there is no guarantee that another one would be granted in the future it is really at the point where it is preventing more functions than it is enabling and the situation needs to be reviewed. All sporting clubs that I have spoken with actually think there will be more 'ownership' of the facility and use of it if there is not the tavern licence in place.

As previously advised we have struggled over the past few months to obtain a quorum for the RECMC meetings and following the AGM which took place on 7th December we were unable to form a committee as there were no nominations for office bearers. Another meeting was held 2nd February which again failed to raise a quorum. The conclusion has been that the RECMC be put on hold for the time being.

Consultation:

RECMC

Chief Executive Officer

Department of Racing Gamin & Liquor

Statutory Obligations:

N/A

Policy Implications:

N/A

Budget / Financial Implications:

There will be no significant impact on the budget – any proceeds from the bar operations were held for use towards the facility and the real underlying trend was an expense to council that will be saved.

Strategic Implications:

Rationalisation of the licence at the Ravensthorpe Entertainment Centre will fit into two of the key areas of the Community Strategic Plan:-

(1) A vibrant, supportive and socially connected community

A healthy, strong and connected community that is actively engaged and involved.

(2) Civic Leadership

The provision of responsible, accountable, representative and efficient governance

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 10.1.3
Moved: Cr Smith	Seconded: Cr Kelton
That the Shire of Ravensthorpe surrenders Tavern Licence No. 6020130154 – Ravensthorpe Entertainment Centre.	
Carried: 6/0	Res: 5/16

10.1.4 RAVENSTHORPE EQUESTRIAN CLUB - EXTENSION

File Ref:

Applicant: Ravensthorpe Equestrian Club

Location: Reserve 26602

Disclosure of Officer Interest: None

Date: 6th February 2015

Author: Jenny Goodbourn - AMCCS

Authorising Officer: Not applicable

Attachments: Yes – Letter, Plan & quotes

Summary:

Request form the Ravensthorpe Equestrian Club for 'in principal' support from the Shire of Ravensthorpe for an application to Department of Sport and Recreation for grant funding under the Community Sporting and Recreation Facilities Fund (CSRFF). Grant being applied for to facilitate an extension to their existing shed to incorporate a kitchen and toilet and shower facilities.

Background

The Manager of Community & Recreation Development met with members of the Equestrian club last year to discuss their ideas for an extension to their existing shed to provide a kitchen and ablution facilities. At the time they were looking to apply to the Department of Sport and Recreation for grant funding under the CSRFF round. However the grants for 15/16 were due to close very shortly and after discussion with DSR it was decided to delay the application to the funding round for 16/17 to allow time for plans to be developed and taken to council. All applications under the CSRFF funding need the approval of the local government.

As outlined in the proposal received:

- The Ravensthorpe Equestrian Club is a family friendly club catering for riders of all ages and abilities. It hosts a diverse range of activities and events and attracts riders from the entire region.
- The club has made improvements to the grounds over a number of years.
- The recent building of the heavy haulage route has caused some issues and the club have been working with Main Roads WA and the Shire to relocate the entrance and parking area as an area of the grounds was annexed for the heavy haulage route.

Comment:

There is currently no kitchen or toilet at the site and the proposal is for the construction of these as an addition to the existing building. Currently when an event of competition is held portable toilets have to be hired and brought in or competitors have to drive to public toilets. This does not encourage people to stay and is often not practical. If they were able to construct an ablution area containing two toilets and one shower this would solve the current problem. Also by having a kitchen area this would allow for the preparation of food for people or by people attending the events.

A design concept has been supplied and some costing's to support the project which has a total projected cost of between \$53,000 - \$70,000 depending on whether work is done by club members or by a contractor. The club would be looking to apply to CSRFF for up to 30% of the project cost, provide in-kind contributions and also source funding from other sources such as the Ravensthorpe Hopetoun Future Fund or CBH.

Consultation:

Ravensthorpe Equestrian Club

Statutory Obligations:

N/A

Policy Implications:

N/A

Budget / Financial Implications:

The request at this time is for support in principle for their proposal and support for the application for a CSRFF grant.

Strategic Implications:

The ability for any club to host events that not only benefit the residents of the shire but attract visitors and competitors from across the region gives opportunity for the promotion of shire. It provides additional tourism and learning chances and fits with the strategic plan vision of growing our community.

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 10.1.4
Moved: Cr Gairen	Seconded: Cr Smith
That Council give in-principle support to the proposal submitted by the Ravensthorpe Equestrian Club and approve and support their application for grant funding to DSR under the CSRFF funding round for 2016/2017.	
Carried: 6/0	Res: 6/16

10.2 MANAGER OF PLANNING AND DEVELOPMENT

10.2.1 LOCAL PLANNING SCHEME NO.6

File Ref:	LU.PL.22
Applicant:	Not applicable
Location:	Whole of Shire
Disclosure of Officer Interest:	None
Date:	8 February 2016
Author:	Craig Pursey - Planning Officer
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	<ol style="list-style-type: none">1. Flowchart - Simplified preparation or adoption of a new local planning scheme2. Extract from Local Planning Strategy3. Schedule of submissions

Summary:

In October 2014 Council resolved to prepare a new Local Planning Scheme for the Shire of Ravensthorpe.

The intention to prepare Local Planning Scheme No.6 (LPS 6) was advertised in accordance with the Planning Regulations and 9 submissions were received.

Halsall and Associates were engaged to prepare LPS 6 in February 2015. Work on the new Scheme stalled with the gazettal of the new Planning and Development (Local Planning Scheme) Regulations 2015 (Planning Regulations) in August 2015 requiring the reformatting of LPS 6 to comply with a new standardised format.

LPS 6 is now ready for Council's consideration. LPS 6 includes all recommendations from the adopted Shire of Ravensthorpe Local Planning Strategy and meets the requirements of the new Planning Regulations. This report recommends that LPS 6 be adopted for the purposes of public advertising for a period of not less than 90days as required under the relevant legislation.

Background:

Process so far

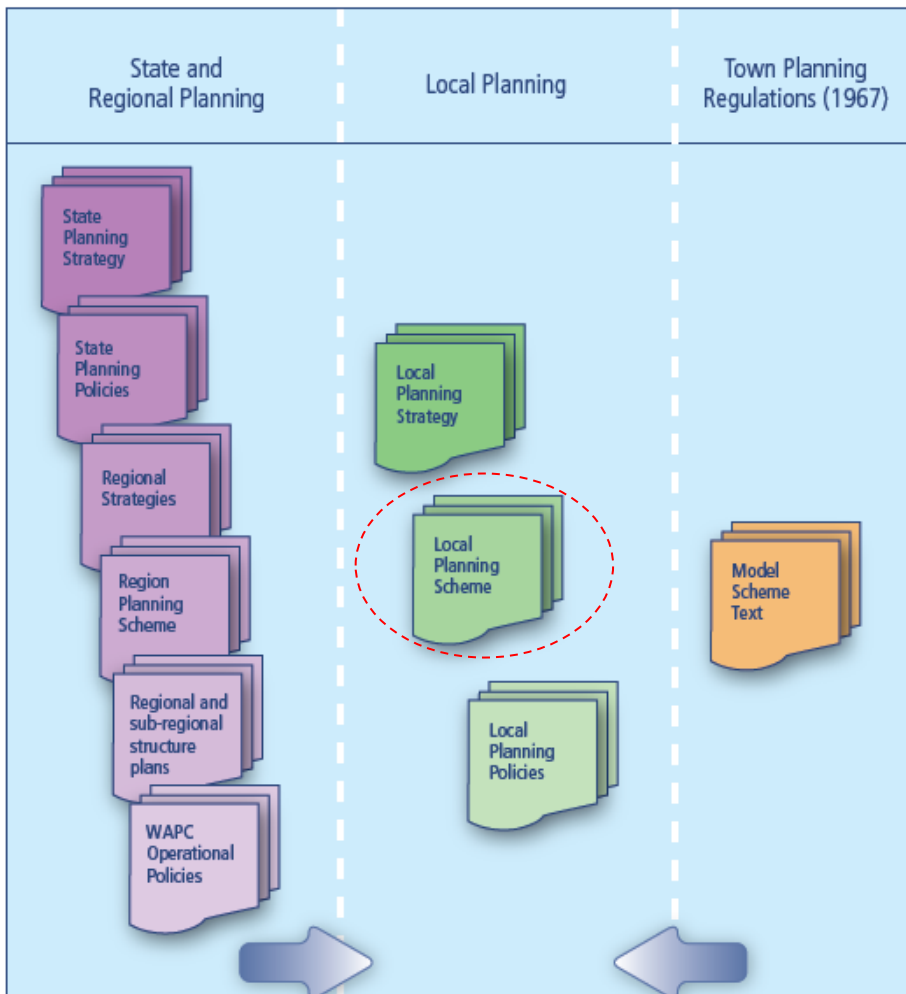
1. Council considered initiating a new Local Planning Scheme at their meeting in October 2014 where it was resolved to:
 - a) Prepare a new Local Planning Scheme;
 - b) Adopt the proposed aims of the new Scheme;

- c) Forward the appropriate Form and aims the Western Australian Planning Commission (WAPC); and
 - d) Following permission from the WAPC, commence formal advertising of the Shire's intent to prepare a new Scheme.
2. Approval from the WAPC to advertise was received on the 12th January 2015.
 3. The intention to prepare a new Local Planning Scheme was then advertised in the Government Gazette, local paper and individually referred to all adjacent Shires and involved government agencies on the 17th February 2015. This advertising period closed on the 27th March 2015 during which time 9 submissions were received.
 4. Halsall and Associates were engaged to prepare the new Local Planning Scheme Text and coordinate the preparation of the new Scheme Maps with the Department of Planning in late February 2015.
 5. A draft Local Planning Scheme completed in May 2015, Shire officers commence review.
 6. New Planning and Development (Local Planning Schemes) Regulations 2015 released in August 2015 necessitate the re-writing of much of the draft Scheme Text.
 7. Draft Scheme text re-written by Halsall and Associates in new format required by WAPC and reviewed internally against Local Planning Strategy recommendations and past Council resolutions.

Process

The process to prepare a new Local Planning Scheme is summarised at Attachment 1; we are currently at the third local government step "*Local Government resolves to proceed to advertise Scheme*".

The framework in which the Local Planning Scheme fits is best explained in the diagram below:



Extract from Local Planning Manual - WAPC 2010

Council's Local Planning Strategy (the Strategy) was endorsed in November 2015; this is a document that sets the 'land use vision' for the Shire of Ravensthorpe. It must be consistent with the State Planning Strategy, all relevant State Planning Policies and any operational WAPC policies. The Local Planning Scheme is the tool that effectively enforces the vision established in the Strategy by setting out the requirements that must be followed to use or develop land.

The format of the Local Planning Scheme has become more regulated over time with the aim of achieving a minimum level of consistency across the State. The new Planning and Development Regulations 2015 (the Regulations) have introduced two major changes that have affected the Shire of Ravensthorpe's new Scheme:

- i) A more stringent requirement to adhere to the 'Model Scheme Text' (that forms Appendix 1 of the Regulations) is now required. The Model Scheme Text had always

established the format and content of Schemes but now the WAPC has also limited the number and names of zones and the Scheme definitions.

- ii) Appendix 2 of the new Regulations set out 'Deemed Provisions' that apply across the state and are referenced into Schemes. These contain all of the administrative clauses including procedures for making policies, structure plan provisions, advertising procedures, appeals, bushfire provisions, enforcement and delegations.

These two changes to the Regulations have resulted in a very different looking Local Planning Scheme No.6 than the existing Town Planning Scheme No.5.

Comment:

Council is requested to consider resolving to advertise draft Local Planning Scheme No.6 (LPS 6), a copy of which has been circulated to Councillors with the agenda.

LPS 6 consists of two elements; Scheme Text and Scheme Maps. LPS 6 seeks to guide the use of land within the Shire of Ravensthorpe by zoning and reserving land and establishing the controls that apply to each of these zones and reservations.

LPS 6 consists of the following elements:

The aims of this Scheme are to:

"1.9.1 Lifestyle and community identity

To safeguard and enhance the character and amenity of the built and natural environment of the Shire.

To ensure there is sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.

To assist employment and economic growth by facilitating the timely provision of land suitable for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment.

To facilitate a diverse and integrated network of open space catering for both the active and passive recreation needs of the community.

1.9.2 Conservation and heritage

To ensure that areas of environmental and cultural significance are protected and that land use and development within the Shire is environmentally sustainable.

1.9.3 Agriculture, mining and rural land use

To ensure the protection and sustainable use of agricultural land by discouraging land uses and developments that may detract from the principle function of the land and result in the ad hoc fragmentation of rural land.

Promote land uses and development that complement the agricultural use of land and facilitate additional employment opportunities such as tourism.

To facilitate and promote mining within the Shire including any subsequent land uses and developments that are required as a result. Ensuring that mining related land uses and developments such as workforce accommodation are developed within existing townsites.

1.9.4 Tourism

To support and protect tourism throughout the Shire through providing for a range of accommodation types and embracing the historical and natural values of the Shire.

1.9.5 Residential Development

Provide for a range of settlement options and lifestyle choices with a strong community identity and high levels of amenity.

1.9.6 Community services and infrastructure provision

To provide for affordable and sustainable physical and social infrastructure and services commensurate with the needs of the local and broader community."

As such, draft LPS 6 is structured as follows:

1. Preliminary
2. Reserves
3. Zones and the use of land
4. General Development Requirements
5. Special control areas
6. Relevant schedules including Special Use sites, Rural Residential provisions and car parking requirements.

This layout is Model Scheme Text compliant. The key sections which are Shire specific are the purpose and aims of the Scheme under the preliminary section, the purpose and objectives of zones under the zones and use of land section, the zoning table under the zones and use of land section, specific development requirements relating to each zone under the zones and use of land section, the general development requirements section, the introduction of special control areas and the specific provisions detailed in the schedules at the rear..

As stated above, LPS 6 has a number of major changes from the existing Town Planning Scheme 5, these have come about for the following reasons:

1. Requirements of the new Planning and Development Regulations 2015 (the Regulations). These changes are largely administrative and are required by the WAPC;
2. Local Planning Strategy recommendations. The Local Planning Strategy has a number of recommendations, some of which are to be actioned through the new Scheme including zoning changes; a copy of these are attached to this report. These have all been included in some form and are not necessarily repeated in the table below;
3. Former Council resolutions, including rezoning Lot 1422 Hopetoun-Ravensthorpe Road from a Recreation reserve to the 'Rural' zone; and
4. Officer experience of the current shortfalls of having worked with Town Planning Scheme No 5 for a number of years including introducing amenity clauses and reducing the number of rural residential zones.

Proposed key zoning and reservation changes between TPS No. 5 and draft LPS No. 6

The key zoning and reservation changes identified that are proposed to be implemented through the Scheme review are shown in the table overleaf.

MAJOR DIFFERENCES BETWEEN TOWN PLANNING SCHEME NO.5 AND DRAFT LOCAL PLANNING SCHEME NO.6		
Administrative	Change	Comment
	Change of zone names to reflect Model Scheme Text requirements including: <ul style="list-style-type: none"> • 'Town Centre' to 'Rural Townsite' • 'General Agriculture' to 'Rural' • 'Rural Small Holdings' and 'Rural Conservation' to 'Rural Residential' • 'Industry' to 'General Industry' • 'Light & Service Industry' to 'Light Industry' 	Model Scheme Text (MST) requirement
	Introduce 'Mixed Use' zone that allows for residential and commercial uses but not 'Shop' Is used where Town Centre zoned properties are proposed to be 'de-zoned'.	Achieves a Local Planning Strategy (the Strategy) recommendation of reducing the size of the Town Centre whilst reducing the impact on landowners.
	Introduce 'Tourism' zone to clearly identify and secure these sites as strategic tourism sites.	Achieves the Strategy recommendation TR1
	New clauses on Plantations and in particular carbon sequestration plantations.	Achieves the Strategy recommendation AG7 and allows for the future enforcement of a separate carbon sequestration plantation policy at sometime in the future.

	Consolidation of 'Rural Small Holdings' and 'Rural Conservation' zones into a single 'Rural Residential' zone. Consolidation of scheme provisions as they relate to the 'Rural Residential' zone	Many of the scheme provisions in TPS5 were repeated unnecessarily but with minor variations. The new provisions simplify the requirements and make them more uniform across historic subdivisions.
	New amenity clauses introduced to address shortfalls in other legislation including the external appearance of buildings and unkempt land.	This allows for LPS6 to be used to enforce some amenity issues where other legislation is currently inadequate.
	New clause addressing and defining 'minor structures'.	Provides some guidelines for the construction of letterboxes, clothes lines, children's play equipment, currently not addressed in other legislation.
Location	Change	Comment
Ravensthorpe Industrial area	Additional lots zoned 'Light Industry' immediately to the east of Neil Street.	Proposed to create a buffer to the adjacent residential area, only industrial uses that would pollute are excluded from this area. Consistent with Strategy recommendation RV6
Ravensthorpe Caravan park and Motel	From 'Special Use' and 'Town Centre' to 'Tourism'	The Caravan Park is a tourism site and the change of zone simplifies the Scheme requirements. The Motel is removed from the remainder of the Town Centre and is identified as a tourism site within walking distance of the main street.
Golf Course and Rifle Range area	Adding 'Special Control Area 4' - formally identifying this area as a "Development Investigation Area". The zoning establishes the process whereby the land may be further developed.	This area has been identified by Department of Mines and Petroleum as not being subject to 'mineralization' and therefore the only corridor of land available for the future growth of Ravensthorpe.
Dunn and Spence Streets	The Town Centre zone currently extends beyond Morgans Street between Carlisle and Queen Streets. These lots are proposed to change zone to 'Mixed Use'	This achieves the Strategy recommendation RV3 by consolidating the Town Centre but still allows for some additional development rights to these properties.
Lot 1422 Hopetoun-Ravensthorpe Road, Ravensthorpe	Local reserve for Recreation to 'Rural'	Consistent with Council's resolution of 21st March 2013 - Res No 42/13
Dawn and Scott Streets, The Esplanade, Hopetoun	From 'Town Centre' to 'Mixed Use'	This achieves the Strategy recommendation RV3 by consolidating the Town Centre but still allows for some additional development rights to these properties.
Hopetoun Caravan Park	Special Use Site to Tourism	The Caravan Park is a tourism site and the change of zone simplifies the Scheme

		requirements. Achieves the Strategy recommendation TR1
Lot 50 Hamersley Drive, Hopetoun	From 'Special Use site 7- (Respite Holiday Accommodation) with very specific descriptors of the type of development to 'Special use Site 3 - Low Impact Tourist Development' with up to 12 holiday accommodation units guided by a development guide plan.	The current zoning provisions are awkward, highly specific and confuse the development potential of the property. Lot 50 appears to have considerable potential as a an eco-tourism site with the right controls. The proposed Scheme provisions simplify the intended land uses and ensure that the correct checks and balances are in place.
Lot 6381 (#279) Hopetoun-Ravensthorpe Road, Hopetoun	Remove the requirement to have the additional uses in this Special Use Site to be incidental to the Park Home Park. Introduce Liquor Store to the discretionary land uses that Council may consider at this address.	The current requirement to have the list of additional uses permitted at this special site as incidental to the predominant use on the site has failed. There is a tavern, takeaway alcohol and reception centre at this address which clearly draw from a wider market than just the adjacent caravan park. This change limits the sites impact upon the Hopetoun Town Centre by limiting the range of uses to a 400m ² footprint whilst acknowledging the actual development on the site.
Lot 168 Maitland Street, Hopetoun	Include the use Residential R30 as a discretionary rather than incidental use	This would allow for the redevelopment of the site for fully residential purposes. The site currently does not function well as a commercial centre and competes unnecessarily with the Hopetoun main street.

Consultation:

The Shire's intention to prepare a new Local Planning Scheme was advertised in February 2015 and 9 comments were received. A schedule of submissions is attached to this report that summarises the submissions and notes how each has been addressed.

No major changes have arisen as a result of these submissions.

Should Council choose to adopt the current draft of Local Planning Scheme No.6 then it will be advertised in accordance with Planning and Development Regulations 2015 including the following actions:

- Referral to the Environmental protection Authority for assessment and permission to advertise;
- Referral to the Western Australian Planning Commission for assessment and permission to advertise;

- Once approval is granted from these other agencies, advertising widely in local papers and noticeboards;
- Individual letters to those landowners with properties whose zoning is proposed for change;
- Notification to affected and relevant government agencies;
- Presentation to interested local groups such as the Ravensthorpe Progress Association; and
- Consideration of public information sessions dependent upon level of public interest shown once advertising has commenced.

Statutory Obligations:

A Local Planning Scheme Review is prepared under the Planning and Development (Local Planning Scheme) Regulations 2015 notably Part 4 Division 1 and under Part 5 of the Planning and Development Act 2005. The Regulations and Act will guide the process.

Once endorsed, the Local Planning Scheme will be a statutory planning document which will guide future development and land use and general planning decisions within the Shire. These will have significant force and effect given their preparation under the Regulations and Act.

Policy Implications:

The current Local Planning Policies will require review on adoption of Local Planning Scheme No.6.

Budget / Financial Implications:

There are costs in advertising the new Scheme and in consultancy fees in preparing both the Scheme Text and Scheme Maps.

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:**
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 10.2.1
Moved: Cr Gairen	Seconded: Cr Kelton
That Council,	
<ol style="list-style-type: none"> 1. Adopt draft Local Planning Scheme No. 6 for public advertising and forward to the Environmental Protection Authority pursuant to Section 81 of the Planning and Development Act 2005. 2. Adopt draft Local Planning Scheme No. 6 for public advertising and forward to the Western Australian Planning Commission pursuant to Regulation 21 (2) of the Planning and Development (Local Planning Scheme) Regulations 2015. 3. Subject to Council receiving notification from the Western Australian Planning Commission pursuant to Regulation 22 (1) of the Planning and Development (Local Planning Scheme) Regulations 2015 Council shall advertise Local Planning Scheme No. 6 for a period of not less than 90 days in accordance with Regulation 22 of the Planning and Development (Local Planning Scheme) Regulations 2015. 	
Carried: 6/0	Res:7/16

10.3 **MANAGER OF ENGINEERING SERVICES**
NIL

UNCONFIRMED

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 REVIEW OF DELEGATIONS

File Ref:	Delegation Register
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	8 February 2016
Author:	Ian Fitzgerald – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	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 delegates to other officers.

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

Council last reviewed delegations in February, 2015.

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 adoption of the register as presented.

The Delegations Register has been prepared in the same format this year and provision has been made for the Manager of Corporate and Community Services position which is now a part of the shire's structure. In addition delegations to other officers are clearly identified for ease of both councillors and staff use.

Councillors will also note that the authority to issue purchase orders and the officer's delegated limit are clearly identified and tie in with the revised Policy Manual also

presented to this month's Council meeting.

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. This area has been simplified to make it easier to read with delegations similar to that previously approved by Council.

Consultation:

Contract Town Planner

Contract Health/Building Officer

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

UNCONFIRMED

That Council adopts the 2015/16 Delegations Register as presented.

NOTE: As requested by Councillor Goldfinch at the Agenda Setting Forum reference to the appointment of the CEO as a Bushfire Control officer has been removed and reference to the Common Seal re-worded to include the Shire President.

Cr Norman

Alternate motion 10.4.1

That this item be deferred until such time as a new officer is appointed to the role of DCEO.

Reasons for change;

The position of DCEO is the recognised Senior Designated Employee in Shires Internal Workforce Profile (see Corporate Plan and Annual Report).

Renaming of the position may result in a less attractive package to potential applicants.

ADMINISTRATION COMMENT

As per the Local Government Act 1995 Council has the power to delegate some powers to the CEO – sections of the Act are copied below.

It is the CEO who then in turn has the power to on delegate some powers to other employees of the Local Government.

The Chief Executive Officer has outlined all the delegations to his position and those he intends to on delegate to allow for the efficient running of the organization. This is done as a way of informing Council.

Therefore it is in fact only the delegations to the CEO that Council is adopting and not the delegations in turn then made by the CEO to employees.

There is a requirement under the Act to review the delegations at least once each financial year and failure to do so is therefore a breach of the Act.

The effect of the Alternate Motion is to leave Council open to a possible breach of the Local Government Act.

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

- (a) *this Act other than those referred to in section 5.43; or*
- (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

5.44. CEO may delegate powers and duties to other employees

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
 - (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate,*

are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) —*
conditions *includes qualifications, limitations or exceptions.*

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.1

Moved: Cr Kelton

Seconded: Cr Smith

That Council adopts the 2015/16 Delegations Register as presented.

ALTERNATE RECOMMENDATION ITEM 10.4.1

Moved: Cr Norman

Seconded: Cr Goldfinch

That this item be deferred until such time as a new officer is appointed to the role of DCEO.

Lost: 1/5

Res: 8/16

Original Motion was then put

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.1

Moved: Cr Kelton

Seconded: Cr Smith

That Council adopts the 2015/16 Delegations Register as presented.

Carried: 5/1

Res: 9/16

10.4.2 REVIEW OF COUNCIL POLICIES

File Ref:

Applicant: Not applicable

Location: Not applicable

11. **Disclosure of Officer Interest:** None

Date: 9 February 2016

Author: Ian Fitzgerald – Chief Executive Officer

Authorising Officer: Not applicable

Attachments: Yes – Draft Policy Manual (WITHOUT PLANNING POLICIES)

Summary:

The purpose of this item is to review current policies and introduce new policies if required.

Background:

Policies are reviewed annually. The last review was presented to Council in February 2015.

Comment:

The Chief Executive Officer and senior staff took the opportunity during January to complete a review of the policy manual. In addition to some changes which are identified below the policy of term of auditor appointments has now been added in to the policy manual as requested by Council. There have been no changes to the Town Planning Policies.

Summary of changes:

- ❖ Delete reference to Deputy Chief Executive Officer and insert Manager Corporate and Community Services throughout the document
- ❖ Update the Vehicle Policy to reflect amalgamation of former Deputy Chief Executive Officer and Manager of Recreation and Community Development positions into the new position of Manager of Corporate and Community Services (1 less vehicle required)
- ❖ Update the Purchasing Policy to reflect changes in the Local Government Act 1995 and Local Government Act (Function & General) Regulations 1996 (tender threshold increased)
- ❖ Update the Building Policy to reflect current legislation and practices

Consultation:

Consultation is not required for the policy review.

Statutory Obligations:

Adopted policies are not legally binding, they are in place to assist / guide Councillors and staff when determining particular issues.

Policy Implications:

Revised Policy Manual is presented for Council's consideration.

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 10.4.2
That Council adopts the 2016 Policy Manual as presented.	

<p>Cr Norman</p> <p>Alternate motion 10.4.2</p> <p>That this item be deferred until such time as;</p> <p>1) A DCEO / MCS is appointed.</p> <p>2) Council has reviewed the Vehicle Policy</p>
--

Reasons for change;

The position of DCEO is the recognised Senior Designated Employee in Shires Internal Workforce Profile (see Corporate Plan and Annual Report).

Renaming of the position may result in a less attractive package to potential applicants.

ADMINISTRATION COMMENT

The review of the Policy Manual can be deferred by Council and we will continue under the existing Policy Manual until such time as it is reviewed. Some policies may become less relevant through changes in legislation but legislation will always outweigh an individual Council policy.

It should be noted any reference to the re-instatement of a DCEO position has potential to leave Council open for action under industrial relations law (unfair dismissal) as any position that is made redundant cannot be re-instated for a minimum of 12 months. Further it must be pointed out that it is the position that is made redundant and not the person.

Advice from our insurers is such should Council proceed with re-instating the DCEO position against the lawful advice there would be no insurance cover for any claim.

The fact the position of DCEO is named in a number of corporate documents is of little significance as such documents are under constant review either by choice of statutory requirement and any change in position title can be included with other changes and updates made to those documents.

Finally, the name of the position does not necessary reflect the package that can be provided and as such have no negative impact on recruiting potential applicants. In fact a position with wider responsibilities is likely to attract an improved package and a wider field of potential applicants. There are some local governments that still have a position called DCEO but there are many local governments that no longer have a DCEO titled position:

Director or Manager of Corporate Services	Executive Manager Corporate Services	Director or Executive Manager Corporate & Community Services
Albany	Exmouth	Dardanup
Boyup Brook	Narembeen	Irwin
Esperance	Chittering	Pingelly
	Collie	Carnarvon
Broomehill-Tambellup	Corrigin	Boddington
Kojonup	Bridgetown	
Lake Grace	Cue	

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.2

Moved: Cr Kelton

Seconded: Cr Smith

That Council:

- a) adopts the 2016 Policy Manual as presented.
- b) Review the Vehicle Policy in April or May 2016

ALTERNATE RECOMMENDATION ITEM 10.4.2

Moved: Cr Norman

Seconded: Cr Goldfinch

That this item be deferred until such time as:

- 1) A DCEO / MCS is appointed.
- 2) Council has reviewed the Vehicle Policy

Lost: 1/5

Res: 10/16

Original Motion was then put

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.1

Moved: Cr Kelton

Seconded: Cr Smith

That Council:

- a) adopts the 2016 Policy Manual as presented.
- b) Review the Vehicle Policy in April or May 2016

Carried: 5/1

Res: 11/16

10.4.3 RAVENSTHORPE HALL EXTENSION – HERBARIUM - TENDER

File Ref:

Applicant: Not applicable

Location: Not applicable

12. **Disclosure of Officer Interest:** None

Date: 9 February 2016

Author: Ian Fitzgerald – Chief Executive Officer

Authorising Officer: Not applicable

Attachments: No

Summary:

Council approval is requested to call tenders for the construction of the herbarium extension to the Ravensthorpe Town Hall.

Background:

Council has previously approved the provision of administrative support to the Ravensthorpe Wildflower Show sub-committee working on the proposal to build an extension on the eastern side of the Ravensthorpe Town Hall to become the new home of the herbarium. Council also approved in-principle the concept of the extension.

Comment:

The project has grown considerably since it was first proposed and in particular the estimated cost of the project.

A draftsman was engaged to prepare some drawings based on the design developed and agreed by the Committee. To assist the Committee in establishing the amount of interest from builders in the proposed project and to get an indication Expressions of Interest were called – advertised in the Albany and Esperance papers during January. Three responses were received with estimates ranging from \$175,000 to \$390,000.

It has been agreed to proceed to have full workings drawn up and then subject To Council approval tenders called for the construction of the project – subject to funding being obtained.

The Committee has met with representatives from Lotterywest who were supportive of the projects concept subject to receipt of a formal grant application for their consideration. Time is of the essence as ideally the Committee would like the building constructed ready for use with the 2016 Wildflower Show and Lotterywest usually require some 3 – 4 months working through their processes and then putting any recommended grants up for approval. Any

grant application above \$200,000 is required to be submitted to the Board which could potentially add to the time taken to receive a response.

In order for tenders to be called once the formal plans are received an assessment criteria needs to be against which each of the tenders will be assessed and ranked.

The criteria used in the Expression of Interest were:

A. Relevant Experience

Weighting 25%

Describe your experience in completing/supplying similar Requirements. Respondents must, as a minimum, address the following information in an attachment and label it "Relevant Experience":

- a) *Provide details of similar work.*
- b) *Provide scope of the Respondent's involvement including details of outcomes.*
- c) *Demonstrate competency and proven track record of achieving outcomes.*

B. Key Personnel Skills and Experience

Weighting 25%

Respondents must address the following information in an attachment and label it "Key Personnel Skills and Experience":

- a) *Their role in the performance of the Contract.*
- b) *Qualifications, with particular emphasis on experience of personnel in projects of a similar requirement.*

Supply any other relevant details in an attachment and label it "Key Personnel Skills and Experience".

C. Respondent's Resources

Weighting 25%

Respondents should demonstrate their ability to supply and sustain the necessary:

- a) *Plant, equipment and materials.*
- b) *Any contingency measures or backup of resources including personnel (where applicable).*

As a minimum, Respondents should provide a current commitment schedule and plant/equipment schedule in an attachment and label it "Respondent's Resources".

D. Indicative Pricing

Weighting 25%

Respondents should provide as an attachment a schedule outlining an indicative cost to complete the project (inclusive of GST)

For the formal tender Council may wish to adjust the weightings to put a greater emphasis on the tendered price for the project.

Consultation:

Wildflower sub-committee looking after this project.

Statutory Obligations:

Tenders are required to be called for projects/purchases in excess of \$150,000 unless the supplier is on the WALGA Preferred Supplier Panel but there are limited builders on the panel.

Policy Implications:

Nil.

Budget / Financial Implications:

Council will absorb the cost of preparing the plans and the advertising of the tender plus staff time working on this project for the Committee.

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 10.4.3

Moved: Cr Goldfinch

Seconded: Cr Gairen

That Council,

1. Endorse the actions of the Chief Executive Officer in calling for Expressions of Interest to build an extension to the Ravensthorpe Town Hall to house the herbarium.
2. Authorise for formal tenders to be called for the construction of the facility once the detailed plans are available
3. Establish that the weighting criteria to be used in the assessment of any tenders received be:

Relevant Experience	20%
Key Personnel	20%
Respondents Resources	20%
Tendered Price	40%

Carried: 6/0

Res:12/16

UNCOM

10.4.4 ORGANISATION REVIEW / RESTRUCTURE

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	9 February 2016
Author:	Ian Fitzgerald – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	No

Summary:

The purpose of this item is to report to Council on the organization review and restructure that has been developing over the past 6 months.

Background:

Council has previously been advised that an organization review was being undertaken. External consultants undertook a review as a part of this process and met with Council to seek input and report on their findings. The Chief Executive reported on the final report received from the consultants.

Comment:

The Chief Executive Officer has had concerns as to the staffing structure in place and whether that was delivering value to Council and more generally the community. With a total wages bill approaching the level of Council's annual rate revenue it was felt this position was not sustainable in the long term.

There have been a number of changes in the range of services being provided including the loss of the in-store bank facility and this together with greater use of on-line facilities such as for payment of rates and vehicle licensing has resulted in less front counter traffic.

Council may remember that when one of our front counter/customer services officers finished up in August 2015 a decision was not to fill that position whilst the review was being undertaken. That has proven to be a good decision because other than the odd time when people have been on leave and someone else takes sick leave the position has been adequately covered. The loss of the bank appears to have a far bigger effect on front counter traffic than was anticipated.

The Police Licensing service is also attracting less usage with more people using the on-line facility provided or the Post Office for normal renewals. We have recently received approval

for a licensing service to be provided out of the new Hopetoun office and this will most likely lead to a further reduction in the use of the Ravensthorpe facility.

During the review process the cost of maintaining versus income from usage of the Ravensthorpe Recreation Centre was investigated. In 2014/15, before depreciation was added, the centre recorded a loss of nearly \$300,000 – again a situation that is not sustainable in the long term. A lot of these costs related to staff including bar staff, cleaning, maintenance and management. As reported in another item within this agenda the Recreation Management Committee has folded due to a lack of a committee and it is recommended the current tavern license is surrendered.

Our Recreation/Clubs Officer has just submitted her resignation and in part this is due to the lack of input from the clubs to utilize the services that could be provided. Council would be aware that Southerners are struggling to get a committee and are in danger of going into recess which will lead to limited organized winter sports in 2016. Therefore it is intended at this point in time not to fill this position.

The administration overheads that were being incurred with the staffing levels in place including the number of senior staff positions were making the cost of providing services to the community very expensive and unsustainable.

A decision was taken to make redundant the Deputy Chief Executive Officer position and create a new combined position of Manager of Corporate and Community Services. This will involve all staff doing a little bit more but there seems the capacity for this to be achieved without impacting on services provided to the community.

Two areas identified where there was a lack of resources were asset management and record keeping. We have a very good records officer who works part time only due to personal health issues but no backup for the position. Council has pushed for an improvement in asset management and with our fellow GVROC councils we are embarking on a new asset management system that will be common across the group and with Kalgoorlie-Boulder providing support to all councils. We also will have one of the staff going on maternity leave and it is important that we have sufficient staff, and cross trained staff, to cover this absence.

Therefore a new part-time records, asset management, front desk position has been created and the successful applicant is due to commence shortly; as is the person selected for the Hopetoun office.

It is envisaged these changes will save in order of \$190,000 in wages and superannuation in a full year (equivalent to approximate 4.5% of rate revenue) plus savings in insurances,

utilities, vehicle running costs etc. In addition there will a vehicle that will be surplus to our requirements that can be disposed of giving a positive return this year and savings on future replacements.

Consultation:

External consultants

Senior staff

Former DCEO

Statutory Obligations:

N/A

Statutory Obligations:

Local Government Act 1995.

Policy Implications:

N/A

Budget / Financial Implications:

There will be savings this year but more substantial savings in future years.

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 Council receive the report on the organization review and restructure.	

Cr Norman

Alternate motion 10.4.4

- 1) That Council receive the report on the organisational review and restructure.
- 2) That Council revise the position of DCEO to include the duties of MCS.
- 3) That a job description and salary package be drafted.
- 4) That Council investigate the opportunity for job sharing the new position with a neighbouring Shire.

Reasons for change;

The position of DCEO is the recognised Senior Designated Employee in Shires Internal Workforce Profile (see Corporate Plan and Annual Report).

Renaming of the position may result in a less attractive package to potential applicants.

ADMINISTRATION COMMENT

1. As advised at the agenda setting forum on Monday 15th February the relevant former duties of the DCEO and Manager of Community and Recreation Development positions will be included into the Position Description for the new Manager of Corporate and Community Services position.

2. Council is only directly responsible for the employment of the CEO – as per extracts from the Local Government Act copied below:

3. Section 1.5.41, paragraph g, of the Local Government Act clearly states the CEO “be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees)

4. Section 5.37 of the Act refers to Senior Employees and the need to advise Council of appointment or dismissal of such employees. Council may reject and recommendation from the CEO but must inform the CEO of reasons for the rejection. These reasons may be noted but there is not a requirement of the CEO to alter their recommendation.

*5. I also refer to the email sent out by the Acting Manager of Corporate & Community Services on 22 January advising of her contact details and that she was acting in the position until the position is finalized and put out for advertising and recruitment – copied below. This is in addition to the advice I forwarded to Councillors on 14th January - *Staff – As a part of the organisation review and trying to get best value for Council and the community a restructure process has commenced. Yesterday I informed DCEO Keith White that his position was being made redundant and as such his employment will cease on Wednesday 20th January with the appropriate payment in lieu of notice. As a**

part of the restructure this role will be combined with other positions already in place. In addition, due to poor performance and misdemeanours, 2 outside staff were terminated yesterday. As we strive to get best value for our road expenditure dollar we need employees who are going to put in a solid days work and be respectful of each other, our equipment and the shire as their employer.

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

* Absolute majority required.

- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

[Section 5.36 amended by No. 49 of 2004 s. 44; No. 17 of 2009 s. 21.]

5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

1. 5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- (f) speak on behalf of the local government if the mayor or president agrees; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

From: Jenny Goodbourn

Sent: 22 January, 2016 9:58 AM

To: 'ann.dunlop@bigpond.com'; 'council.kelton@gmail.com'; 'iangoldfinch@westnet.com.au'; 'msgairen@bigpond.com'; 'kandmnorman@bordnet.com.au'; 'bushcodepost@gmail.com'; 'petersmith@4rivers.com.au'

Subject: New Email

Good morning councillors

Please note that a new email address has been set up for the Manager of Corporate and Community Services.

I am currently acting in the role until the position is finalized and put out for advertising and recruitment.

All emails being sent to dceo@ravensthorpe.wa.gov.au and recreation@ravensthorpe.wa.gov.au will be diverted to this new email address but if you could update your records with the new details for all future emails that will help to ensure none get missed.

Thank you

Regards

Jenny Goodbourn

Acting Manager - Corporate & Community Services

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.4.4
Moved: Cr Kelton	Seconded: Cr Smith
That Council receive the report on the organisation review and restructure.	

ALTERNATE RECOMMENDATION	ITEM 10.4.2
Moved: Cr Norman	Seconded:
1) That Council receive the report on the organisational review and restructure.	
2) That Council revise the position of DCEO to include the duties of MCS.	
3) That a job description and salary package be drafted.	
4) That Council investigates the opportunity for job sharing the new position with a neighbouring Shire.	
Motion lapsed for want of a seconder	Res:

Original Motion was then put

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.4.1
Moved: Cr Kelton	Seconded: Cr Smith
That Council receive the report on the organisation review and restructure.	
Carried: 5/1	Res: 13/16

10.4.5 COUNCIL DELEGATES

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	18 th February, 2016
Author:	Ian Fitzgerald – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	

Summary:

Council is requested to appoint representation to the Ravensthorpe Streetscape Committee and endorse the actions of the Chief Executive Officer in accepting an invitation to become a member of the Ravensthorpe District High School – School Council on behalf of Council.

Background:

Council has previously appointed a delegate or delegate to the Ravensthorpe Streetscape Committee but this was omitted from the appointments made following the elections last October.

Comment:

The Ravensthorpe Streetscape Committee met for the first time since October 2013 and it was found that there were no formally appointed Council delegates.

Councillor Goldfinch who previously represented Council attended the recent meeting.

As we work towards the implementation of the streetscape plans it is important Council has representation.

The Ravensthorpe District High School has a School Council which works with the staff, P&C, students and the wider community to provide quality education to the students of our community. Each year the Council seeks representation from the various bodies and for the first time has sought representation from the Shire of Ravensthorpe. The Chief Executive Officer was approached and has agreed to sit on the School Council and has previous experience in sitting on primary school boards.

Consultation:

Shire President

School Principal

Councillor Goldfinch

Statutory Obligations:

N/A

Policy Implications:

N/A

Budget / Financial Implications:

N/A

Strategic Implications:

N/A

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 Council:

- Appoint Councillors _____ and _____ to the Ravensthorpe Streetscape Committee
- Endorse the actions of Chief Executive Officer in agreeing to represent Council on the Ravensthorpe District High School, School Council.

It was agreed to split the recommendation into two separate motions.

Part A

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.4.4
Moved: Cr Gairen	Seconded: Cr Smith
That Council:	
a) Appoint Councillors Goldfinch and Norman to the Ravensthorpe Streetscape Committee	
Carried 6/0	Res 14/16

Part B

AMENDMENT	ITEM 10.4.5
Moved: Cr Norman	Seconded:
That Council appoints a Councillor to represent Council on the Ravensthorpe District High School, School Council.	
Motion lapsed for want of a seconder	Res:

Original Motion was then put

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.4.5
Moved: Cr Gairen	Seconded: Cr Smith
That Council:	
a) Endorse the actions of Chief Executive Officer in agreeing to represent Council on the Ravensthorpe District High School, School Council	
Carried: 5/1	Res: 15/16

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

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

12.1 ELECTED MEMBERS

Nil

12.2 OFFICERS

NIL

13. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION	ITEM 15.1
Moved: Cr Goldfinch	Seconded: Cr Kelton
That Council move behind closed doors to discuss a commercial – in – confidence item.	
Carried: 6/0	Res: 16/16

UNCONFIDENTIAL

13.1.1 TRANSFER OF LEASE – RESERVE 9029 QUEEN STREET RAVENSTHORPE

File Ref:

Applicant: Silver Lake Resources
Location: Lot 311 Queen Street Ravensthorpe
Disclosure of Officer Interest: None
Date: 10 February 2016
Author: Ian Fitzgerald – Chief Executive Officer
Authorising Officer: Not applicable
Attachments: No

Summary:

The purpose of this report is for Council to consider a request to transfer the lease of Lot 311 Queen Street (Reserve 9029) Ravensthorpe from Silver Lake Resources to ACH Minerals Pty Ltd.

Background:

Council currently has a lease with Silver Lake Resources for Lot 311 Queen Street where they have a 100 man camp located. The lease commenced on 1 July 2014 with an initial term of 5 years with a further 5 year term as an option exercisable by the lessee – would take the lease out to 30 June 2024.

Comment:

Silver Lake Resources are currently in negotiations with ACH Minerals Pty Ltd for “Farm-in – Joint Venture” agreement which would see funds put into the potential development of tenements currently held by Silver Lake and would include spending on further exploration works.

A request has been received for Council to consider the transfer of the existing lease across to ACH Minerals. Should Council be in agreement approval will also be required from the Minister for Lands as the land in question is a reserve vested with Council. The Minister approved the existing lease.

Council receives a rental payment for the use of the land, \$7,931 plus GST in 2015/16, with these payments to increase by 3% each financial year. It is the Chief Executive Officer understanding that the lessee is responsible for the costs in preparing the lease and this should also include any transfer of lease legal documentation.

Consultation:

Allion Legal

Statutory Obligations:

Council has the authority to enter into a lease agreement on crown reserve land subject to approval from the Minister for Lands.

Policy Implications:

N/A

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 AND COUNCIL DECISION	ITEM 15.1.1
Moved: Cr Gairen	Seconded: Cr Smith
That subject to the approval of the Minister for Lands; Council agree to transfer the lease on Lot 311 Queen Street (Reserve 9029) Ravensthorpe currently held by Silver Lake Resources to ACH Minerals Pty Ltd under the same terms and conditions.	
Carried: 5/1	Res: 17/16

All staff withdrew from the meeting to allow the Shire President to address the Councillors.

The staff did not return to the meeting.

COUNCIL DECISION	ITEM 15.1
Moved: Cr Smith	Seconded: Cr Gairen
That Council move from behind closed doors.	
Carried: 6/0	Res: 18/16

14. CLOSURE OF MEETING – 6.04PM

These minutes were confirmed at the meeting of the _____

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

Date: _____

UNCONFIRMED

UNCONFIRMED