



MINUTES

For the Council Meeting held on

Thursday 16th February 2017

Commencing at 5:20pm

In the Ravensthorpe Shire Council Chambers

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS RAVENSTHORPE
ON 16 FEBRUARY 2017, COMMENCING AT 5:20PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE**

MEMBERS: Cr Keith Dunlop (Shire President)
Cr Peter Smith (Deputy Shire President)
Cr Ken Norman
Cr Graham Richardson
Cr Ian Goldfinch

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

APOLOGIES: Cr Kerry Dickenson
Cr Sharyn Gairen
(Ambulance Call Out)

ON LEAVE OF ABSENCE:

ABSENT:

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**4. PUBLIC QUESTION TIME****5. APPLICATIONS FOR, AND PREVIOUSLY APPROVED, LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST****6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS****7. CONFIRMATION OF MINUTES****7.1 COUNCIL MEETING – DECEMBER 15, 2016**

OFFICER RECOMMENDATION	ITEM 7.1
Moved: Cr P Smith	Seconded: Cr G Richardson
That the minutes of the meeting of council held on December 15, 2016 be confirmed as a true and correct record of proceedings.	
Carried: 5/0	Res: 001/17

8. SUSPENSION OF STANDING ORDERS

NIL

9. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS

10. REPORTS OF OFFICERS**10.1 MANAGER OF CORPORATE & COMMUNITY SERVICES****10.1.1 SCHEDULE OF ACCOUNT PAYMENTS – DECEMBER 2016****File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 31 DECEMBER, 2016**Author:** Eimear Guidera – Payroll/Creditors Officer**Authorising Officer:** Ashleigh Stade – Senior Finance Officer**Attachments:** Schedule of Payments to 31 December, 2016
Credit Card Transactions to 03 January, 2017**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:**31 December 2016**

FUND	PAYMENT	VOUCHERS	AMOUNTS
Municipal Account	EFTs	EFT6508-EFT6652	\$2,690,976.80
	Municipal Fund Cheques	000005-000023	\$14,692.99
Payroll	Dates	07/12/2016 21/12/2016	\$169,437.00
Superannuation		Direct Debit	\$24,217.37
Bank Fees			\$1133.01
Municipal Account Total			\$2,900,457.17
Shire Credit Card Facility	Bankwest VISA	02/12/2016- 03/01/2017	\$4,478.23

Trust Account Payments	EFTs	EFT6540 – EFT6764	\$15,499.80
	Cheques	1386 – 1387	\$100.00
Grand Total			\$2,920,535.25

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:

N/A

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:

N/A

Budget / Financial Implications:

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

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:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.1.1
Moved: Cr G Richardson	Seconded: Cr P Smith
That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of December 2016, be noted.	
Carried: 5/0	Res:002/17

10.1.2 SCHEDULE OF ACCOUNT PAYMENTS – JANUARY 2017

File Ref:**Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 31 JANUARY, 2017**Author:** Eimear Guidera – Payroll/Creditors Officer**Authorising Officer:** Ashleigh Stade – Senior Finance Officer**Attachments:** Schedule of Payments to 31 January, 2017
Credit Card Transactions to 31 January, 2017**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:**31 January 2017**

FUND	PAYMENT	VOUCHERS	AMOUNTS
Municipal Account	EFTs	EFT6654-EFT6763	\$1,162,277.49
	Municipal Fund Cheques	000024 – 000041	\$56,473.97
Payroll	Dates	04/01/2017 25/01/2017 18/01/2017	\$170,281.58
Superannuation		Direct Debit	\$24,796.51
Bank Fees			\$0
Municipal Account Total			\$1,413,829.55
Shire Credit Card Facility	Westpac VISA	04/01/2017-02/02/2017	\$3,417.57
Trust Account Payments	EFTs	EFT6713 – EFT6715	\$60.00

	Cheques	1388 – 1389	\$40.00
Grand Total			\$1,417,347.12

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:

N/A

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:

N/A

Budget / Financial Implications:

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

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:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.1.2
Moved: Cr I Goldfinch	Seconded: Cr P Smith
That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of January 2017, be noted.	
Carried: 5/0	Res:003/17

10.1.3 MONTHLY FINANCIAL REPORT – 31ST DECEMBER 2016**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	2 nd February 2017
Author:	Jenny Goodbourn - MCCS
Authorising Officer:	Not applicable
Attachments:	Yes – Monthly Financial Report–December 2016

Summary:

This report presents the monthly financial reports for December 2016 to Council which is provided as an attachment to the agenda. The recommendation is to receive the December monthly financial reports.

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 2016/2017 Budget adopted by Council on 18 August 2016. 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

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.1.3
Moved: Cr G Richardson	Seconded: Cr P Smith
That Council receive the Monthly Financial Reports for the period ending 31 st December 2016 in accordance with Section 6.4 of the Local Government Act 1995.	
Carried: 5/0	Res:004/17

10.1.4 MONTHLY FINANCIAL REPORT – 31ST JANUARY 2017**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	2 February 2017
Author:	Jenny Goodbourn - MCCS
Authorising Officer:	Not applicable
Attachments:	Yes – Monthly Financial Report–January 2017

Summary:

This report presents the monthly financial reports for January 2017 to Council which is provided as an attachment to the agenda. The recommendation is to receive the January monthly financial reports.

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 2016/2017 Budget adopted by Council on 18 August 2016. 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

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.1.4
Moved: Cr I Goldfinch	Seconded: Cr P Smith
That Council receive the Monthly Financial Reports for the period ending 31 st January 2017 in accordance with Section 6.4 of the Local Government Act 1995.	
Carried: 5/0	Res: 005/17

10.2 MANAGER OF PLANNING AND DEVELOPMENT**10.2.1 PROPOSED OVERSIZED OUTBUILDING 85 ESPLANADE, HOPETOUN**

File Ref:	A744
Applicant:	Ms Isabelle O'Sullivan
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	3 February 2017
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	Yes – Application plans

Summary:

Council has received a revised application for an outbuilding at 85 Esplanade Hopetoun with a floor area of 68m², wall height of 3.5m and roof pitch of 4.5m. The shed and a number of other structures would replace an existing large shed in poor state and is required to house a boat, caravan, trailers, cars and accommodate a workshop, craft room and provide additional living space. The application includes supporting letters from adjoining landowners and a written justification.

Council's Outbuildings policy allows for 60m² of shed, a wall height of 3.0m and roof pitch of 4.5m

This report acknowledges the need and the setting as being appropriate for a larger than usual shed and recommends approval.

Background:***Site Description***

Lot 112 (#85) Esplanade, Hopetoun is 1012m² in area and developed with a single house and outbuilding.

Lot 112 has a residence constructed either side, has a rear laneway and looks across Esplanade to the foreshore reserve. The immediate area is characterised by sheds facing onto the rear laneway with houses facing out into the surrounding streets.



Lot 112 Esplanade, Hopetoun, edge in red (photo from 2015)

Zoning and Scheme Requirements

85 Esplanade is zoned 'Residential' under the Shire of Ravensthorpe Town Planning Scheme No.5.

The objective for the Residential Zone is:

To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Planning Codes.

Outbuilding applications are guided by Local Planning Policy 3 – 'Outbuildings'.

Previous Consideration

Council informally considered a proposal for a 227m² shed at their workshop in November 2016 where advice was provided to the applicant that such a large shed was highly likely to be refused.

Some advice was offered to break the proposed shed into smaller components including a garage attached to the house and a habitable building for the proposed craft room.

The applicant has prepared and lodged the current application in an attempt to meet Council's previous concerns.

Comment:

Proposal

Council has received an application for an outbuilding, garage and house extension at Lot 112 (#85) Esplanade, Hopetoun. The proposal includes three built elements:

1. Garage attached to the house with a driveway through to the rear of the property. The garage is 14m long, 5m wide and up to 4.5m wall height. It proposes a boundary wall.
2. A two-storey habitable building (house extension) in the north western corner of the site which would require the demolition of the existing shed. This is 5.0m high, 8.0m wide and 17.0m long including a 3m wide balcony facing south.
3. An outbuilding in the north eastern corner of the property has the following dimensions:
 - Floor area: 68m²
 - Wall height: 3.5m (when measured from Natural Ground Level (NGL))
 - Roof pitch height: 4.2m

The outbuilding is proposed at the rear of the lot and partly screened from the road by the existing house.

The need for additional storage has been supported by the following from the applicant:

To support this proposal I include the following

1. *Signed letters stating no objections from the neighbours.*
2. *The existing house will screen the shed from the street.*
3. *There are sheds on 3 sides of the proposed shed and laneway*
4. *Dropped ground level will reduce the height of shed and make it compliant with Shire requirements if this is necessary.*
5. *Craft room /Art Studio—sewing area for approximately 10people and storage of sewing materials and machines. This craft room will also be used as an art room with the necessary equipment.*
6. *Workshop—I have a son and grandson who like to work on cars and do wood work*
7. *Mezzanine – 8mx4m above art studio, for storage of various articles and materials.*
8. *The other area are to house 3 cars, boat& trailer [L8.7m xH4mx W2.4] caravan [L8m xH2.6m xW2.4],small boat [3.5m]and 2x trailers [3.5m],they need to be out of the weather to protect from salt damage and rust this is essential when living in coastal areas....*

A copy of the planning application and the applicant's justification is attached to this report.

Assessment

Proposed Garage

The proposed garage largely complies with the Residential Design Codes of WA (R-Codes) and is treated as part of the house and not considered an outbuilding.

The neighbouring landowner has no objection to the proposed boundary wall. Support for this element of the proposal is recommended subject to the materials and colours complimenting the house.

Proposed two-storey habitable building (house extension)

The two-storey habitable building in the north western corner of the site is assessed as an extension of the house and not an outbuilding. It is proposed as a craft room, storage for the craft room and additional living space. Only basic plans have been lodged as part of the planning application which lack detail.

The proposal complies with the R-Codes in terms of setbacks to boundaries, however the following conditions are recommended:

- The proposed balcony is to be screened along the western side boundary to prevent overlooking of the neighbouring yard;
- Details of the colours, finishes, doors and window treatments are to be provided to the satisfaction of the Chief Executive Officer prior to the issue of a Building Permit.
- That due to its size that a condition of approval be placed on the approval stating that this part of the house may not be self-contained as it exceeds the maximum floor area permitted for a granny flat.

Proposed Outbuilding

The proposed outbuilding exceeds two elements of the policy recommendations:

- Maximum floor area is recommended at 60m², 68m² is proposed; and
- Maximum wall height of 3.0m, 3.5m is proposed

Note that the roof height complies with policy.

It is important that Council recognises that the Policy is a guideline only and each application still needs to be based on its individual merit. The main considerations in examining the proposed outbuilding are compliance with the policy objectives, visual impact and streetscape.

Part (b) of the objectives of the outbuilding policy is to “*achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, of the Shire as a whole.”*

The applicant appears to have made every effort to meet the requirements of the Council Outbuildings Policy by reducing the size, cutting natural ground level and splitting the built elements across the site. There appears to be a legitimate need for additional storage, the neighbouring landowners do not object and the relaxations requested are relatively minor. The outbuilding is in the back corner of the site, screened from the road and surrounded by other sheds.

Conditional approval is recommended

Consultation:

Variations to the Outbuildings Policy usually require referral to neighbouring landowners for comment. In this case the applicant sought and provided these comments. There are no objections.

Statutory Obligations:

N/A

Policy Implications:

Local Planning Policy 3 – Outbuildings

Budget / Financial Implications:

None for Council.

Strategic Implications:

The proposal is to do with the following theme of the Strategic Community Plan:

Theme 1:

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

Outcome 1.2 “Vibrant & attractive townsite”.

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 G Richardson	Seconded: Cr P Smith
<p>THAT Council approve the proposed outbuilding, garage and house extension at Lot 112 (#85) Esplanade, Hopetoun subject to the following conditions:</p> <ol style="list-style-type: none"> a) The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions. b) All runoff from impervious surfaces being contained within the property and disposed of to the Shire’s satisfaction. c) The outbuilding being used for domestic use only and not for commercial or industrial use or human habitation d) The design, materials and colours of the new development harmonising with those of the existing development. In this regard a schedule indicating design, colour and materials of the proposed development and any screen walls are to be submitted prior to the issue of a building permit. e) Details of the screening to the western elevation of the first floor balcony, windows, doors and finishes are to be submitted to the Shire (generally in the building permit application) to the Shire’s satisfaction. f) The house extension is not to be self-contained and is to be an extension of the existing house only. 	
Carried: 5/0	Res:006/17

10.3 MANAGER OF ENGINEERING SERVICES

10.3.1 WASTE MANAGEMENT – LANDFILL SITE OPERATIONS

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	1 st February 2017
Author:	Darryn Watkins – Manager Engineering Services
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	None

Summary:

Council to be informed of the usage of the additional opening hours since November 2016 at the Ravensthorpe Landfill Facility.

Background:

After multiple reviews of opening hours and the subsequent patronage at the Ravensthorpe Landfill Facility the opening hours of the site have remain unchanged since June 2013. As a result of a request from a member of the public at the Ordinary Meeting of Council in Hopetoun on 20th October 2016, Council requested the Chief Executive Offer to trial extended opening hours at the facility for a period of 3 months. That 3 month period has now expired.

Comment:

The request from the member of the public was for the Ravensthorpe Landfill Facility to be open on Wednesday afternoons. The Chief Executive Officer directed the Manager Engineering Services to implement the additional opening hours and report on usage after the 3 month trial period. The changes to the opening hours were advertised in the Community Spirit, Shire website and on social media.

Upon reviewing the data for patronage at the Ravensthorpe facility during that 3 month period it has shown that there was very little usage by the public of the additional opening hours. The open to public hours of the site during the 3 month trial period were:

<u>Ravensthorpe Landfill Site</u>		
Monday	-	8.00am to 11.00am
Wednesday	-	8.00am to 12.00pm – 1pm to 4pm
Saturday	-	9.00am to 12.00pm
Sunday	-	1.00pm – 4.00pm

The usage by the public during the 3 month trial period is tabled below:

Date	Wed AM	Wed PM
16/11/16	4 visits	2 visits
23/11/16	6 visits	0 visits
30/11/16	5 visits	1 visit
7/12/16	2 visits	1 visit
14/12/16	3 visits	2 visits
21/12/16	12 visits	6 visits
28/12/16	3 visits	1 visit
04/1/17	4 visits	2 visits
11/1/17	10 visits	0 visits
18/1/17	9 visits	5 visits
25/1/17	5 visits	0 visits
01/2/17	3 visits	0 visits
Total	66 visits	20 visits

It should be noted that after consultation with the landfill attendants that Sunday is a very busy day for the site and that if the extended hours of operation should continue than Council may consider opening all day Sunday to the public.

Consultation:

Chief Executive Officer
Works Supervisor
Landfill Attendants

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

The additional costs for opening the additional hours below is anticipated to be \$2,500 for the remainder of the 2016 / 2017 financial year. This cost will be partially offset by fees collected at the gate.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known sustainability 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 10.3.1
Moved: Cr P Smith	Seconded: Cr G Richardson	
That the Ravensthorpe landfill facility be manned and open to the public at the following times:		
Monday	8.00am – 11.00am	
Wednesday	8.00am – 11.00am	
Saturday	9.00am – 11.00am	
Sunday AM	9.00am – 12.00pm	
Sunday PM	1.00pm – 4.00pm	
Carried: 5/0	Res:007/17	

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 DELEGATIONS REGISTER

File Ref:	Delegation Register
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	27 January 2017
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, 2016.

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. 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.

The new appointment under the Public Health Act 2016 as referred to in another agenda is also listed in the updated register.

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.

The only change in this area is to deleted reference to Town Planning Scheme 5 and instead reference is made to the gazette Town Planning Scheme. This will allow transition from the current planning scheme to the new scheme currently awaiting approval from the WA Planning Commission.

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

OFFICER RECOMMENDATION AND COUNCIL DECISION

ITEM 10.4.1

Moved: Cr P Smith

Seconded: Cr I Goldfinch

That Council adopts the 2016/17 Delegations Register as presented.

Carried: 5/0

Res: 008/17

10.4.2 REVIEW OF COUNCIL POLICIES**File Ref:**

Applicant:	Not Applicable
Location:	Not Applicable
Disclosure of Officer Interest:	Nil
Date:	30 th January 2017
Author:	Ian Fitzgerald – Chief Executive Officer
Authorising Officer:	Not Applicable
Attachments:	Draft Policy Manual – under separate cover

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 June 2016.

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

- ❖ A 9: Superannuation – greater flexibility for contract employees
- ❖ F 2: Purchasing Authority – adjusted in line with Delegations Register
- ❖ F 6: Update the Purchasing Policy to reflect changes in the Local Government Act 1995 and Local Government Act (Function & General) Regulations 1996 and procedures as requested by Councillor Norman
- ❖ G 19: Risk Management amended to reflect that already adopted by Council
- ❖ WS 1: Street numbering amended to provide for Council carrying out work once every 5 years – as requested by emergency services

Consultation:

Senior staff

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 AND COUNCIL DECISION	ITEM 10.4.2
Moved: Cr P Smith	Seconded: Cr G Richardson
That Council adopts the 2017 Policy Manual as presented.	
Carried: 5/0	Res: 009/17

10.4.3 2015/2016 ANNUAL REPORT AND GENERAL MEETING OF ELECTORS**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	30 th January 2017
Author:	Ian Fitzgerald – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Annual Report to be tabled

Summary:

In accordance with section 7.12A(3) of the Local Government Act 1995, Council is required to examine the Auditors report for the year ending 30 June 2016 and is to determine if any matters raised by the Auditors require action to be taken.

A copy of the Auditors Report and the Annual Financial Report for the year ending 30 June 2016 forms part of the content of the 2015/2016 Annual Report, which is presented for adoption.

Council is required to set a date for the Annual General Meeting of Electors.

Background:

Nil

Comment:

Councils Auditors, Lincolns, have completed the annual audit for the year ending 30 June 2016.

The Auditor has provided comments on Councils financial performance for the year, which is measured by the seven ratios prescribed in the Local Government (Financial Management) Regulations 1996. The ratios are reported at Note 18 (page 43 and page 59) in the financial statements. The comments are copied below:

The following table compares your financial ratios (note 19) to the standards prescribed by the Local Government Regulations:

Ratio	Description	Result	Prescribed Standard
<i>Current Ratio</i>	<i>Indicates the Shire's ability to meet short term debt obligations.</i>	2.15	<i>The standard is met if the ratio is greater than 1.</i>
<i>Asset Sustainability Ratio</i>	<i>Indicates that the Shire is replacing or renewing existing non-financial assets at the same rate that its overall asset stock is wearing out.</i>	1.34	<i>The standard is met if the ratio is 0.9 or higher.</i>
<i>Debt Service Cover Ratio</i>	<i>Indicates the Shire's ability to repay its debt including lease payments.</i>	3.23	<i>A basic standard is met if the ratio is greater than or equal to 2. An advanced standard is met if the ratio is greater than 5.</i>
<i>Operating Surplus Ratio</i>	<i>Indicates the Shire's ability to cover its operational costs and have revenues available for capital funding or other purposes.</i>	(0.25)	<i>A basic standard is met between 0.01 and 0.15. An advanced standard is met if the ratio is greater than 0.15.</i>
<i>Own Source Revenue Coverage Ratio</i>	<i>Indicates the Shire's ability to cover its costs through its own revenue efforts.</i>	0.58	<i>A basic standard is met if the ratio is between 0.4 and 0.6. Intermediate standard is between 0.6 and 0.9. An advanced standard is met if the ratio is greater than 0.9.</i>
<i>Asset Consumption Ratio</i>	<i>Measures the extent to which depreciable assets have been consumed by comparing their written down value to their replacement cost</i>	N/A	<i>The standard is met if the ratio is 0.5 or greater. The standard is improving if the ratio is between 0.6 and 0.75.</i>
<i>Asset Renewal Funding Ratio</i>	<i>Measures the ability of the Shire to fund its projected asset renewal/replacements in the future.</i>	0.66	<i>The standard is met if the ratio is between 0.75 and 0.95. The standard is improving if the ratio is between 0.95 and 1.05.</i>

We comment that operating ratios have been adversely affected by the receipt in advance of the Financial Assistance Grant program first quarter payment in the prior year and increased depreciation on non-current assets due to the Fair Value reporting requirements of FM Reg 17A.

In relation to the Annual Report the Local Government Act 1995 section 5.53 states that the Annual Report must contain the following:

- A report from the President
- A report from the Chief Executive Officer
- An overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or continue in the next financial year
- The financial report for the financial year
- Such information as may be prescribed in relation to the payments made to employees
- The auditor's report for the financial year
- A matter on which a report must be made under section 29(2) of the Disability Services Act 1993
- details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - the number of complaints recorded in the register of complaints; and
 - how the recorded complaints were dealt with; and
 - any other details that the regulations may require; and
- Such other information as may be prescribed

In accordance with the Local government Act, the general meeting of electors is to be held on a day no later than 56 days after Council has adopted the Annual Report.

Therefore Council is required to hold the annual meeting of electors no later than Thursday 13th April 2017.

Consultation:

Not applicable.

Statutory Obligations:

Local Government Act 1995 – Part 6 Financial Management; and Local Government (Financial Management) Regulations 1996

- Defines the processes and procedures that apply to the recording and reporting of financial matters.

Local Government Act 1995 – Part 7 Audit; and Local Government (Audit) Regulations 1996

- Defines the audit of the financial accounts of local governments, including the appointment of auditors and the conduct of audits.

Local Government Act 1995

7.12A. Duties of local government with respect to audits

- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
- (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.

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:

Absolute majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

ITEM 10.4.3

Moved: Cr I Goldfinch

Seconded: Cr P Smith

That the 2015/2016 Annual Report for the year ending 30 June 2016 including the annual financial statements and auditors report as presented be accepted.

Carried: 5/0

Res:010/17

OFFICER RECOMMENDATION AND COUNCIL DECISION

ITEM 10.4.3

Moved: Cr I Goldfinch

Seconded: Cr P Smith

That the 2015/2016 Annual General Meeting of Electors be held on Monday 13th March 2017 in the Council Chambers Ravensthorpe commencing at 5.00pm.

Carried: 5/0

Res:010/17

10.4.4 PUBLIC HEALTH ACT 2016 – DELEGATIONS**File Ref:****Applicant:****Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 10 February 2017**Author:** Ian Fitzgerald – Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** None

Summary:

Council is requested to consider the Delegations required under the new Public Health Act 2016.

Background:

The gazettal of the *Public Health Act 2016* on the 25th July 2016 represents a significant update and change to the implementation of environmental health legislation in Western Australia, replacing the *Health Act 1911*. As there is a significant amount of work required to transition to the new regulatory framework, the Department of Health (WA) has advised that implementation is to occur in a staged manner over the next 3 to 5 years.

The old *Health Act 1911* (which will be known as the *Health (Miscellaneous Provisions) Act 1911*), and all regulations made under the Health Act, will continue to be the main enforcement tool used by the Shire's Environmental Health Officers until the provisions of the new Act are proclaimed over the coming years.

Comment:

There are five (5) stages of implementation, of which Stages 1 and 2 are already in effect and have no practical implications for local government. Stage 3 involves key elements of the administrative framework provided by Part 2 of the *Public Health Act 2016* coming into operation to replace the equivalent administrative framework provided by Part II of the *Health Act 1911*.

This includes gazettal of Environmental Health Officers to enforce the provisions of the Act within their local government authority and annual reporting requirements. Stage 3 is expected to occur on **24th January 2017**, with works needed to be undertaken to effect this transition within the Shire.

Stage 4 will adopt changes to the *Public Health Act 2016* relating to notifiable infectious diseases and related conditions, prescribed conditions of health, serious public health incident powers and public health emergencies. Date for commencement is yet to be determined. No action by local government is expected during this implementation stage.

Stage 5 will be the most significant stage of implementation for enforcement agencies as it represents the point at which they move from the framework provided by the *Health (Miscellaneous Provisions) Act 1911* to the *Public Health Act 2016*. The development of new regulations under the *Public Health Act 2016* relating to environmental health matters will commence, and feature provisions for:

- the built environment
- water
- body art and personal appearances
- pests and vectors.

Equivalent provisions in the *Health (Miscellaneous Provisions) Act 1911* and regulations and by-laws made under that Act will be repealed.

The following provisions will also commence with the enforcement provisions:

- Public Health Planning
- Public Health Assessments and
- Registration and licensing

Stage 5 will require substantial works by local government to implement this stage. The Department of Health has advised that it will be working closely with Local Government Authorities in the lead up to this stage, including consultation on the development of the required regulations.

All currently employed Environmental Health Officers will automatically be authorised officers and will continue to enforce both the new and the old public health legislation as the transition continues. However, implementation of Stage 3 requires that they must be provided a certificate of authority, to be produced on request. The Shire's authorised delegate is required to sign the certificate.

Using section 21(1)(b)(i) Part 2 of the new Public Health Act 2016, Council may delegate the powers and duties conferred on it to the Chief Executive Officer or an authorised officer of the Local Government. At this time, the effect of the delegation being sought is minor (sign the certificate), however as further provisions are gazetted to expand the powers of the *Public Health Act 2016*, this delegation will provide for the smooth implementation of these provisions as they are implemented.

Precedent for this is already in place for the Health Act (Delegation 30) which enables the CEO to act on behalf of Council in respect to the Act and associated Regulations. This includes initiating legal action on behalf of the Shire for breaches of the *Health Act 1911*. The current delegation will need to remain in place during the transition to the new *Public Health Act 2016*. The designation of authorised officers and the appointment of EHOs is now the responsibility of Local Government (enforcement agency). The Department of Health no longer has a role in the designation or appointment of EHOs/authorised officers.

Once Stage 3 comes into effect, all designations must be made under the Public Health Act 2016, and no longer under the Health Act 1911 (to be renamed the Health (Miscellaneous Provisions) Act 1911)

Section 17 of the new Public Health Act 2016, provides Council the ability to appoint Environmental Health Officers/Authorised Officers without the need to apply for approval from the Health Department of WA. As such Council will need to provide delegation to the CEO to carry out this new function.

Section 24 of the new Public Health Act 2016 provides Council the ability to designate a person or class of persons as Authorised Officers and to issue authority cards to those officers. This function was previously carried out by the Health Department of WA. Council is now responsible and pursuant to Section 21(1)(b) may delegate the powers or duties to the Chief Executive Officer or an authorised officer designated by the Local Government and in accordance with Section 21(2) the delegation must be in writing.

Council currently engages an Environmental Health Officer. It is recommended that he be delegated the power and duties in accordance with Section 21(1)(b)(ii) of the Health Act 2016, or alternatively, the Chief Executive Officer of the Shire

Consultation:

Department of Health WA
Environmental Health Officer

Statutory Obligations:

Public Health Act 2016 - Section 312
Public Health Act 2016 – Specifically Section 21(1)(b)(i) and (ii) and Section 21(2)
Health Act 2011
Local Government Act 1995.

Policy Implications:

N/A

Budget / Financial Implications:

Nil

Strategic Implications:

The delegations are required to help provide for good governance of the shire in all areas of responsibility provided for in the Public Health Act 2016.

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 10.4.4
Moved: Cr I Goldfinch	Seconded: Cr P Smith
That Council:	
1. Pursuant to Section 21(1)(b)(ii) Part 2 of the Public Health Act 2016 delegates all the powers and duties conferred or imposed on the Shire by the Public Health Act 2016 to the Chief Executive Officer.	
2. Pursuant to Section 21(2) the delegation as per (1) above be in writing.	
Carried: 5/0	Res:011/17

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

NIL

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

12.1 ELECTED MEMBERS

NIL

12.2 OFFICERS

NIL

13. MATTERS BEHIND CLOSED DOORS

NIL

14. CLOSURE OF MEETING:

Meeting close at 5:28pm

These minutes were confirmed at the meeting of the _____

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

Date: _____