



MINUTES

of the Council Meeting held on

Monday 15 April 2013
commencing at 5 p.m.

in the Council Chambers, Ravensthorpe .

**ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE
ON 15 APRIL 2013, COMMENCING AT 5PM**

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.07 pm - The Presiding Person, Cr Ian Goldfinch, opened the meeting.

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS: Cr Goldfinch (Shire President)
Cr Keith Dunlop (Deputy Shire President)
Cr Julianne Belli
Cr Ken Norman
Cr Don Lansdown
Cr Andrew Duncan

STAFF: Pascoe Durtanovich (Chief Executive Officer)
Brent Bailey (Deputy Chief Executive Officer)
Craig Pursey (Manager of Planning)
Darryn Watkins (Manager Engineering Services)
Jenny Rutter (Executive Assistant)

APOLOGIES:

ON LEAVE OF ABSENCE:
Cr Jan Field

ABSENT:

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

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

Nil

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES**7.1 Council Meeting – 21 March, 2013**

OFFICER RECOMMENDATION

ITEM 7.1

Moved: Cr Lansdown

Seconded: Cr Norman

That the minutes of the meeting of Council held on 21 March, 2013 be confirmed as a true and correct record of proceedings.

Carried: 6/0

Res: 49/13

8. SUSPENSION OF STANDING ORDERS

OFFICER RECOMMENDATION	ITEM 8
Moved: Cr Dunlop	Seconded: Cr Norman
That all Standing Orders be suspended for the remainder of the agenda items to enable detailed discussion, Councillors' questions and briefing by staff on the agenda items in accordance with Council's policy that the meeting on the third Monday of each month is a briefing/discussion meeting only and no decisions will be made on agenda items at this meeting. Decisions on the agenda items listed will be made at the meeting on the following Thursday.	
Carried: 6/0	Res: 50/13

9. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS

Nil

10. REPORTS OF OFFICERS

10.1 Deputy Chief Executive Officer

10.1.1 MONTHLY FINANCIAL STATEMENTS – 31ST MARCH 2013

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	6 th April 2013
Author:	Brent Bailey – Deputy Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Monthly Financial Report

Summary:

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

Background:

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

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,

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

Comment:

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

Consultation:

Council Financial Records

Statutory Obligations:

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

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

Policy Implications:

Nil

Budget / Financial Implications:

As detailed within the attachments

Strategic Implications:

Nil

Sustainability Implications:

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

Voting Requirements:

Simple Majority

OFFICER RECOMMENDATION

ITEM 10.1.1

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

Discussion

10.1.2 SCHEDULE OF ACCOUNT PAYMENTS – MARCH 2013

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	31st March 2013
Author:	Tahnee Gairen- Accounts Payable
Authorising Officer:	Brent Bailey – Deputy Chief Executive Officer
Attachments:	Schedule of Payments to 31st March 2013

Summary:

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

Background:

FUND	PAYMENT	VOUCHERS	AMOUNTS
Municipal Account	EFT and	EFT1356-1470	\$362,495.31
	Cheques	37939-38002	\$151,650.00
Municipal Account Total			\$514,145.31
	Trust	EFT1384- EFT1392	\$2,254.50
	Trust Cheques	1162-1191	
Trust Account Payments			\$2,254.50
Reserve Bank Fee			N/A
			<u>\$516,399.81</u>

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 sub regulation (1) or (2) is to be —

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

Policy Implications:

Nil

Budget / Financial Implications:

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

Strategic Implications:

Nil

Sustainability Implications:

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

Voting Requirements:

Simple Majority

OFFICER RECOMMENDATION

ITEM 10.1.2

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

Discussion

10.1.3 PROPOSED LEASE OF PORTION LOT 694 BEACON DRIVE, HOPETOUN – ABC DIGITAL TV

File Ref:	RES 31443
Applicant:	Broadcast Australia Pty Ltd
Location:	Lot 694 Beacon Drive, Hopetoun (Reserve 31443)
Disclosure of Officer Interest:	Nil
Date:	31 st January 2013
Author:	Brent Bailey – Deputy Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	No

Summary:

This item seeks to conclude the statutory process to commence a lease agreement between the Shire of Ravensthorpe and Broadcast Australia Pty Ltd for a portion of Lot 694 Beacon Drive, Hopetoun (Reserve 31443) after carrying out the necessary public notice requirements set out by the Local Government Act 1995.

The subject site will be developed with a 4.7m Satellite Dish as part of the ABC Digital TV service proposed for the Hopetoun community by Broadcast Australia Pty Ltd. The statutory advertising period has been finalised and there were no submissions or objections received.

Background:

A planning application for a 4.7m Satellite Dish and associated infrastructure required to provide the ABC digital TV service to Hopetoun was approved by Council in December 2012. Following that approval Broadcast Australia will require a lease over the land with the Shire of Ravensthorpe.

Approximate location of proposed 84m² lease area that effectively forms an extension to the existing Telstra lease site (Landgate 2012)

Comment:

Telstra have the ability to sub-lease to Broadcast Australia Pty Ltd the area required on the current tower. The Shire of Ravensthorpe has the power to lease the subject site for the satellite dish that will enable the completion of the proposed additional infrastructure.

The lease forms a disposal of property under Section 3.58 of the Local Government Act 1995. Council resolved in February 2013 to dispose of the property by private treaty subject to the relevant advertising and submission periods being carried out. This advertising process has been undertaken and no submissions or objections were received. It is thus recommended that Council now formally enter into the lease arrangement.

Consultation:

Opteon Property Valuers

Statutory Obligations:**Local Government Act 1995 Section 3.58**

- (1) *In this section —*
- dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
- property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

- (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Policy Implications:

Nil

Budget / Financial Implications:

The proposed lease area is an essential part of the digital TV service proposed. There will be a cost in establishing the lease documents that should be borne by the applicant.

The market value and advertised lease fee for the land is \$5,500.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
The service proposed by Broadcast Australia Pty Ltd will provide television service in a re-transmitted format to the local community.

Voting Requirements:

Simple Majority

OFFICER RECOMMENDATION

ITEM 10.1.3

That Council;

1. Authorise the Chief Executive Officer and Shire President to enter into a formal lease agreement of an 84m² portion of Lot 694 Beacon Drive, Hopetoun (Reserve 31443) with Broadcast Australia Pty Ltd.
2. Endorse the terms of the proposed lease being an annual rental of \$5,500 including GST for 10 years with two options of 5 years each.
3. Require all costs in preparing the lease are borne by the applicant.

Discussion

**10.1.4 PROPOSED LEASE OF PORTION LOT 694 BEACON DRIVE, HOPETOUN
NBN FIXED WIRELESS BROADBAND FACILITY**

File Ref:	RES 31443
Applicant:	NBN Co
Location:	Lot 694 Beacon Drive, Hopetoun (Reserve 31443)
Disclosure of Officer Interest:	Nil
Date:	4 th April 2013
Author:	Brent Bailey – Deputy Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	No

Summary:

This item seeks to conclude the statutory process to commence a lease agreement between the Shire of Ravensthorpe and NBN Co for a portion of Lot 694 Beacon Drive, Hopetoun (Reserve 31443). Advertising was not required for this site however a delegated authority is requested for the Chief Executive Officer to execute the lease agreement.

Most of the infrastructure required by NBN Co will be located within the Optus lease site. However, a lease is required over a 15m² area of land adjacent to the existing Optus compound required for two 'outdoor cabinets' in a fenced compound.

Background:

The lease is required to secure land for the development of the necessary NBN infrastructure to facilitate Hopetoun's fixed wireless broadband service.

The proposed lease area is located along the southern edge of the existing Optus compound and lease area fronting Beacon Drive.

Comment:

Optus have the ability to sub-lease to NBN co. The Shire of Ravensthorpe has the power to lease the subject site that will enable the completion of the proposed additional infrastructure.

The lease forms a disposal of property under Section 3.58 of the Local Government Act 1995. Council resolved in February to carry out the disposal subject to Part 30 2 (a) (ii) of the Local Government (Functions and General) Regulations 1996 which provides an exemption from Section 3.58 requirements if the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee.

NBN Co has agreed in principal to the lease fee and term resolved by Council in February of \$4,000 and 20 years and a lease is currently being prepared. It is recommended that Council delegate authority to the Chief Executive Officer to execute the lease agreement to formalise the arrangement.

Consultation:

Opteon Property Valuers

Statutory Obligations:Local Government Act 1995

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned; and*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
(a) *the names of all other parties concerned; and*
(b) *the consideration to be received by the local government for the disposition; and*
(c) *the market value of the disposition —*
(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
(a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
(b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*

- (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
- (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Local Government (Functions and General) Regulations 1996

30. Dispositions of property to which section 3.58 of the Act does not apply

- (2) *A disposition of land is an exempt disposition if —*
- (a) *the land is disposed of to an owner of adjoining land (in this paragraph called **the transferee**) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
- (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

Policy Implications:

Nil

Budget / Financial Implications:

The proposed lease area is an essential part of the high speed fixed wireless network proposed as part of the proposed National Broadband Network. Given the proposed lease area is only of practical use to the proponent (as they have an agreement with Optus to collocate infrastructure next door) the Shire may lease the site to NBN Co subject to Part 30 2 (a) (ii) of the Local Government (Functions and General) Regulations 1996.

The market value of the lease area has been valued at \$4,000

There will be a cost in establishing the lease documents that should be borne by the applicant.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
The introduction of high speed internet to the region will have significant economic benefits for the community.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Absolute Majority

OFFICER RECOMMENDATION

ITEM 10.1.4

That Council;

Delegate authority to the Chief Executive Officer to execute a lease agreement between the Shire of Ravensthorpe and NBN Co for a portion of Lot 694 Beacon Drive, Hopetoun.

*Discussion***10.2 Manager of Planning and Development****10.2.1 PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE**

File Ref:	ET.CO.7
Applicant:	Daly International
Location:	Lot 50 Elverd Street, Desmond
Disclosure of Officer Interest:	Nil
Date:	8 April 2013
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	Yes - Planning Application

Summary:

A planning application has been lodged with Council for a proposed 30m high telecommunications tower and associated infrastructure at Lot 50 Elverd Street, Desmond.

The application has been advertised for 21 days during which time no objections have been received.

Planning approval is recommended.

Background:

Lot 50 Elverd Street, Desmond is a privately owned property within the Desmond townsite developed with a single house.

Lot 50 is zoned 'General Agriculture' under the Shire's Town Planning Scheme No.5. Telecommunications infrastructure is a discretionary use in this zone.

Comment:Description of Application

Council received an application from Daly International on behalf of NBN co. for telecommunications infrastructure at lot 50 Elverd Street, Desmond on the 14th February 2013. The application is summarised below;

- 30m high slimline monopole;
- 2x parabolic dish antenna;
- 7.5m² equipment shelter at ground level; and
- Ancillary equipment associated with operation of facility such as cables, access, bird proofing, etc.

The infrastructure is enclosed within a secure compound which measures approximately 96m² in area. It is proposed to be located in front of the existing house on Lot 50.

The tower is required as part of the National Broadband Network and is part of a 'fixed wireless' broadband service. The application states that "*fixed wireless is like fixed broadband service but delivered through the air instead of fibre optic cable. It provides broadband services over the air from a radio network base station to an antenna and network equipment installed at the end user premises*".

The application is justified as follows:

- *The site is appropriately located and sited so as to minimise visual impact on the immediate and surrounding area.*
- *The site will achieve the required coverage objectives for the area.*
- *The proposal operates within the regulatory framework of Commonwealth, State and Local Government.*
- *The facility operates within all current and relevant standards and is regulated by the Australian Communications and Media Authority.*

A summary of the proposal and a copy of the plans are attached to this report. The full application is available on request.

Assessment

The proposed land use is defined in the Scheme as '*telecommunications infrastructure*' as follows:

"telecommunications infrastructure" means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.

Council has to weigh up the benefits of improved and alternative telecommunications services which will in turn benefit local businesses and the wider community, whilst also having regard for normal planning considerations such as visual impact of the structure.

Telecommunications infrastructure is becoming part of the rural landscape and is expected adjacent to highways and townsites.

It is also recognised that the use will have wider community benefits by achieving improved mobile phone coverage which in turn will assist with tourism and business.

The visual impact of the tower is minimal, being only viewed from the Hopetoun-Ravensthorpe Road for a short period.

Approval of the application is recommended.

Consultation:

Public consultation was undertaken during February-March 2013, consisting of an advert in the local paper and a letter to the adjoining landowner, closing on the 21st March 2013.

No submissions were received.

Statutory Obligations:

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

Policy Implications:

The Shire does not currently have a telecommunications policy however the Scheme cites specific matters to be taken into consideration for the assessment of applications. The Western Australian Planning Commissions has a broad Statement of Planning Policy for Telecommunications and includes references to '*communications needs of the community*' and '*visual impact on the character and amenity of the surrounding area*'.

Budget / Financial Implications:

Nil

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
Improved telecommunications may have benefits to local businesses, residents and tourism.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple Majority

OFFICER RECOMMENDATION

ITEM 10.2.1

That Council,

1. Approve the proposed 'Telecommunications Infrastructure' at Lot 50 Elverd Street, Desmond subject to the following condition:
 - a) Development shall be carried out and fully implemented in accordance with the approved plans and information lodged with the application received on the 14th February 2013.
2. Advise the applicant that:
 - i) Planning approval is not consent for site works or construction. A building permit is required prior to any commencement of works.

10.2.2 CLOSURE OF FLOATER ROAD**File Ref:****Applicant:**

Galaxy Resources Ltd

Location:

Floater Road, Ravensthorpe

Disclosure of Officer Interest:

Nil

Date:

8 April 2013

Author:

Craig Pursey, Planning Officer

Authorising Officer:

Pascoe Durtanovich – Chief Executive Officer

Attachments:

Yes - Plan of proposed road closure

Summary:

At their meeting of 24th November 2011 Council resolved to progress the closure of a portion of Floater Road to facilitate the expansion of the Galaxy Mine.

Survey works and subdivision approvals have been obtained to move the project forward. No road construction has been undertaken to date.

It is recommended that the road closure process be discontinued and Galaxy Resources be advised accordingly.

Background:

In August 2011 a proposal to close a portion of Floater Road to enable Galaxy Resources to expand their mine to the east was put before Council. This proposal was to close the portion of Floater Road that runs through the proposed mine expansion and have Galaxy construct and upgrade a portion of road to connect through to the Newdegate/Ravensthorpe Road as a replacement for the life of the mine. The proposed road changes are shown on the attached plan.

This proposal was advertised for public comment and brought back before Council for a final decision on the 24th November 2011 where it was resolved as follows:

“That Council in accordance with Section 56 & 58 of the Land Administration Act support the Closure of Floater Road between SLK. 1.4 and SLK 2.90 and the dedication of the parcel of land on Lot 31 as shown on the attached plan as road reserve.

Subject to Galaxy Resources Ltd confirming that they will agree to perform all works according to the following conditions;

- a) Upgrade of the section of Old Newdegate Road to be the same standard as the mine access road,*
- b) The section of road access through the mine site to be dedicated as a public road reserve,*
- c) Main Roads approval for access onto Newdegate/Ravensthorpe Road.*
- d) Detailed engineering road design plans to be prepared by the proponent and approved by Council,*
- e) Appropriate bollards/signage of both ends of the closed section of Floater Road along with additional tourist information signs as directed by Council.*
- f) Galaxy to reinstate the closed section of Floater Road, to a similar standard as existing, upon closing of the mine operations.*
- g) Galaxy to submit a bank guarantee, with an inflated value estimated to the end of the life of the mine, for the reinstatement of Floater Road to the original alignment.*
- h) Galaxy Resources to pay Council all costs incurred associated with the administration expenses of the closure.*
- i) Reinstatement of Floater Road within three years of the mine being put in care and maintenance, should this occur.*
- j) All mining and environmental approvals be obtained.*

Shire and Galaxy staff have progressed the proposed road closure and dedication by obtaining subdivision approval for the road diversion through Lot 30 Newdegate/Ravensthorpe Road. Some engineering survey has been completed by John Jamieson on behalf of Galaxy Resources presumably as part of the road design process.

No further action has taken place to date as staff were waiting on the construction of the new road before progressing any formal road closures or dedications.

Comment:

Galaxy Resources are no longer operational and it seems that there is no longer any requirement for Floater Road to be closed and an alternative constructed.

It is recommended that the road closure process be discontinued and Galaxy Resources be advised accordingly.

Consultation:

The Shire received 28 submissions during the advertising period for the proposed road closure.

No consultation is required to stop the closure process; however it may be appropriate to write to those people who lodged submissions and the Department for Regional Development and Lands if the road closure is to no longer proceed.

Statutory Obligations:

Whilst there is a subdivision approval in place to create a new road there is no necessity to act any further on this.

Policy Implications:

Nil

Budget / Financial Implications:

Some officer time has been used in the assessment, administration and preparation of reports and site assessments that may be recouped from Galaxy Resources as per condition (h) of Council's previous resolution. However, these costs may be difficult to quantify and as Galaxy Resources are no longer operating be difficult to obtain.

Strategic Implications:

Nil

Sustainability Implications:

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

Voting Requirements:

Simple Majority

OFFICER RECOMMENDATION**ITEM 10.2.2**

That Council,

- a) Discontinue the closure of Floater Road and dedication of a new road through to the *Newdegate/Ravensthorpe Road*; and
- b) Advise Galaxy Resources and those people who lodged submissions on the original proposal of this decision accordingly.

10.3 Manager of Engineering Services

10.3.1 REVIEW OF INFRASTRUCTURE CONSTRUCTION PROGRAM

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	8 th April 2013
Author:	Darryn Watkins – Manager Engineering Services
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	No

Summary:

Council is requested to approve changes to the 2012/2013 Infrastructure Construction Program.

Background:

The current program has an allocation for the sealing of selected laneways (ROW'S) within the Ravensthorpe town site.

The unsealed laneways are subject to scouring during rain events with the run-off depositing gravel onto the various road surfaces. There has also been the issue with stormwater ingress onto and through properties from the storm water that is collected on the unsealed laneways.

Sealing of the laneway (fish tails) is not recommended at this stage as drainage issues along the entire length of the laneway need to be addressed to prevent potential damage to the newly sealed sections from storm water run-off.

2012/2013 Infrastructure Construction Program Status:

Melaleuca Road	Form, drain and sheet	Completed
Bridger Road	Form, drain and sheet	Completed
Springdale Road	Form, drain and sheet	Completed
Bedford Harbour Rd	Form, drain and sheet	Completed
Mason Bay Road	Form, drain and sheet	Completed
Senna Rd	Dump point installation	Completed
Road Safety Audits		Completed
Gordon Road	Realignment	Est completion May
Fitzgerald Road	Form, drain and sheet	Est completion June
Koornong Road	Form, drain and sheet	Est completion May
Birdwood Street	Reseal	Est completion May
Raglan Street	Drainage works	Est completion May
Queen Street	Footpath	Est completion April
Hopetoun Rd	Limestone pathway	Est completion May
Morgans St	Streetscape	Deferred
Gravel Pits	Rehab & Development	Ongoing

Comment:

Due to the drainage issues within the Ravensthorpe town site, it recommended that the upgrade and sealing of the laneways be deferred until a drainage plan has been developed. At this stage the anticipated cost of engaging a consultant to develop a drainage plan for the Ravensthorpe town site is not known.

Consultation:

Not applicable.

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

Nil

Strategic Implications:

Nil

Sustainability Implications:

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

Voting Requirements:

Absolute Majority

OFFICER RECOMMENDATION**ITEM 10.3.1**

That the upgrade and sealing of laneways within the Ravensthorpe town site be deferred and that funding for a Ravensthorpe townsite drainage plan be considered for inclusion in the 2013 /2014 budget.

Discussion

10.4 Chief Executive Officer

10.4.1	BUSH FIRE ADVISORY COMMITTEE MEETING 8 APRIL, 2013
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File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	10 April, 2013
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Copy of Minutes

Summary:

Considerations of recommendations from the Shire of Ravensthorpe Bush Fire Advisory AGM and Committee meetings held on the 8 April, 2013.

Background:

Nil

Comment:

The Bush Fire Advisory Committee recommendations are in the main procedural matters and should be supported. The Committee recommendation on Burning on Sundays is a Council policy issue however should be supported.

Consultation:

The recommendation have also been developed by stakeholders in the Bushfire Control areas of the Shire's operations.

Statutory Obligations:

Bushfires Act 1954.

Shire of Ravensthorpe Bushfire Brigades Local Law 2010.

Policy Implications:

1. Shire of Ravensthorpe Bush Fire Advisory Committee operational guidelines.
2. Policy LO3 – Burning on Sundays will be deleted if the Bush Fire Advisory Committee recommendation is adopted.

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 10.4.1
That the Minutes of the Shire of Ravensthorpe Bush Fire Advisory AGM and Committee meeting held on 8 April, 2013 be received and the recommendation therein be adopted.	

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

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	7 April, 2012
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Attachment A - Policies adopted since last review Attachment B – Proposed amendments and additions.

Summary:

The purpose of this item is to adopt the draft policy manual, resulting from the review undertaken by councillors on 18 April, 2013 and by the Chief Executive Officer.

Background:

A comprehensive review of Council's policies was undertaken in 2010, including a Councillor's policy workshop on 5 May, 2010. Following the review Council adopted the new set of policies on 28 May 2010. Since that time Council has introduced some new policies, these were included in the updated Policy Manual and further reviews were undertaken on 21 July 2011 and 23 May, 2012.

Comment:

The attached draft manual includes amendments agreed to at the workshop on 18 April, 2013 plus all policies amended and adopted since 23 May, 2012. In considering the adoption of the policies Council can still make changes if any changes were overlooked at the workshop. New policies and amendment to policies can also be introduced during the year.

Consultation:

Consultation is not required for the policy review unless there are changes to policies such as Town Planning policies that require public advertising under legislation. These are no amendments proposed in the regard.

Statutory Obligations:

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

Policy Implications:

Nil

Budget / Financial Implications:

Nil

Strategic Implications:

Nil

Sustainability Implications:

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

Voting Requirements:

Simple Majority

OFFICER RECOMMENDATION

ITEM 10.4.2

That the draft policies in the attached Policy Manual, identified as attachment 10.4.1, be adopted.

10.4.3 RAVENSTHORPE 'SWIMMING POOL MANAGEMENT COMMITTEE'**File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 27 March 2013**Author:** Matthew Hunt – Manager Recreation and Community Services**Authorising Officer:** Pascoe Durtanovich – Chief Executive Officer**Attachments:**

1. RSPMC Minutes March 2013
2. Current Shire Pool 'Agreement' with Minister for Education

Summary:

This item seeks consideration of a two (2) Committee recommendations from the meeting of the Ravensthorpe Swimming Pool Management Committee on the 7th March 2013.

Background:

Under the current 20 year Agreement between the Shire of Ravensthorpe and Minister for Education (confirmed in 1995), a Management Committee for the Swimming Pool located on Reserve 7716 (vested in the Minister), was formulated comprising the following members:

- 2 persons chosen by the School;
- 2 persons from the Ravensthorpe community chosen by the Shire; and
- 1 Council representative.

Through this Agreement and under the mutual direction of the Shire and the Minister, the Committee is to facilitate the effective operation of the facility, for both school and community recreational purposes.

The Committee has not sat with recorded minutes, since 8th August 2011. As such, the RSPMC has reconvened to nominate its representatives for Council consideration, in addition to progressing the aims and objectives of the Committee, as set out in the aforementioned Agreement. Minutes and Agreement are attached for reference.

Comment:

Given the 20 year tenure of Agreement and inclusive Licence for the facility expires in 2015, it would be prudent not to consider future operation and management options for the facility. However, from a planning and development perspective the Committee must also task the safe and feasible operation of the facility from its current position.

In achieving its prescribed outcomes the Committee has identified a number of key Actions (minuted) for attention in the short term and will progress, with Council support, accordingly. Although outlined in the Agreement that the Committee might only sit with intervals no greater than 6 months, the current Committee have committed to convene every second month, with consideration of the upcoming renegotiation of Agreement and current on site operational requirements.

With regard to representation on the Committee it was discussed that although only five (5) members are prescribed under the agreement, further Guest representatives from both the School and Shire (including Community) could act for advise and proxy representation where required.

As per Clause 3.1© of the Agreement, the Chairperson will be the nominated Shire Representative.

Clarification and report from the Shire, through item five (5) was considered under maintenance and operational state of the facility. It was made known to all present of the current water leakage and pump performances. With the Agreement noting financial responsibilities for minor, major, capital and maintenance works, it was requested that independent clarification be made as to specifically what works would bring the facility up to an adequate standard of operation. Further to this, clarification would subsequently be made as to which components of work might be considered the responsibility of both the Shire and Minister, for the final financial year of Agreement being 2013/14.

The Committee at its meeting of Thursday 7th March 2013 moved a second recommendation to Council, that an unbudgeted amount of up to \$3,500 be made available for the coordination of assessment and audit of the water usage and operational repairs required at the site.

This information will then be used by the School and Shire to source relevant quotes for respective liner, filter / pump, and or significant ground works or capital replacement by the Minister, in the 2013/14 financial year or for a request to Council for the 2013/14 financial year, under minor repairs by the Shire.

Consultation:

This has occurred with the Ravensthorpe Swimming Pool Management Committee, the Minister's regional delegate for facilities through Ravensthorpe District High School contacts and the Shire's Building Maintenance Officer (also a RSPMC Representative).

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

This is an unbudgeted item.

Strategic Implications:

The Shire of Ravensthorpe Strategic Plan 2010 - 2015, Action Plan 6.5, Action 126.

Sustainability Implications:

- **Environmental:**
Water use efficiency improvements.
- **Economic:**
Potentially reduced ongoing maintenance and operational costs.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple Majority

OFFICER RECOMMENDATION (1)

ITEM 10.4.3

That the listed persons nominated by the Shire on the respective RSPMC Minutes be approved as the selected representatives for the Committee, as required by the 'Agreement'.

OFFICER RECOMMENDATION (2)

ITEM 10.4.3

That an unbudgeted expenditure of up to \$3,500 be authorized for the assessment and audit of the water usage and operational repairs required at the Ravensthorpe Swimming Pool site.

Discussion

10.4.4 RAVENSTHORPE ENTERTAINMENT CENTRE MANAGEMENT COMMITTEE
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File Ref:**Applicant:**

Not applicable

Location:

Ravensthorpe Sporting Complex

Disclosure of Officer Interest:

None

Date:

4 April 2013

Author:

Matthew Hunt – Manager Recreation and Community Services

Authorising Officer:

Pascoe Durtanovich – Chief Executive Officer

Attachments:

RECMC Agenda April 2013

Summary:

This item seeks consideration of one e-vote Committee recommendation, resultant from the Agenda of the meeting of the Ravensthorpe Entertainment Centre Management Committee (RECMC) on the Wednesday 3rd April 2013.

Background:

The Ravensthorpe Entertainment Centre Management Committee Incorporated is not a Committee of Council, and has no decision making authority. The RECMC is governed by its constitution and a Heads of Agreement document signed by both the Council and the RECMC.

The RECMC strive to achieve a number of objectives outlined in the Committee Plan and meet regularly to accomplish this responsibility. The Committee was however, unable to attract a Quorum to its March and April meetings for 2013. The Agenda is attached in place

of the regular minutes, to reference the noted correspondence from the Ravensthorpe Basketball Association.

Comment:

The RECMC through the Council historically resolved to permit each affiliated sporting club to receive Bar Profits from two (2) nominated functions of their programming each financial year. It is to be further noted that any direct staff and stock costs incurred by the Shire and or any error in funds processing by the Club be deducted from any profit. All regulatory and licence requirements for the use of the Tavern Premises are to be applied by the nominated clubs i.e. Approved Bar Manager (Red Card) on site with suitably qualified Bar Staff (RSA) in service positions. The Manager for Recreation and Community Services is to sight relevant qualifications, prior to approval and will reconcile funds and stock prior to processing of profits to the clubs.

It is however the preference of the Manager Recreation and Community Services, that affiliated Clubs utilise the existing Bar Manager's for the provision of this service. In terms of maximising profits by and for the clubs, the use of club member Managers (where qualified) will provide only minor benefits due to the staff time and resources in assessing qualifications, training volunteers and reconciling the till and stock prior to and following each nominated function.

On the 14th February 2013, the Ravensthorpe Basketball Association sent correspondence into the RECMC nominating the 12th and 19th April, as their chosen functions nights to receive the REC Bar Profits. This item was tabled for the March and April meeting, however due to a Quorum not being present, the item was considered through an e-vote by the Committee post April RECMC meeting date. The recommendation to Council through the RECMC e-vote is that the RBA be approved to receive the described Bar Profits for the 12th and 19th April 2013.

Consultation:

With the Ravensthorpe Entertainment Centre Management Committee Incorporated (RECMC).

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

- Council is required to endorse or reject all proposed expenditure recommended by the RECMC.
- Adequate funds are available from RECMC bar and membership profits.

Strategic Implications:

Nil

Sustainability Implications:

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

- **Social:**
The proposed actions will encourage broader use of the Ravensthorpe Entertainment Centre.

Voting Requirements:
Simple Majority

OFFICER RECOMMENDATION	ITEM 10.4.4
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<p>That Council approve the RBA to receive the Bar Profits for the 12th and 19th April 2013, under the profit calculation of the Manager Recreation and Community Services and the use of qualified Approved Bar Manager and RSA Card Holders.</p>
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10.4.5 LOCAL GOVERNMENT ENERGY EFFICIENCY PROGRAM (LGEEP)
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File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	5 April 2013
Author:	Matthew Hunt – Manager Recreation and Community Services
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	LGEEP Cost: Benefit Analysis Report (Enigin)

Summary:

This report recommends that Council accept the attached LGEEP Cost:Benefit Analysis prepared by Enigin WA and subsequently allocates a contribution of \$XX,XXX into the 2013/14 annual budget towards the installation of XXXXXXXXXXXX at the Ravensthorpe Entertainment Centre and Ravensthorpe Swimming Pool facilities.

Background:

At its Ordinary Meeting of February 21st 2013, Council resolved:

“That unbudgeted expenditure of \$3,250 is authorized for an independent cost/benefit analysis of the LGEEP within the identified Shire facilities.”

The analysis and report has been completed by Enigin WA, for the both the Ravensthorpe Entertainment Centre and Ravensthorpe Community Swimming Pool facilities and is attached for Council’s perusal. As noted to Council in February the \$24 million LGEEP provides support to all local councils across Australia to install low pollution, clean energy solar and heat pump hot water systems. This program will help support local business, while driving smarter energy use in local government buildings and community facilities.

Comment:

The Shire of Ravensthorpe is eligible to make one application for funding under this program and will be required to co-fund this project (20%) in the 2013/14 financial year. Applications for grants under the LGEEP are open with installations to be completed within 12 months of signing the funding agreement. Grant applications close 29 April 2013.

Through Shire Staff review of the Cost Benefit Analysis, there is a clear sustainable outcome for application by the Shire to implement XXXXXXXXXXXXXXXXXXXXXXXX

As provided by Enigin to the Shire the total cost of the project would be XXXXXX through the acceptance of local supply and install to XXXXXXXXXXXXXXX.

It is further envisaged that the Shire through the Ravensthorpe Swimming Pool Management Committee (RSPMC) would seek an additional co contribution of funds from the Minister for Education specific to the Pool component of the grant application. The RSPMC will provide written support to the application in terms of agreements of tenure for the management of the facilities and continued sustainable use by both the School and Community.

It should be further noted that with consideration given to future management options for both facilities (Agreement expiries in the short term), it would be prudent not to assess and or take advantage of cost savings in the medium to long term for the Shire. This program provides an opportunity to position these facilities at a sustainable level for future assessment.

Consultation:

Has occurred with the Ravensthorpe Swimming Pool Management Committee, the Ravensthorpe Entertainment Centre Management Committee and external independent industry professionals (Enigin).

Statutory Obligations:

Nil

Policy Implications:

F 7: Local Government Purchasing and Tender Guide Model Purchasing Policy – *Sustainable Procurement*

Budget / Financial Implications:

Funds are requested for the 2013/14 financial year.

Strategic Implications:

Shire of Ravensthorpe Strategic Plan: Action No 3.5 (B) and Action No 6.5 (126),

Sustainability Implications:**• Environmental:**

Through local authorities (such as the Shire of Ravensthorpe), the Australian Government is implementing a raft of energy efficiency measures which will help improve the productivity of our economy and move Australia towards a prosperous low-carbon future.

• Economic:

The use of local suppliers where suitable will further improve economic position of our business community. The outlined (Analysis) medium to long term cost savings of the Shire represents sustainable financial management and allows future expenditure on Council priorities.

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

Voting Requirements:

Simple Majority

OFFICER RECOMMENDATION

ITEM 10.4.5

That Council accept the attached LGEEP Cost Benefit Analysis prepared by Enigin WA and subsequently consider the allocation of \$XX,XXX into the 2013/14 annual budget towards the installation of XXXXXXXXXXXX at the Ravensthorpe Entertainment Centre and Ravensthorpe Swimming Pool facilities.

10.4.6 ESPERANCE SUPERTOWNS PROJECT TEAM – SHIRE OF RAVENSTHORPE REPRESENTATIVE
File Ref:**Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 10 April, 2013**Author:** Pascoe Durtanovich – Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** Yes – Super Town project Team Terms of Reference**Summary:**

The Shire of Ravensthorpe has been invited to appoint an ex officio member to the Esperance Super Town Project Team.

This report recommends that the Chief Executive Officer be appointed to the position.

Background:

The Super Towns program that Esperance has been involved in since late 2011 was amended during its delivery to include more of a sub-regional focus. Accordingly the Terms of Reference for the Super Towns Project Team were recently amended to include representation from the Shires of Dundas and Ravensthorpe (Terms of Reference attached for your perusal). At this point these are ex-officio positions to ensure that the ability to maintain a quorum was not compromised in the event that one of the Shires decided to not take up a position. This can be reviewed at any time should it be appropriate to amend this.

Comment:

The current membership of the group consists of:

Presiding Member – Shane Liddelow, Southern Manager GEDC
Deputy Presiding Member – Matthew Scott, CEO Shire of Esperance
Cr Malcolm Heasman – President, Shire of Esperance

Cr Victoria Brown – Deputy President, Shire of Esperance
Wayne (Buck) Rodgers – Board Member GEDC
Robert Hicks - CEO GEDC
Melisa Rowe – President, Esperance Chamber of Commerce
Terri Tholstrup – Secretary, Esperance Chamber of Commerce
Grant Shipp – CEO, Esperance Chamber of Commerce

Meetings are held on the third Tuesday of each month (generally 8.30am)

Given the Regional nature of the Super Towns Projects it is appropriate that the Shire of Ravensthorpe be represented on the Project Team, particularly to ensure that, where appropriate, Shire capital works projects are considered for funding as region enhancement projects.

Consultation:

Not applicable

Statutory Obligations:

There are no statutory obligations for the Shire of Ravensthorpe to be represented on the Project Team.

Policy Implications:

Nil

Budget / Financial Implications:

The only cost is travel to Esperance. In reality it is likely that only six to eight meetings per annum will need to be attended.

Strategic Implications:

The Esperance Super Towns Project is an opportunity for the Shire of Ravensthorpe to deliver some of the Shire infrastructure projects on the Goldfields Esperance Regional Plan and to improve government services to the Shire.

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 10.4.6

That the Chief Executive Officer be appointed as the Shire of Ravensthorpe representative on the Esperance Super Towns Project Team.

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 -

These minutes were confirmed at the meeting of the _____

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

Date: _____