MINUTES

of the Council Meeting held on

Thursday 21 February 2013
commencing at 5 p.m.

in the Council Chambers, Ravensthorpe.

ORDINARY MEETING OF COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE
ON THURSDAY 21 FEBRUARY 2013, COMMENCING AT 5PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.01pm – The Presiding Person, Cr Keith Dunlop, opened the meeting.

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS:	Cr Keith Dunlop	(Deputy Shire President)
	Cr Julianne Belli	
	Cr Ken Norman	
	Cr Jan Field	
	Cr Andrew Duncan	
	Cr Don Lansdown	
STAFF:	Pascoe Durtanovich	(Chief Executive Officer)
	Darryn Watkins	(Manager Engineering Services)
	Jenny Rutter	(Executive Assistant)

APOLOGIES:

ON LEAVE OF ABSENCE:

Cr Goldfinch	(Shire President)

ABSENT:

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

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

Cr Field	Financial	Item 10.3.1
Pascoe Durtanovich	Financial	Item 13.1

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

Mr Hugh Lavery, Regional Manager Goldfields Esperance Water Corporation, will attend the meeting to discuss Hopetoun and Ravensthorpe water supplies.

Note: Mr Lavery was unable to attend the meeting and has rescheduled to attend the March meeting.

7. CONFIRMATION OF MINUTES

7.1 Council Meeting – 18 February, 2013

COUNCIL DECISION AND OFFICER RECOMMENDATION ITEM 7.1

Moved: Cr Norman Seconded: Cr Lansdown

That the minutes of the meeting of Council held on 18 February, 2013 be confirmed as a true and correct record of proceedings.

Carried: 6/0 Res: 6/13

8. SUSPENSION OF STANDING ORDERS

Nil

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 DECEMBER 2012

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:

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

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

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

Voting Requirements:
Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.1.4
Moved: Cr Norman	Seconded: Cr Duncan
That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of January 2013, be noted.	
Carried: 6/0	Res: 10/13

10.1.5 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:	10 December 2012
Author:	Brent Bailey – Deputy Chief Executive Officer
Authorising Officer:	N/A
Attachments:	Yes - Letter from Daly International

Summary:

This item seeks to commence 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).

Most of the infrastructure required will be located within the Optus lease site. However, a lease is required over a 15m^2 area of land adjacent to the existing Optus compound required for two 'outdoor cabinets' in a fenced compound.

Background:

Council received a request from Daly International requesting a lease over a 15m^2 portion of Lot 694 Beacon Drive, Hopetoun. A copy is attached to this report.

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 campound 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 has a number of options to carry out the disposal including public auction, tender or by private treaty providing that relevant advertising and submission periods are carried out. The circumstances relating to this lease may also be covered by 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.

Given the size and low impact of the lease area it is suggested that the most applicable means of formalising the lease is to dispose of the property by private treaty and utilise the exemption mentioned above.

Consultation:

Opteon Property Valuers – Albany, were engaged to provide an annual rental valuation.

Statutory Obligations:

<u>Local Government Act 1995</u>

(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.]

<u>Local Government (Functions and General) Regulations 1996</u>

<u>30. Dispositions of property to which section 3.58 of the Act does not apply</u>

(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 incorporatedor 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:

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

x **Economic**:
The introduction of high speed internet to the region will have significant economic benefits for the community.

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

Voting Requirements:
Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.1.5
Moved: Cr Field	Seconded: Cr Lansdown

That Council;

1. *Acknowledge that the requested lease over land is of no significant benefit to anyone other than the transferee; and*
2. *Resolve to dispose through leasehold a 15m^2 portion of Lot 694 Beacon Drive, Hopetoun (Reserve 31443) by private treaty to NBN Co in accordance with Section 3.58 of the Local Government Act 1995 and Part 30 2 (a)(ii) of the Local Government (Functions and General) Regulations 1996.*
3. *Endorse the terms of the proposed lease being an annual rent of $4,000 including GST for a period of 20 years.*
4. *Require all costs in preparing the lease are borne by the applicant.*

Carried: 6/0 Res: 11/13

10.1.6 PROPOSED LEASE OF PORTION LOT 694 BEACON DRIVE, HOPETOUN – 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:	31st January 2013
Author:	Brent Bailey – Deputy Chief Executive Officer
Authorising Officer:	Not Applicable
Attachments:	Yes – Locality Plan

Summary:

This item seeks to commence 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.

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.

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 has a number of options to carry out the disposal including public auction, tender or by private treaty providing that relevant advertising and submission periods are carried out.

Given Council has indicated support for the facility already through planning approval it is suggested that the most applicable means of formalising the lease is to dispose of the property by private treaty and advertise accordingly. This will provide the public with opportunity to make submissions on the proposal which can be considered at the March Council meeting.

Consultation:

Opteon Property Valuers – Albany, were engaged to provide a rental valuation.

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 of the lease area has been valued at $5,500.

Council may acknowledge that Broadcast Australia's free to air service is providing a community service and offer a reduced lease fee. As a minimum though the lease fee should reflect the estimated portion of the operating costs the infrastructure would incur which is approximately $1,000 excluding GST p.a. based on current expenditure patterns.

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

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.1.6
Moved: Cr Lansdown	Seconded: Cr Field

That Council;

1. Resolve to dispose through leasehold of an 84m^2 portion of Lot 694 Beacon Drive, Hopetoun (Reserve 31443) by private treaty to Broadcast Australia Pty Ltd after satisfying the statutory requirements of Section 3.58 of the Local Government Act 1995.
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.

Carried: 6/0 Res: 12/13

10.1.7 AIRPORT LAND LEASE - LOTS 759 AND 82 CORNER JERDACUTTUP ROAD AND RAVENSTHORPE/HOPETOUN ROAD

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	31st January 2013
Author:	Brent Bailey – Deputy Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

Summary:
This item seeks to invite tenders for the lease of land on Lots 759 and 82 Corner Jerdacuttup Road and Ravensthorpe/Hopetoun Road by lease. The current lease is due to expire in February 2013.

Background:
The Shire of Ravensthorpe has leased the farmland which surrounds the airport since 2006. The farmland is the balance of lot 759 and 82 corner Jerdacuttup Road and Ravensthorpe / Hopetoun Road which is not used for aerodrome operations.

At the Ordinary Council meeting on the 28th July, 2009, Council resolved as follows:

"*That in accordance with the Local Government Act, 1995, the Chief Executive Officer invite tenders for the disposal of Lots 759 and 82, Corner Jerdacuttup Road and Ravensthorpe/Hopetoun Road by lease, with the following conditions:*

- *lease term – 3 years, commencing 1st February, 2010;*
- *control of Lovegrass be the responsibility of the lessee;*
- *the current lessee be permitted to harvest existing crops;*
- *all rates and taxes to be the responsibility of the lessee; and*
- *other conditions to the satisfaction of the Chief Executive Officer."*

Subsequent to the tender process the lease was awarded to Blue Hills Grazing Trust..
With the lease due to expire in February 2013 Council direction was sought to re-lease the property on the open market given that the Shire has no use for the land or expertise in managing broad acre farmland. At the October 2012 Ordinary Council meeting Council resolved the following:

That Council lay the item on the table and reconsider after

1. *A full appraisal of the current asset and compliance with current lease conditions; and*
2. *a valuation of Lots 759 and 82, corner of Jerdacuttup Road and Ravensthorpe /Hopetoun Road, by a certified valuer is carried out.*

Subsequently the property valuation and report has been carried out. The property's has been valued at $31,250 per annum which will be set as the benchmark for offers from the private industry through the tender process.

Comment:
Council's Town Planning Officer is currently investigating the subdivision and potential sale of a portion of this land however it is not anticipated that a subdivision process would be complete within the next two years.

Another consideration for the viability of the lease is the term offered. A longer term offered on the lease area would enable private enterprise to invest more resources into the land compared to shorter term leasehold. Council direction is sought regarding the term of the lease – the COUNCIL DECISION AND OFFICER RECOMMENDATION is for a 3 year term but Council may resolve to lengthen the lease timeframe to encourage a wider range of offers through the tender process.

Approval for the Chief Executive Officer to assess and select a preferred tender is also recommended under delegated authority to expedite the continuation of land management.

Consultation:
Opteon Property Valuers – Albany, were engaged to provide a rental valuation.

Statutory Obligations:
Local Government Act, 1995.

3.58 Disposing of property

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) it gives local public notice of the proposed disposition-
      (i) describing the property concerned;
      (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, 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;
(b) the consideration to be received by the local government for the disposition; and
(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

Policy Implications:
Nil

Budget / Financial Implications:
The lease fee received in the past year for the property was approximately $44,000 per annum. The valuation for an annual lease at present is $31,250 p.a.

Strategic Implications:
Nil

Sustainability Implications:

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

x **Economic**:
There are no known significant economic considerations.

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

Voting Requirements:
Simple Majority for Recommendation (1)

Absolute Majority for Recommendation (2)

OFFICER RECOMMENDATION (1) ITEM 10.1.7

That in accordance with the Local Government Act 1995, Section 3.58 (2) (b) tenders be invited, for the disposal of Lots 759 and 82, Corner Jerdacuttup Road and Ravensthorpe/Hopetoun Road, by lease, with the following conditions:

- lease term – 3 years, commencing 25th March 2013;
- control of lovegrass be the responsibility of the lessee;
- all taxes to be the responsibility of the lessee; and
- other conditions to the satisfaction of the Chief Executive Officer.

OFFICER RECOMMENDATION (2) ITEM 10.1.7

That the Chief Executive Officer be delegated authority to award the tender for the disposal of Lots 759 and 82, Corner Jerdacuttup Road and Ravensthorpe/Hopetoun Road, by lease.

OFFICER ALTERNATIVE RECOMMENDATION (1) ITEM 10.1.7

That in accordance with the Local Government Act 1995, Section 3.58 (2) (b) tenders be invited, for the disposal of Lots 759 and 82, Corner Jerdacuttup Road and Ravensthorpe/Hopetoun Road, by lease, with the following conditions:

- lease term – 5 years plus a 2 year option, commencing 25th March 2013 or as specified in the lease agreement;
- control of lovegrass to be the responsibility of the lessee;
- improvement or replacement of all boundary fences to an industry standard to be the responsibility of the lessee;
- maintenance of all water catchments to an industry standard to be the responsibility of the lessee;
- all taxes to be the responsibility of the lessee; and
- other conditions to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION (1) ITEM 10.1.7

Moved: Cr Norman Seconded: Cr Field

That in accordance with the Local Government Act 1995, Section 3.58 (2) (b) tenders be invited, for the disposal of Lots 759 and 82, Corner Jerdacuttup Road and Ravensthorpe/Hopetoun Road, by lease, with the following conditions:

- lease term – 5 years plus a 2 year option, commencing 25th March 2013 or as specified in the lease agreement;
- provision for an annual inspection by the lessor;
- control of lovegrass and apple of sodom to be the responsibility of the lessee;
- improvement and maintenance of fences to an industry standard to be the responsibility of the lessee;
- maintenance of all water catchments to an industry standard to be the responsibility of the lessee;
- all taxes to be the responsibility of the lessee; and
- other conditions to the satisfaction of the Chief Executive Officer.

Carried: 6/0 Res: 13/13

COUNCIL DECISION AND OFFICER ALTERNATIVE RECOMMENDATION (2) ITEM 10.1.7

Moved: Cr Norman Seconded: Cr Field

That the Chief Executive Officer be delegated authority to award the tender for the disposal of Lots 759 and 82, Corner Jerdacuttup Road and Ravensthorpe/Hopetoun Road, by lease.

Carried by absolute majority: 6/0 Res: 14/13

10.2 Manager of Planning and Development

10.2.1 COUNCILLOR NOMINATION TO DEVELOPMENT ASSESSMENT PANELS

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	5 February 2013
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	Yes - Attachment A - WAPC Development Assessment Panels – Questions and Answers

Summary:

Development Assessment Panels (DAP) were introduced on July 2011 as the decision making body on applications over $7million rather than the local government.

Appointments of all local government Development Assessment Panel members expire on the 26 April 2013.

Council is to consider nominating four Councillors to represent the Shire of Ravensthorpe for a two year term on the Development Assessment Panels.

Two Councillors are required to be the 'nominated local DAP members' and two alternates are also required to fill in as needed.

Background:

In August 2010 parliament passed the *Approval and Related Reforms (No.4) Act 2010*. This Act amends the Planning and Development Act 2005 (PD Act). Part 3 of the 2010 Amendment Act introduces the basic framework for Development Assessment Panels (DAP's).

The WAPC website describes DAP's as follows:

"*DAPs will comprise independent decision makers including technical experts and elected local government representatives. This mix of expertise and knowledge will help balance the technical aspects of development with local concerns and interests.*

DAPs will determine development applications made under local and region planning schemes, in place of the original decision maker. They will be bound by the provisions of the relevant scheme, and will only have the same discretion regarding decision-making as local governments and the Western Australian Planning Commission (WAPC) currently have. The new regulations will set out what types of development applications must in all circumstances be determined by a DAP, and what types of development applications may be determined by a DAP if the applicant so wishes."

The regulations have now been adopted and have been in force since July 2011. DAP's comprise 5 members; 3 technical and 2 local government representatives and make decisions on all applications over $7million rather than the local government. For applications between $3million and $7million the applicant can chose to take the application to a DAP for a decision or remain with the local government.

The Shire has not received any DAP applications to date.

The incumbent local members are Councillors Belli and Norman and Councillors Field and Duncan as the alternate members.

A copy of the WAPC document – "*Development Assessment Panels – Questions and Answers*" is at Attachment A.

Comment:

The Shire of Ravensthorpe has been requested to nominate:

- Two nominated local DAP members; and
- Two alternate local members (effectively a second for each nominated member).

These members will sit on the Goldfields-Esperance Joint Development Assessment Panel (JDAP). The Minister will appoint the local government representatives in accordance with the local government's nomination.

Training

Following appointment, untrained DAP members will be required to attend DAP training before they can sit on a panel.

All DAP members will receive a sitting fee for attending the training. Training will cover:

- Overview of the planning framework
- Development control
- Making decisions
- Development Assessment Panels, including standing orders and code of conduct.

Sitting Fees

The WAPC have stated the following in regard to the payment of sitting fees:

"*All DAP members, except those not entitled to receive sitting fees, will be paid sitting fees on a sessional basis. The presiding member will be paid $500 per session, and all other members will be paid $400 per session.*

The regulations provide that travelling costs that DAP members incur when attending DAP meetings are to be paid to all DAP members, including accommodation and airfares…."

Responsibilities & Attendance

Nominated local DAP members (elected members) will only attend a DAP meeting if their Council receives a DAP application.

Nominated alternate local DAP members (deputies) will only attend a DAP meeting if one or both local members are unavailable to attend the DAP meeting.

The Council's Scheme provisions and policies remain the relevant decision making tool. The regulations require DAP members (and alternate members when sitting in place of a DAP member) to comply with similar requirements regarding behaviour and conflict of interest as local government staff and Council members are required to comply with.

Consultation:

None required

Statutory Obligations:

Development Assessment Panels are the mandatory decision making body on development applications worth more than $7million and are optional for development worth between $3 million and $7 million.

All sitting members will be required to attend mandatory training before they are permitted to sit on a DAP.

Policy Implications:
Nil

Budget / Financial Implications:

Local Government members are paid sitting fees for attendance at the training and if required to attend by the DAP.

All costs for hosting a DAP are reimbursed to the hosting local government via the fee structure.

There will be the usual costs in officer time in preparing reports and administering the application as with any other planning application.

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

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.2.1
Moved: Cr Lansdown	Seconded: Cr Field
That Councillors Julianne Belli and Jan Field be nominated as the local members and Councillors Ken Norman and Andrew Duncan as the alternate members to the Minister for Planning for inclusion on the Goldfields-Esperance Joint Development Assessment Panel.	
Carried: 6/0	Res: 15/13

10.2.2 RAVENSTHORPE AIRPORT – DISPOSAL OF EXCESS LAND

File Ref:	9.3.14
Applicant:	Not applicable
Location:	Ravensthorpe Airport Land – Lots 759 Hopetoun-Ravensthorpe Road and Lot 82 Jerdacuttup Road, Hopetoun
Disclosure of Officer Interest:	Nil
Date:	7 February 2013
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	None

Summary:

Council considered disposing of the excess land around the Ravensthorpe Airport in August 2012 and resolved to seek further information before a subdivision concept was brought back to Council.

More information has now been received including a formal response from FQM Australia Nickel. However, an airport consultant is still required to confirm what land is required into the future before agreeing to the disposal of any airport land.

Council is requested to approve the use of out of budget expenditure to engage an airport consultant.

Background:

Council considered the disposal of airport land at their meeting of 23rd August 2012 where it was resolved as follows:

"*That Council,*

1) *Liaise with FQM Australia Nickel Pty Ltd regarding the potential sale of a portion of Lot 82 and Lot 759 and in particular the possibility of lifting the existing caveat on the Titles;*

2) *Delegate the Chief Executive Officer to negotiate with the neighbouring landowners seeking expressions of interest in purchasing portions of the airport land;*
3) *Seek further advice from airport professionals regarding the potential long term land requirements of the airport; and*
4) *Direct staff to prepare a plan of subdivision for Council's consideration by the October 2012 Council meeting*."

Consultation:

FQM Australia Nickel were contacted shortly after the Council meeting in August 2012 and responded on the 12 November 2012 with qualified support for the proposed sale of excess land subject to resolution of the following matters:

- Engagement of an airport consultant to confirm what land will be required for the future operation of the airport;
- Proceeds of the unused land be placed in a trust fund for the upkeep or expansion of the airport; and
- The Shire pays all costs associated with the subdivision and sale of the unused land.

The CEO has had contact from a number of parties expressing an interest to purchase the unused airport land.

Comment:

Council previous resolution has been addressed in the following manner:

RESOLUTION:	***CURRENT STATUS***
a) Liaise with FQM Australia Nickel Pty Ltd regarding the potential sale of a portion of Lot 82 and Lot 759 and in particular the possibility of lifting the existing caveat on the Titles;	*FQM have responded favourably subject to a number of proviso's, the most important of which is that any profits are used for airport maintenance.*
b) Delegate the Chief Executive Officer to negotiate with the neighbouring landowners seeking expressions of interest in purchasing portions of the airport land;	*The CEO has had a number of approaches from interested parties.*
c) Seek further advice from airport professionals regarding the potential long term land requirements of the airport; and	*A quote from Andrew Forte of $2320 +GST has been received to formally advise on this matter. This is an out of budget expense and needs the absolute majority of Council to support.*
d) Direct staff to prepare a plan of subdivision for Council's consideration by the October 2012 Council meeting.	*Once advice from Andrew Forte is received then a recommended plan of subdivision may be presented to Council.* *There are a number of unbudgeted expenses if a subdivision application is to be lodged including surveying, preparation of the application plans and WAPC application fees.*

Options

In order to move this project forward Council needs to engage an airport professional to assess the future land requirements of the airport. This would then inform a future subdivision design. Additionally, there will be a number of other anticipated costs associated with the eventual subdivision and sale of land.

There are a number of options available to Council including:

1) Cancel the project;
2) Agree to spending out of budget expenditure on an airport professional ($2350 +GST), and then bring a plan of subdivision back to Council for consideration. The remainder of the process is then left to the next financial year to be included in that budget round.
3) Agree to allocate all project expenses now as an unbudgeted expense in order to get the project moving immediately. This would include:

Airport professional	$2,550
Survey	~$5,000
WAPC fees	$1,500-2,000 depending upon subdivision design.
Legal Fees	~$5,000
TOTAL:	**~$14,550**

Statutory Obligations:
Nil at this stage.

Policy Implications:
Nil

Budget / Financial Implications:
Council is being asked to consider out of budget expenditure as part of this report.
Should this project move forward proceeds from the sale of land could be allocated to the Airport Reserve Fund.

Strategic Implications:
Nil

Sustainability Implications:

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

- **Economic**:
  If the land is sold the revenue allows for maintenance or expansion of the airport into the future.

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

Voting Requirements:
Absolute Majority

OFFICER RECOMMENDATION	ITEM 10.2.2
That unbudgeted expenditure of up to $2,750 be authorized for the engagement of an airport consultant to prepare a plan and supporting report that depicts the aviation requirements (including landside requirements) for Ravensthorpe airport.	

COUNCIL DECISION	ITEM 10.2.2
Moved: Cr Field	Seconded: Cr Duncan
That Item 10.2.2 be deferred pending the outcome of the Tender for Lease of the property.	
Carried : 6/0	Res: 16/13

10.2.3 PROPOSED SUBDIVISION – LOT 52 LECHENAULTIA DRIVE, HOPETOUN

File Ref:	LU.SU.1
Applicant:	Ayton Baesjou Planning
Location:	Lot 52 Lechenaultia Drive, Hopetoun
Disclosure of Officer Interest:	None
Date:	7 February 2013
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	Yes - A – Proposed Subdivision Application B – Adopted Subdivision Guide Plan

Summary:

- The applicant proposes to subdivide Lot 52 Lechenaultia Drive, Hopetoun into 74 lots, ranging in size from 1 hectare to 1.5hecatres in area.
- The application has been referred to the Shire by the Western Australian Planning Commission (WAPC) for a recommendation and comments.
- The subdivision is the first stage of the area covered by the Subdivision Guide Plan adopted by Council in May 2012.
- The subdivision proposal complies with the requirements of Town Planning Scheme No.5 and the endorsed Subdivision Guide Plan. This report recommends that the application be supported subject to conditions.

Background:

Scheme Amendment 12 of the Shire of Ravensthorpe Town Planning Scheme No 5 (the Scheme) was gazetted in April 2009 and zoned Lot 52 'Rural Conservation Area No.7'

(RCA7) and 'Special Control Area'. The Special Control Area zonings protect existing raw materials on the adjacent site and the nearby waste water treatment plant.

Council then adopted a Subdivision Guide Plan over Lot 52 at their meeting of 23rd May 2012 and resolved as follows:
"*That Council:*

1. *Adopt the Subdivision Guide Plan for Lot 52 Lechenaultia Drive, Hopetoun subject to:*
   - *i) The recommended modifications outlined at Attachment B – Schedule of Modifications.*
   - *ii) That a Fire Management Plan be provided.*
   - *iii) The Subdivision Guide Plan documentation be amended to include the following principles as a requirement of the Fire Management Plan required at the time of subdivision:*
     - x *All buildings to be constructed to BAL29 standard;*
     - x *Building Protection and Hazard Protection zones are to be located within building envelopes wherever possible;*
     - x *The width of all firebreaks to be a minimum of 6m wide;*
     - x *Individual firebreaks are generally required with the expectation of those areas identified as having high quality vegetation,*
     - x *Fire Management measures in identified areas of higher standard vegetation are to include:*
       - *a) Use of a limited number of strategic breaks to break the area into manageable compartments;*
       - *b) Mosaic burns to keep fuel loads down over time by an agreed party (which the local brigades may be a possibility); and*
       - *c) Clustering of Building envelopes shown on the plan of subdivision.*
     - x *A requirement for the Fire Break Notice to call up the Fire Management Plan as a variation for all lots in the development.*

2. *Forward the Subdivision Guide Plan, Schedule of Submissions and a copy of all submissions to the Western Australian Planning Commission for final endorsement."*

The Subdivision Guide Plan was modified in accordance with the above Council resolution and forwarded to the Western Australian Planning Commission for assessment and endorsement. The Guide Plan was endorsed on the 10th December 2012.

Site Description

Lot 52 Leschenaultia Drive, Hopetoun (Lot 52) is located approximately 3km to the north of the Hopetoun townsite. Steeredale Road runs along the northern boundary of Lot 52.

Lot 52 is 319.81ha in area. The site has been largely cleared in the past, the entire site is revegetating. A large stand of banksia woodland that runs east-west through the site has been the subject of a successful cool burn in recent times.

Comment:

Proposal

Ayton Baesjou Planning (the applicant) have prepared a subdivision application on behalf of the owners of Lot 52 Lechenaultia Drive for stage one of this development. The subdivision application consists of 74 lots ranging in size between 1.0ha and 12.5ha and the balance of title being 233.3ha.

The applicant lists the key aspects of the proposal as:

1. *The plan is entirely in accord with the recently endorsed Subdivision Guide Plan in terms of lot and road design.*
2. *The land is zoned Rural Conservation Area 7 in Council's Town Planning Scheme No.5.*
3. *The land is located within an area Identified as 'Rural Living' in the Shire's Local Planning Strategy.*
4. *The 100m wide ecological corridor can be accommodated with the proposed lots as per the SGP.*
5. *Provision can be made for a water tank and stand pipe with locations to be determined in consultation with Council.*
6. *Lots 1,2,34,35,36,37,38,72,73 & 74 and part Lot 39 are affected by the 500 metre extractive Industry buffer which requires notification to be placed on the titles.*
7. *The flora protection area is not located within this stage of development.*
8. *A registered Aboriginal site (Gnamma Hole) is located close to the boundary of proposed lot 10. As the Gnamma Hole has yet to be identified, further efforts to locate it can be undertaken during the subdivision stage of development. As noted in the SGP report, it is likely that the water source would be located at a lower elevation.*
9. *A potable water supply will be provided by way of 135kl rainwater tanks. Scheme water is not available to service the area.*
10. *As scheme sewer is not available, effluent disposal will be by way of on-site effluent disposal systems. The soils have a high capability for on-site wastewater disposal and in the more elevated area of Stage One, are well separated from the ground water and the Priority 1 Area.*
11. *In order to minimize the impact on remnant vegetation, scheme provisions require that all buildings and effluent disposal systems are constructed within a single building envelope not exceeding 2,000m^2. Unless depleted on the SGP, building envelopes are to be defined by the landowner in consultation with Council at the development stage.*
12. *An overall fire management plan has been prepared for the property and it is anticipated that it will be a condition of subdivision that it be tailored to fit Stage One of the development.*

In conclusion, the proposed subdivision is in accord with Council's TPS No.5 and endorsed SGP for the area. It is requested that subdivision approval be granted taking into account the issues that have been identified in the comprehensive planning that has been undertaken for the area.

A copy of the subdivision application and adopted subdivision guide plan are attached to this report.

Assessment

The proposal complies with the requirements of the Rural Conservation Areas 7 zoning and is consistent with the endorsed Subdivision Guide Plan. Areas that need particular attention and require specific response are assessed below:

Fire Management

A Fire Management Plan (FMP) was presented to Council as part of the assessment of the Subdivision Guide Plan. The Council and local brigades raised a number of concerns with the draft Plan which resulted in some more specific measures to the be included for the proposed subdivision including 6m wide fire breaks and buildings constructed to a minimum of BAL 29.

It is recommended that a condition of subdivision be included requiring the preparation and implementation of Fire Management Plan to the satisfaction of the Shire of Ravensthorpe. The FMP should comply with the requirements of Planning for Bushfire Protection and in addition include the following:

- Ensure that the current subdivision (Stage One) is self-contained in regard to fire management measures including providing trafficable access to the constructed portion of Steeredale Road;
- All buildings to be constructed to BAL29 standard;
- Building Protection and Hazard Protection zones are to be located within building envelopes wherever possible;
- The width of all firebreaks to be a minimum of 6m wide;
- Individual firebreaks are generally required with the expectation of those areas identified as having high quality vegetation,
- A requirement for the Fire Break Notice to call up the Fire Management Plan as a variation for all lots in the development.
- Fire Management measures in identified areas of higher standard vegetation (ie proposed lots 36, 37, 38, 68 to 74) are to include:
    a) Use of a limited number of strategic breaks to break the area into manageable compartments;
    b) Mosaic burns to keep fuel loads down over time by an agreed party (which the local brigades may be a possibility); and
    c) Clustering of Building envelopes shown on the endorsed subdivision guide plan.
- At the subdivision stage of development the local government will recommend that the Western Australian Planning Commission impose a condition requiring the subdivider to install 50,000 litre water storage tanks and associated hydrants and/or standpipes on those sites shown on the Subdivision Guide Plan with all such sites to be ceded to the Crown at nil cost and vested in the local government for fire fighting purposes.

Roads

Council adopted the Institute of Public Works Engineering Australia guidelines “Local Government Guidelines for Subdivisional Development” (IPWEA guidelines) as the policy that guides the standard of infrastructure within subdivisions in the Shire.

Roads within the subdivision are to be bitumen sealed and Lechenaultia Drive is to be upgraded to a bitumen standard back as far as the Hopetoun-Ravensthorpe Road.

Stormwater Drainage

Stormwater runoff from the development is to be controlled and managed in accordance with the requirements of Better Urban Water management principles. In regard to water management the Scheme requires:
"*At the subdivision stage of the development the local government will recommend that the Western Australian Planning Commission impose a condition requiring the subdivider to prepare a local drainage and nutrient management plan."*

Vegetation Protection

The site is covered in remnant vegetation, regenerating from past clearing. Protection of the environment has been an integral part of the development proposal on this site from rezoning to the current subdivision proposal. Recommended actions that will assist in protecting vegetation during subdivision include:

- Specifying building envelopes in the area marked as a 'Conservation Design Area' (ie proposed lots 36, 37, 38, 68 to 74);
- Alignment of the boundary of proposed lots 39 to 50 with the existing constructed fire break; and
- Fencing of the 'Development Exclusion Area' marked on the subdivision guide plan to ensure regrowth of this area;
- No perimeter firebreaks on proposed lots 36, 37, 38, 68 to 74; and
- The subdivider shall prepare a Native Vegetation Management Plan to the specifications and satisfaction of the local government to inform landowners and prospective purchasers of the following:
  - i) the value of native vegetation to local fauna;
  - ii) the need to maintain native vegetation in good condition to sustain local fauna;
  - iii) the potential for non-local plant species to invade native vegetation to the detriment of local fauna; and
  - iv) the advantages of using local native trees and shrubs in household gardens to minimise water usage and create additional habitat for local fauna.

Notification of Landowners and Prospective Purchasers

There are a number if issues that all future landowners need to be made aware of. These should be included as notifications on title and/or advice to prospective purchasers and cover the following issues:

- All landowners and prospective purchasers are aware of the relevant Scheme provisions and endorsed Management Plans.

- A notification pursuant to Section 70A of the Transfer of Land Act informing all prospective purchasers that development of the land is subject to the provisions and requirements of the Shire of Ravensthorpe Town Planning Scheme No.5 and an endorsed Fire Management Plan.

- A notification on the Title of proposed lots 1, 2, 34 to 39, 72, 73 & 74 that the use and enjoyment of the land may be affected by the current and future limestone quarry operations on Lot 6382.

- A notification on the Title of proposed Lots 1 to 15 and 25 to 33 advising of the constraints on pesticide use and other potential contamination agents within a Public Drinking Source Area, under the Country Area Water Supply (CAWS) Act 1947 and that the use and enjoyment of the land may be affected by these constraints.

Conclusion

The proposed subdivision accords with the endorsed Subdivision Guide Plan and Scheme requirements.

Recommended subdivision conditions follow through on the requirements of the Scheme, Subdivision Guide Plan, the IPWEA standards and WAPC model subdivision conditions.

Conditions including road upgrades, stormwater drainage, fire management, water supply, vegetation protection, raw material protection and building envelope locations are recommended.

Consultation:

No consultation is required as part of the assessment of a subdivision. Extensive consultation was undertaken during the rezoning and subdivision guide plan assessment.

The WAPC consult with all relevant government departments during their assessment and determination of a subdivision application of which the Shire is one referral agency.

Statutory Obligations:

The Shire of Ravensthorpe is a referral body only in the assessment of subdivisions. Decisions are made by the Western Australian Planning Commission (WAPC) assessed against the WAPC State Planning Policies, Development Control Policies and having due regard to the Shire's Local Planning Scheme.

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

Policy Implications:

None applicable

Budget / Financial Implications:

Communal infrastructure proposed as part of this report is to be maintained in the long run from the Emergency Services Levy.

Strategic Implications:

The subdivision will create additional rural residential lots in reasonable proximity to Hopetoun townsite in accordance with the recommendations of the adopted Local Planning Strategy.

Sustainability Implications:

- **Environmental**:
  Issues with remnant vegetation, fire management and water supply are addressed by this report.

x **Economic**:
There are no known significant economic considerations.

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

Voting Requirements:
Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION ITEM 10.2.3
Moved: Cr Field Seconded: Cr Duncan

That Council;

1. Recommend that the Western Australian Planning Commission approve the subdivision application for Lot 52 Lechenaultia Drive, Hopetoun subject to the following conditions:

a) A notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the certificates of title of proposed lots 1, 2, 34 to 39, 72, 73 & 74 advising that the use and enjoyment of the land may be affected by the current and future limestone quarry operations on Lot 6382

b) A notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the certificates of title of proposed lots 1 to 15 and 25 to 33 advising of the constraints on pesticide use and other potential contamination agents within a Public Drinking Source Area, under the Country Area Water Supply (CAWS) Act 1947 and that the use and enjoyment of the land may be affected by these constraints.

c) The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to advise prospective purchasers of the provisions of the local government's local planning scheme and other endorsed Management that relate to the use and management of the land.

d) A notification pursuant to Section 70A of the Transfer of Land Act being placed on each Title that development of the land is subject to the provisions and requirements of the Shire of Ravensthorpe Town Planning Scheme No.5 and an endorsed Fire Management Plan.

e) A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the *Transfer of Land Act 1893* is to be placed on the certificates of title of the proposed lots 36, 37, 38, 68 to 74 advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:

f) *"No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government."*

g) The subdivider installing suitable rural fencing of good standard along the perimeter of the Development Exclusion Area' as shown on the endorsed Subdivision Guide Plan for this area to protect this area and allow it to

regenerate as part of a consolidated ecological corridor to the satisfaction of the Western Australian Planning Commission.

h) Prior to the commencement of subdivisional works, a Local Drainage and Nutrient Management Plan is to be prepared and approved, in consultation with the Department of Water.

i) Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Local Drainage and Nutrient Management Plan for the site.

j) Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*.

k) Measures being taken to ensure that disturbance to vegetation within the Development Exclusion Area and Conservation Design Area marked on the endorsed Subdivision Guide Plan is minimised during subdivisional works.

l) Building envelopes for Lots 36, 37, 38, 68 to 74 being shown on the Deposited Plan, to the specifications of the Local Government.

m) The northern boundary of lots 19 to 33 is to align with the existing east-west constructed firebreak to the satisfaction of the Shire of Ravensthorpe.

n) A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's *Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3)* to the specifications of the Shire of Ravensthorpe. This Plan shall include (but not ne limited to) the following elements:

- Ensure that the current subdivision (Stage One) is self-contained in regard to fire management measures including providing trafficable access to the constructed portion of Steeredale Road;
- All buildings to be constructed to BAL29 standard;
- Building Protection and Hazard Protection zones are to be located within building envelopes wherever possible;
- The width of all firebreaks to be a minimum of 6m wide;
- Individual firebreaks are generally required with the expectation of those areas identified as having high quality vegetation,
- A requirement for the Fire Break Notice to call up the Fire Management Plan as a variation for all lots in the development.
- Fire Management measures in identified areas of higher standard

vegetation (ie proposed lots 36, 37, 38, 68 to 74) are to include:

- Use of a limited number of strategic breaks to break the area into manageable compartments;
- Mosaic burns to keep fuel loads down over time by an agreed party (which the local brigades may be a possibility); and
- Clustering of Building envelopes shown on the endorsed subdivision guide plan.

o) The subdivider is to install 50,000 litre water storage tanks and associated hydrants and/or standpipes on those sites shown on the Subdivision Guide Plan with all such sites to be ceded to the Crown at nil cost and vested in the local government for fire fighting purposes.

p) A notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot(s) is/are subject to a fire management plan.'

q) Prior to the commencement of subdivisional works, the landowner/applicant is advised to investigate whether or not approval is required pursuant to the *Aboriginal Heritage Act 1972*, particularly in regard to the location of the previously identified Gnamma Hole close to the boundary of proposed Lot 10.

r) Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed roads connected by a constructed roads to the local road system and such roads are constructed and drained at the landowner/applicant's cost.

s) Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:

- street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider; and
- temporary turning areas are provided to those subdivisional roads that are subject to future extension to the satisfaction of the Western Australian Planning Commission

t) Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report.

u) A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this

notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

- *'A mains potable water supply is not available to the lot/s.';*
- *A dwelling is not to be occupied before a minimum of 135Kl of water storage and a 450m^2 roof catchment has been provided; and*
- *'A reticulated sewerage service is not available to the lot/s.'*

Footnotes:

The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.

Condition (r) requires the upgrading of Lechenaultia Drive to provide a fully sealed surface as far as the Hopetoun-Ravensthorpe Road to a bitumen standard in accordance with the requirements of the IPWEA Guidelines

2. Provide a copy of the Council report to WAPC as record of the application assessment.

Carried: 6/0 Res: 17/13

10.3 Manager of Engineering Services

10.3.1 MORGANS STREET TREES

File Ref:	
Applicant:	WA Police
Location:	Ravensthorpe
Disclosure of Officer Interest:	None
Date:	4th February 2013
Author:	Darryn Watkins – Manager Engineering Services
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	Yes – Consultants Report

Prior to any consideration of Item 10.3.1 Cr Field declared a financial interest on the basis that she is part owner of Clearyfield, contractors who are quoting on removal of the trees.

5.25pm Cr Field left the meeting and did not participate in discussions or vote on the matter.

Summary:
Council approval is requested for the removal of two salmon gum trees located on the verge of Morgans Street, in front of the Ravensthorpe Police Station.

Background:
The Ravensthorpe Police Station building has suffered severe cracking to walls of the courthouse and minor cracking to other parts of the building. WA Police engaged the services of Structerre, consulting engineers, to investigate and report their findings.

The report has commented that the wall cracking in the courthouse has reduced the structural integrity of the building and recommends the courthouse door area be cordoned off to the public.

Comment:
The report has noted that the five salmon gum trees (three trees on the west side of the building and two located on the verge at the front of the Police Station) are too close to the building, in accordance with AS 2870 Part 2.3c "Restrictions of trees and shrubs" and as such the proximity of the trees is considered to have exacerbated the volumetric variation of the underlying clay foundation. To reduce, but not eliminate, the possibility of damage, tree planting should be restricted to a distance from the building of:

1.5 x mature height of tree for Class E sites.
1 x mature height of tree for Class H sites.

As the two trees are approximately 12 metres from the front of the building, they are considered to be within the mature height of the tree.
Soil conditions in Ravensthorpe are typically assessed as Class H to E that being extremely reactive soil types.

Tree roots were observed in the vicinity of the footing line at the front of the premises. A contractor engaged by the WA Police to carry out works previously has confirmed that root growth of up to seventy five millimetres in diameter has penetrated the buildings footings and clay sub base.

The trees radial root growth has also deformed the footpath paving in front of the building and extended into the road pavement of Morgans Street.

The consulting engineers report recommends that the trees in question be removed and/or install a suitable root barrier. Root barrier installation generally consists of excavating a trench around the perimeter of the building to a width of 1.5 metres. The depth of the excavation will be determined by the depth of the intruding root growth. Once the root growth has been cleared a HDPE barrier (1mm-3mm thick rigid plastic sheet) is installed and the trench backfilled in minor applications, or in more severe applications a concrete barrier (wall) is constructed and the trench backfilled.

All other recommendations in the report including the installation of the root barrier will be carried out by the WA Police.
The WA Police have requested that the two salmon gum trees be removed.

There are a number of options open to council with regard to replacement trees should council approve the removal of the two salmon gums.

- Immediate replacement with more suitable trees with less invasive root systems.
- Replacement of suitable trees at the time of the Morgans Street Streetscape works, however this would not occur until after completion of the heavy haulage road.

Consultation:
Nil

Statutory Obligations:
Nil

Policy Implications:
In accordance with policy WS10 – Street Trees

Budget / Financial Implications:
Expenditure of up to $5,000.00 is required to remove and replace the two trees in question and reinstate the area. Funds are available in the verge maintenance budget.

Strategic Implications:
Nil

Sustainability Implications:

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

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

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

Voting Requirements:
Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.3.1
Moved: Cr Lansdown	Seconded: Cr Belli
That council approve the removal of two salmon gum trees on the Morgans Street road verge in front of the Ravensthorpe Police Station.	
Carried: 3/2	Res: 18/13

5.30pm Cr Field returned to the meeting.

10. 3.2 WASTE MANAGEMENT - LANDFILL SITES OPERATIONS

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	4th February 2013
Author:	Darryn Watkins – Manager Engineering Services
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	Yes - Ravensthorpe Landfill Site Usage

Summary:
Council be informed on the first seven months of operation of the opening hours for the Ravensthorpe Landfill site and to endorse the introduction of a similar operation at the Hopetoun Transfer Station site.

Background:
In February 2012 Council approved opening hours for the Ravensthorpe Landfill site, the hours are four (4) per day, six (6) days a week. At the same time approval was given for the construction of an office/gatehouse. The site is staffed during the opening hours.

Council resolved (Res: 167/12) at the August 2012 meeting that the opening hours for the Ravensthorpe facility remain unchanged to ascertain better usage data. Council also resolved that the Hopetoun Transfer Station remain unchanged until suitable arrangements are in place regarding the disposal of fish offal and suitable opening hours determined for the peak holiday periods.

A review of the Ravensthorpe site daily operations for the first seven months was carried to determine the effectiveness of the reduced hours and the service to the community. All waste including quantity/type and associated fees charged were recorded daily by the attendant. See attached table.

Comment:
Upon reviewing the data for patronage at the Ravensthorpe facility it has shown that the busiest days have been Monday, Wednesday and Thursdays.

As a result of the review it is recommended that the opening hours should be reduced down to three half days a week. It is believed that with these changes the current level of service can be maintained without any need to increase fees or Council having to incur losses.

In addition to the above Council has allocated funds in the 2012/2013 for the construction of a gate house at the transfer station in Hopetoun. This operation could operate in a similar fashion to the Ravensthorpe landfill site and be open five half days per week.

The opening hours of the Hopetoun facility would be reviewed after three months of operation to determine appropriate opening hours. The usage data collected will be summarised and presented to council for consideration.

The concept of a fish cleaning station (offal disposal) is still being investigated.
A considerable amount of time has been spent researching and investigating fish offal disposal methods. Enquiries have been made to the City of Rockingham, Shire of Ashburton, Shire of Jerramungup, Water Corporation and Fisheries WA, to date very little information is forthcoming regarding methods of fish offal disposal.

Preliminary cost estimates to construct a fish cleaning station similar in design to the Bremer Bay facility would be in the region of $50,000. This still would not solve the issue of fish waste as a contractor is required to empty the bins that the solid waste (fish frames) are placed in.

A number of local governments have installed fish cleaning facilities generally located at or adjacent to boat launching facilities, however, the disposal of fish frames is the responsibility of individuals.

The operation hours suggested are:

Ravensthorpe Landfill Site

Monday	-	8.00am – 12.00pm
Wednesday	-	8.00am – 12.00pm
Sunday	-	1.00pm – 5.00pm

Hopetoun Transfer Station

Monday	-	1.00pm – 5.00pm
Wednesday	-	1.00pm – 5.00pm
Thursday	-	1.00pm – 5.00pm
Saturday	-	1.00pm – 5.00pm
Sunday	-	8.00am – 12.00pm

If the Hopetoun operation is approved it is proposed to implement the new procedure immediately the infrastructure is complete.

Consultation:

With the introduction of a manned site at Hopetoun and the revised operational hours at Ravensthorpe it will be necessary to advertise the opening times.

Appropriate advice will be advertised in the local paper and on the web-site for an extended period prior to implementation.

Statutory Obligations:
Nil

Policy Implications:
Nil

Budget / Financial Implications:
The amount of $20,000 has been allocated in the 2012/2013 budget for the construction of the new office facility at Hopetoun.

Strategic Implications:
Nil

Sustainability Implications:

- **Environmental**:
  The development of a manned office will lead to improved environmental facilities.

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

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

Voting Requirements:
Simple Majority for Recommendation (1) and (2)
Absolute Majority for Recommendation (3)

OFFICER RECOMMENDATION (1)	ITEM 10.3.2
That the Ravensthorpe landfill facility be manned and opened on Monday and Wednesday 8am to 12 noon and Sunday 1pm to 5pm.	

COUNCIL DECISION (1) ITEM 10.3.2

Moved: Cr Lansdown Seconded: Cr Duncan

That the Ravensthorpe landfill facility be manned and opened on Monday and Wednesday 8am to 12 noon and Sunday 1pm to 5pm and the opening hours be reviewed in 6 months.

Carried: 6/0 Res: 19/13

OFFICER RECOMMENDATION (2) ITEM 10.3.2

That the Hopetoun Transfer station be manned and opened on the following days.

Monday	1pm - 5pm
Wednesday	1pm - 5pm
Thursday	1pm - 5pm
Saturday	1pm - 5pm
Sunday	8am - 12 noon.

COUNCIL DECISION (2) ITEM 10.3.2

Moved: Cr Lansdown Seconded: Cr Field

That the Hopetoun Transfer station be manned and opened on the following days.

Monday	1pm - 5pm
Wednesday	1pm - 5pm
Thursday	1pm - 5pm
Saturday	1pm - 5pm
Sunday	8am - 12 noon.

and the opening hours be reviewed in 3 months.

Carried: 6/0 Res: 20/13

COUNCIL DECISION AND OFFICER RECOMMENDATION (3) ITEM 10.3.2

Moved: Cr Lansdown Seconded: Cr Field

Council delegate the CEO the authority to vary the opening hours of the Hopetoun facility during peak holiday periods.

Carried by absolute majority: 6/0 Res: 21/13

10.4 Chief Executive Officer

10.4.1 REVIEW OF DELEGATIONS

File Ref:	Delegation Register
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	30 January, 2013
Author:	Pascoe Durtanovich – 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 on delegates to other officers.

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

Council last reviewed delegations in March 2012.

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

Comment:
The Chief Executive Officer has reviewed the current Delegated Authority Register and recommends retention of existing delegations and the addition of the following:

010107	Councillors conferences, seminars and training
020117	Determining that tenders do not have to be invited for the supply of goods and services
020118	Determining the criteria for accepting tenders
020119	Minor variation – contract for goods and services
020120	Seeking expressions of interest
020122	Dates when rates or service charges are due and payable
020123	Amending the rate book
020124	Agreement for the payment of rates and service charges
020125	Rates and service charges recoverable in court
020126	Require lessee to pay rent in satisfaction of rates or service charge
020127	Recover amount of rates or service charges from lesssee as debt
020128	Extension of time for objection to the rate book
020129	Consider objections to the rate record

030107	Serving a notice requiring certain things to be done by owner or occupier of land
030108	Additional powers when giving a notice under section 3.25 of the acts
030109	Performing particular things on land which is not local government property
030110	Enforcement and legal proceedings
050112	Public thoroughfares – fixing or altering levels or alignments or draining water onto adjoining land

Identified in Red in attachment.

The new delegations proposed refer to existing practices.

There is considerable debate on whether certain activities require a delegation or are purely a function of administration. To err on the side of caution the delegations are recommended.

Consultation:
Not applicable

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

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

Budget / Financial Implications:
Nil

Strategic Implications:
Nil

Sustainability Implications:

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

Voting Requirements:
Absolute Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.4.1
Moved: Cr Norman	Seconded: Cr Duncan
That delegations 010101 to 010107, 020101 to 020129, 030101 to 030110, 040101 to 040102, 050101 to 050112, 060101 to 060106, 070101 to 070102 in the attached Delegation of Authority Register, identified as attachment 10.4.1 be adopted.	
Carried by absolute majority: 6/0	Res: 22/13

10.4.2 RAVENSTHORPE COMMUNITY CHILDCARE CENTRE

File Ref:

Applicant: Management Committee

Location: Reserve

Disclosure of Officer Interest: None

Date: 11 February, 2013

Author: Pascoe Durtanovich – Chief Executive Officer

Authorising Officer: Not applicable

Attachments: None

Summary:
Council has received a request to make a one off contribution of $10,000 towards the operating costs of the Ravensthorpe Childcare Centre.

This report recommends that a contribution be made and be funded from unbudgeted revenue.

Background:
The Ravensthorpe Childcare Centre was constructed two years ago. The Centre is licensed for 19 places, with operating hours originally set to suit mining activities within the Shire.

The Centre ran at a profit for the first year however since the closure of the Ravensthorpe Nickel mine by BHP and the purchase and reopening of the mine by First Quantum the centre numbers declined. Numbers declined further when Galaxy closed its operation.

As a result the Centre finds itself in a difficult situation with regard to viability and are in the process of attempting to reduce operating costs by potentially reducing care hours and days in order to continue providing a vital service to the community.

Comment:
The Centre Committee believes that the reduction in the numbers of children attending the Centre is temporary and with support the Centre will be operating profitably within six months, however, in order to remain open, whilst making the changes needed to ensure the Centre is financially viable, the Centre is requesting a one off donation of $10,000.

The Centre has not provided any information in respect to future demand for childcare facilities in Ravensthorpe however it would be reasonable to assume the number of children

requiring care would increase if Galaxy Resources recommenced its operation and in the longer term Silverlake commenced construction of the gold/copper mine.

As there is no guarantee of either of the above happening Council, if it agreed to contribute funds to the Centre, should ensure that measures are in place for the Centre to achieve viability based on current numbers.

Consultation:
The Chief Executive Officer has met with the Childcare Committee.

Statutory Obligations:
There is no statutory requirement for Council to contribute funds to the Centre.

Policy Implications:
Nil

Budget / Financial Implications:
There is no provision in the current budget specifically for this purpose however unbudgeted income of $20,000 has been received from LGIS as a rebate on the Shire's insurance premiums. $10,000 can be allocated from this source.

Strategic Implications:
The Child Care Centre is a valuable community resource. With a high demand for labour in the Shire the opportunity for families to gain employment, either in the mining industry, or the small local business sector, is enhanced with childcare facilities available.

Sustainability Implications:

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

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

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

Voting Requirements:
Absolute Majority for Recommendation (1)
Simple Majority for Recommendation (2)

OFFICER RECOMMENDATION (1)	ITEM 10.4.2
That unbudgeted expenditure of $10,000 be authorized as a one of contribution to the operating costs of the Ravensthorpe Child Care Centre.	

COUNCIL MOTION AND DECISION (1)	ITEM 10.4.2
Moved: Cr Duncan	Seconded: Cr Lansdown
That unbudgeted expenditure of up to $10,000, as an interest free loan for a term of 12 months, be authorized as a one off contribution to the operating costs of the Ravensthorpe Child Care Centre.	
Carried by absolute majority: 4/2	Res: 23/13

Reason for Change to Officer Recommendation

Assistance provided by an interest free loan as it was seen as a more appropriate method of assisting the Group without accepting responsibility for the finances of the Centre.

COUNCIL DECISION AND OFFICER RECOMMENDATION (2)	ITEM 10.4.2
Moved: Cr Field	Seconded: Cr Norman
That the Ravensthorpe Childcare Centre Committee provide Council with information on actions to be taken to reduce operating costs that will assist in achieving ongoing viability. This information to be provided to the Chief Executive Officer by 31 March, 2013.	
Carried: 6/0	Res: 24/13

10.4.3 RAVENSTHORPE AIRPORT – REVIEW OF FEES AND CHARGES

File Ref:

Applicant:	Not applicable
Location:	Ravensthorpe Airport
Disclosure of Officer Interest:	None
Date:	13 February, 2013
Author:	Steve McGuire – Airport Manager
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	None

Summary:
Council is required to review the fees and charges for the Ravensthorpe airport due to changes in Skywest flights.

Background:
Ravensthorpe airport is currently serviced by three F50 Regular Passenger Transport (RPT) flights (Monday, Tuesday mornings and Friday afternoon). There is also an F100 charter flight on Tuesday afternoon. The F50 is capable of carrying 48 passengers and the F100, 100 passengers.

Skywest, in conjunction with First Quantum Minerals (Ravensthorpe Nickel Operations) has proposed changes to flights into and out of Ravensthorpe, effective from 11 March. 2013.

The changes involved:
- deleting the Tuesday afternoon F100 Charter;
- deleting the Tuesday morning RPT flight;
- adding a Thursday morning RPT flight;
- adding a Friday morning RPT flight; and
- amending the time of the current Friday afternoon RPT flight.

The *proposed schedule*, if approved by the Department of Transport is as follows:

	Arrive	Depart	Arrive	Depart
Monday	0910	0935	-	-
Tuesday	-	-	-	-
Wednesday	-	-	-	-
Thursday	0910	0945	-	-
Friday	0720	0750	1520	1550

The mine (RNO) is the sole user of the Charter flight and a substantial user of RPT flights.

Income from the F50 RPT flights is derived from a fee of $33 per adult and $7.90 per child for passengers on each flight into and out of Ravensthorpe. There is also a fee of $250 for the 'turn around' of the aircraft. Income from the F100 Charter flight is a fee of $33 per adult for the whole aircraft; that is an amount of $3300 for each incoming and outgoing flight.

Comment:

The proposed change would cause a significant decrease in revenue due to the loss of the Charter fees.

Analysis of airport revenue utilising RPT passenger numbers and full-fee Charter flights for January, 2013 noted that income for the month was in the region of $53,000.00 (before GST).

A scenario based on all passengers being carried on RPT flights and using January, 2013 passenger data – from both RPT and Charter flights - indicated a drop in income in the region of $39,000.00 – a reduction of $14,000.00 against revenue currently received.

Projecting the monthly drop in revenue to an annual figure indicates a loss of income of approximately $168,000.00.

The reduction in revenue as indicated above would have an impact on budget predictions. Further, in addition to the loss of revenue from the Charter there would be additional costs for security screening as a result of the additional RPT flight (Charter flights are not presently required to be security screened). Due to the timing of proposed Friday flights and the fact that at present most security screening staff travel from Esperance, the contractor (MSS) may elect to have staff stay on site for the day – obviously at a cost. This cost would diminish when new staff that live in the Ravensthorpe Shire are fully trained and come on line.

The above factors would therefore necessitate a review of fees and charges applicable to passenger handling at Ravensthorpe Airport to ensure revenue remains at a viable level.

Consultation:

There was no initial consultation between the Shire of Ravensthorpe and the other two parties (Skywest and RNO). This has since been addressed and rectified. RNO has indicated that Skywest will be required to include the Shire in consultation on future matters affecting Ravensthorpe Airport.

The Shire has requested full details of projected passenger loads anticipated for each flight. RNO is to provide this information. The information is necessary to determine airport staffing levels required to meet service standards; again a cost consideration.

In relation to a change in fee structure for RPT passengers RNO has acknowledged that the changes will affect the Shire's revenue and accept that it will lead to an increase in passenger handling fees.

Statutory Obligations:
Aviation Transport Security Act 2001
Aviation Transport Security Amendment Regulations 2010 (No. 2).
Local Government Act, 1995

Policy Implications:
Nil

Budget / Financial Implications:

Analysis of current information indicates that should there have been no significant change to revenue/expenditure at the airport in this financial year there would be as favourable budget outcome.

The change in flights schedules and the resultant loss of revenue has led to a need to increase the cost of Passenger Handling Fees to address the shortfall in income. To ensure an ongoing income that meets requirements it is deemed that an increase in the Passenger Handling Fee of $14.00 per passenger. This would cover the revenue shortfall and additional security screening costs.

It has also been noted that smaller charter aircraft (above MTOW 2000Kg weight limit) associated with mining contractors have been disembarking/embarking passengers on a regular basis. This should also be addressed in the Fees and Charges. The revenue loss from this source has been in the vicinity of $1200.00 per month – a significant amount over a twelve month period. Therefore the COUNCIL DECISION AND OFFICER RECOMMENDATION shall include 'Charter flights' to capture this source of revenue.

Strategic Implications:
Nil

Sustainability Implications:

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

- **Economic**:
  The operation of Ravensthorpe Airport is strategically important to the local economy and community.

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

Voting Requirements:
Absolute Majority

OFFICER RECOMMENDATION	ITEM 10.4.3
That the 2012/2013 Fees and Charges Schedule be amended by increasing the Ravensthorpe Airport passenger handling fee by $14 to $47 (Inc GST) for adults and $2.10 to $10 for children for passenger embarking and disembarking Regular Passenger Flights or Charter flights, the charges be effective from when the new Skywest flight schedule is introduced.	

Note:

Following further clarification from First Quantum Minerals (Ravensthorpe Nickel Operation) in regard to mine passenger numbers on the proposed changes to Charter and Regular Passenger Transport flights it has been established that the estimated reduction in paid passengers per week is approximately 60 to 70 and not 120 to 140 as previously calculated in the Officer's report.

Given the additional information an increase in the adult passenger handling fees of $7.00 per adult is now recommended.

OFFICER ALTERNATIVE RECOMMENDATION	ITEM 10.4.3
That the 2012/2013 Fees and Charges Schedule be amended by increasing the Ravensthorpe Airport passenger handling fee by $7 to $40 (Inc. GST) for adults and $2.10 to $10 (Inc. GST) for children for passenger embarking and disembarking Regular Passenger Flights or Charter flights, the charges be effective from when the new Skywest flight schedule is introduced.	

COUNCIL DECISION AND OFFICER ALTERNATIVE RECOMMENDATION	ITEM 10.4.3
Moved: Cr Belli	Seconded: Cr Duncan
That the 2012/2013 Fees and Charges Schedule be amended by increasing the Ravensthorpe Airport passenger handling fee by $7 to $40 (Inc. GST) for adults and $2.10 to $10 (Inc. GST) for children for passenger embarking and disembarking Regular Passenger Flights or Charter flights, the charges be effective from when the new Skywest flight schedule is introduced.	
Carried by absolute majority: 6/0	Res: 25/13

10.4.4 LOCAL GOVERNMENT ENERGY EFFICIENCY PROGRAM (LGEEP)

File Ref:

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: None

Date: 30 January 2013

Author: Matthew Hunt – Manager Recreation and Community Services

Authorising Officer: Pascoe Durtanovich – Chief Executive Officer

Attachments: None

Summary:
The Parliamentary Secretary for Climate Change and Energy Efficiency, Mark Dreyfus, and Federal Member for Maribyrnong, Bill Shorten, recently announced the opening of a new Local Government Energy Efficiency Program to help local councils to install solar or heat pump hot water systems in community facilities.

This report recommends that Council authorize unbudgeted expenditure of $3,250, towards an independent cost/benefit analysis for application within the Shire (including three (3) install/supply quotes, sustainability outputs, and all the data required to submit the LGEEP application if deemed feasible).

Background:
Improving energy efficiency is a central element of the Government's Clean Energy Future plan as it will help improve the productivity of our economy and move Australia towards a prosperous low-carbon future.

The $24 million Local Government Energy Efficiency Program 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.

Applications for grants under the LGEEP are open with installations to be completed within 12 months of signing the funding agreement. As applications are received by the Department they are assessed against the eligibility criteria. Grant applications close 29 April 2013.

Comment:
The Program is a non-competitive, capped allocation grant program. Each local governing authority is eligible to make one application for funding to support the installation of solar and heat pump hot water systems in one or more of their buildings or community facilities. Local governing authorities will be required to co-fund these projects (20%), and eligible systems are those which attract 10 or more Small-scale Technology Certificates (STCs) at the time of installation.

Through direct communications with the LGEEP administrators and WALGA's sustainable energy infrastructure preferred suppliers, Shire Staff have identified both the existing

Ravensthorpe Entertainment Centre and Community Swimming Pool as suitable facilities for such assessment and potential program implementation.

Consultation:
Not applicable

Statutory Obligations:
Nil

Policy Implications:
F 7: Local Government Purchasing and Tender Guide Model Purchasing Policy – *Sustainable Procurement p84*

Budget / Financial Implications:
This is an unbudgeted item.

Strategic Implications:
Shire of Ravensthorpe Strategic Plan: Action No 3.5 (B) Page 61.

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 objective of the Program is to support local governing authorities to install energy efficient solar and heat pump hot water systems in their buildings and community facilities, resulting in medium to long term financial savings. The use of local suppliers where suitable will further improve economic position of our business community.

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

Voting Requirements:
Absolute Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.4.4
Moved: Cr Duncan	Seconded: Cr Field
That unbudgeted expenditure of $3,250 is authorized for an independent cost/benefit analysis of the LGEEP within the identified Shire facilities.	
Carried by absolute majority: 5/1	Res: 26/13

10.4.5 DISABILITY ACCESS AND INCLUSION WORKING GROUP

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	20 January 2013
Author:	Matthew Hunt – Manager Recreation and Community Services
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	Yes - Disability Access and Inclusion Plan (DAIP) 2007 - 2011

Summary:
This item seeks the support of Council to formulate and accept nominations for a Disability Access and Inclusion Working Group, for 2013. Nominations for three (3) Elected Members to actively represent the Council and its community members on this Committee, with two (2) Shire Administration Officers to review and develop an updated DAIP 2013 – 2018 for Council adoption, are sought.

Background:
The Shire of Ravensthorpe's inaugural Disability Service Plan (DSP) was developed in 1995. The primary purpose of the plan was to ensure that the Shire provided an accessible community to people with disabilities, their families and carers. The DSP was designed to ensure that people with disabilities have the opportunities to access and use services, facilities and functions within the Shire. The DSP was reviewed and amendments made in 2006, resulting in the DAIP 2007 – 2012. The 2012/13 review will produce the DAIP and Implementation Plan for 2013 – 2018, guiding the Shire to improved access and inclusion.

The Manager of Recreation and Community Services in collaboration with the Chief Executive Officer has ultimate responsibility to oversee the development, implementation, review and evaluation of the DAIP. It is suggested that a Disability Access and Inclusion Working Group be formulated, comprising 3 elected members of Council and 2 Council Officers, to meet quarterly (monthly in inception period) at the Shire Building and directly progress the DAIP review, aligned with this Administration. Council will endorse the final DAIP 2013 - 2018 and it is the responsibility of the aforementioned to implement the relevant actions.

Comment:
The formation, nomination and appointment of Elected Members for the Disability Access and Inclusion Working Group will ensure progression of the review and update to the Shire's DAIP. Committee review and community consultation for both the 2007 and 2013 DAIP's is due to commence in February/March 2013 with a completed draft required for submission to the Disability Services commission in April/May 2013.

Progression from this point forward includes:

- Formation of Working Group with Elected members and Shire Officers (February);
- Terms of Reference for the Working Group developed for progression (March);

- Consultation posted for comment on DAIP 2007 – 2012; (March)
- Evaluation and review of DAIP 2007 – 2012 by Committee; (March)
- Review / assess consultation responses to update the 2013 – 2018 Plan; (April)
- Consultation draft DAIP 2013 – 2018 goes out for comment to public and DSC (April); and
- Finalised DAIP 2013 – 2018 as an Item for Council adoption, prior to submission to DSC (May).

Consultation:
The Disability Services Act Regulations set out the minimum consultation requirements for public authorities in relation to Disability Access and Inclusion Plans. Local Governments must call for submissions (either general or specific) by notice in a newspaper circulating in the Local Government area or on any website maintained by or on behalf of the Local Government. Other mechanisms will also be used.

To ensure individuality of the DAIP outcomes for the Shire, consultation with community members, the Working Group, Shire staff and other stakeholders will be an integral element of the review and development of the DAIP 2013 - 2018. The consultation aspect of the DAIP review will encompass the seeking of feedback and suggestions on areas where the Shire could improve access and inclusion around the Shire and specific to both the 2007 and 2013 DAIPs.

The Shire will advise, through the local newspapers, direct community contacts, and on the Shire Web site that copies of the finalised Consultation Draft DAIP will be available to the community upon request and in alternative formats if required, including hard copy in standard and large print, electronic format, audio format or CD, by email and on the Shire website.

Statutory Obligations:
The Australian Commonwealth, State and Territory governments have developed the National Disability Strategy in partnership under the auspices of the Council of Australian Governments. The Australian Local Government Association has also assisted in the development of the Strategy and there is a strong role for local governments in its implementation. The shared vision is for an inclusive Australian society that enables people with disability to fulfil their potential as equal citizens. The relevant roles and responsibilities on disability access and inclusion are governed by several statutes. These include:

- Commonwealth Disability Discrimination Act 1993;
- Disability Services Act 1993 (amended 2004);
- Western Australian Equal Opportunity Act 1984; and
- United Nations Convention on the Rights of Persons with Disabilities.

It is a requirement of the Disability Services Act 1993 that public authorities, including local governments, develop and implement a DAIP so that people with disability have the same opportunities as other people to access services, facilities and information in the community.

Policy Implications:
A10 – People with Disabilities - Access

Budget / Financial Implications:

- Adequate funds are available for the development, promotion and adoption of the DAIP 2013 – 2018.
- The DAIP 2013 - 2018 and subsequent Implementation Plan will guide budgets and resource allocation into the future.

Strategic Implications:
The adoption and delivery of the DAIP 2013 – 18 is aligned to Critical Success Factors 3, 5, 6 and 7 of the Shire of Ravensthorpe Strategic Plan 2010 - 2015.

Sustainability Implications:

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

- **Economic**:
  The implementation of DAIP may allow improved efficiency and use of the Shire's facilities and services by residents and visitors alike, which will in turn provide an increase in economic opportunity for the region.

- **Social**:
  The DAIP and subsequent actions of the Implementation Plan will meet both the physical and social demands of the wider community.

Voting Requirements:
Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION (1)	ITEM 10.4.5
Moved: Cr Lansdown	Seconded: Cr Field
That a Disability Access and Inclusion Working Group be established, to progress a review and update of the Shire's DAIP for 2013 – 2018. This Working Group is to comprise three (3) Elected Members and two (2) Shire Administration Officers, meeting quarterly (monthly in its inception).	
Carried: 6/0	Res: 27/13

COUNCIL DECISION AND OFFICER RECOMMENDATION (2)	ITEM 10.4.5
Moved: Cr Duncan	Seconded: Cr Norman
That Councillors Cr Lansdown, Cr Field and Cr Belli be appointed to the Shire of Ravensthorpe Disability Access and Inclusion Working Group.	
Carried: 6/0	Res: 28/13

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

12.1 Elected Members

12.2 Officers

12.2.1 Audit Committee Meeting Minutes – 18 February, 2013

Copy of the minutes attached.

Voting Requirements
Absolute Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 12.2.1
Moved: Cr Belli	Seconded: Cr Duncan
That the minutes of the Audit Committee Meeting held on 18 February, 2013 be received and recommendations therein be adopted.	
Carried by absolute majority: 6/0	Res: 29/13

13 MATTERS BEHIND CLOSED DOORS

13.1 Chief Executive Officer – Employment Contract Amendment

COUNCIL DECISION	Item 13.1
Moved: Cr Lansdown	Seconded: Cr Duncan
That Council sit behind closed doors to discuss Item 13.1 which involves a Council Officer.	
Carried: 6/0	Res: 30/13

5.55pm – Mr Durtanovich declared a financial interest in this item on the basis that he is the relevant employee and left the meeting.

5.55pm Darryn Watkins, Jenny Rutter and member of public left the meeting.

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 13.1
Moved: Cr Lansdown	Seconded: Cr Field
That the amendments as outlined in the confidential report be adopted.	
Carried by absolute majority: 6/0	Res: 31/13

COUNCIL DECISION	Item 13.1
Moved: Cr Lansdown	Seconded: Cr Field
That Council come out from behind closed doors.	
Carried: 6/0	Res: 32/13

5.58pm Pascoe Durtanovich and Jenny Rutter returned to the meeting.

14. CLOSURE OF MEETING – 6PM

These minutes were confirmed at the meeting of the _____

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

Date: _____