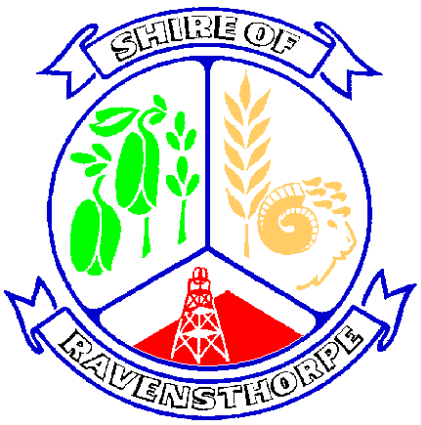

MINUTES

of the Council Meeting held on

Thursday June 20, 2013
commencing at 5.05 p.m.

in the Council Chambers, Ravensthorpe.

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE
ON 20 June 2013, COMMENCING AT 5PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

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

APOLOGIES:

ON LEAVE OF ABSENCE:

ABSENT:

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

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

Nil

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

6.1 Mr Morris Rowe and Mr Dave Coggin, representatives from First Quantum attended the meeting and gave an update on the Ravensthorpe Nickel Mine.

The First Quantum representatives left the meeting at 5.13PM

7. CONFIRMATION OF MINUTES

7.1 Council Meeting – 17 June, 2013

OFFICER RECOMENDATION AND COUNCIL DECISION	ITEM 7.1
Moved: Cr Norman	Seconded: Cr Lansdown
That the minutes of the meeting of Council held on 17 June, 2013 be confirmed as a true and correct record of proceedings.	
Carried: 7/0	Res: 84/13

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 SCHEDULE OF ACCOUNT PAYMENTS – MAY 2013

File Ref:

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

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

Background:

FUND	PAYMENT	VOUCHERS	AMOUNTS
Municipal Account			

Regardless of the future use of the site, the proposed additions will contribute to the functionality of the building and are supported.

Consultation:
None required.

Statutory Obligations:
Acting it its capacity as the manager of Reserve 44777 or the 'landowner' the Council can choose to not support the proposal and there will be no appeal rights.

Policy Implications:
Nil

Budget / Financial Implications:
The Ravensthorpe CRC are likely to apply for funding for the extensions under the Future Fund.

Strategic Implications:
It can be argued that the CRC building forms part of a wider precinct that Council is being asked to consider in a separate report in this agenda.

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

OFFICER RECOMENDATION AND COUNCIL DECISION	ITEM 10.2.1
Moved: Cr Field	Seconded: Cr Belli
THAT Council, 1. Support the proposed extensions to the Ravensthorpe CRC in their role as manager of Reserve 44777; and 2. Approve the proposed extensions to the existing building at Lot 812 Dunn Street, Ravensthorpe without conditions.	
Carried: 7/0	Res: 87/13

10.2.2 PROPOSED CULTURAL PRECINCT MASTER PLAN

File Ref:	**CS.LI.1**
Applicant:	Ravensthorpe Community Resource Centre
Location:	Morgans and Dunn Streets, Ravensthorpe
Disclosure of Officer Interest:	None
Date:	7 June 2013
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	Yes - Proposal for a Ravensthorpe Cultural Precinct prepared by the Ravensthorpe CRC to be circulated separately.

Summary:
Council has been asked to consider supporting, managing and funding the development of a 'Cultural Precinct' plan for Ravensthorpe.

This report recommends supporting the project and considering supplying funds to engage a consultant to prepare a Concept Plan for the 'precinct' during this year's budget deliberations.

Background:
Ravensthorpe District Arts Group and the Ravensthorpe Community Resource Centre (CRC) have both been considering plans for the upgrading and redevelopment of their sites facing Dunn Street. During discussions it became clear that ideally the two organisations would develop in sympathy and as part of a wider coordinated plan.

Both organisations also have issues with lack of exposure to Morgans Street.

The CRC and District Arts Group looked at the possibility of upgrading the laneway that links them to Morgans Street. They then approached all community groups around Jubilee Park and the laneway and decided to broaden the idea to explore the possibility of a Cultural Precinct around the community and cultural land uses in the immediate area.

Comment:

Proposal
There is a critical mass of cultural and community based land uses around Jubilee Park. The community groups surrounding the park has put together a scoping document to develop a 'Cultural Precinct' around the Park and adjacent laneway.

The Ravensthorpe CRC has worked on the concept with thirteen community groups and has got agreement on the development of a Plan, the 'scope statement summarises the proposal well and is reproduced below:

Project Justification

- *Location and insufficient signage makes the promotion of valuable services and events offered by both the Ravensthorpe Community Resource Centre (RCRC) and the Dunnart Studio Gallery very difficult.*
- *The idea of 'revitalising' the laneway which links both the RCRC and the Dunnart Studio Gallery to the Ravensthorpe CBD has been bandied around for a couple of years now and was minuted at the RCRC AGM in 2010.*
- *A closer look into the needs of this precinct by these 2 groups, along with 10 other community organisations with a common interest has resulted in the realisation that an opportunity exists - not only to develop the laneway, but to create a much needed community hub, a cultural precinct.*
- *The RCRC and the Dunnart Studio Gallery are now both at a point where they need to further develop their individual centres and would like to move forward and progress toward a* ***common vision.***

Project Product

The shared vision between the groups is to create a community space that is visually appealing, easily accessible and culturally gratifying. This can be achieved by:

1. *Identifying this space as the Ravensthorpe Cultural Precinct*
2. *Redeveloping the land and property boundaries surrounding Jubilee Park according to the Ravensthorpe Cultural Precinct Plan; and*
3. *Ensuring future development of infrastructure within the precinct is in line with the Ravensthorpe Cultural Precinct Plan.*

Project Deliverables

The deliverables will be determined by a landscape architect (or the like) who will be commissioned to develop the concept and provide plans along with a broken down costing based on the needs of the contributing groups. Consultation with all groups will determine the shared needs of this space.

This architectural plan will then allow groups to:

1. *Work collaboratively on the 'common space' using a shared vision/common goal;*
2. *Use this 1 plan to apply for external funding - relieving pressure on local government and individual organisations who struggle to raise the funds for much needed projects;*
3. *Develop their space according to their individual needs, budgets and in their own time.*

Project Objective

The overall advantage of developing this space as the 'Ravensthorpe Cultural Precinct' will:

1. *Address location and signage issues currently experienced by those groups set back from the Ravensthorpe CBD.*
2. *Promote our existing infrastructure and its cultural significance.*
3. *Add value to our existing services by making them more accessible.*
4. *Showcase and promote our region through improved visual impact.*
5. *Create a community space that assists the promotion and caters for existing and ongoing community events*

Assumptions/Limitations

The following steps are critical must be completed to allow this project to be a success:

1. *Commitment and support from contributing community groups;*
2. *Approval in principal by Council;*
3. *Land ownership/use compliance;*
4. *Funding for the commissioning of an Architect as well as administration costs;*
5. *Completion of concept plans and costings by the architect to the satisfaction of the community groups and Council; and*
6. *Plans adopted by Council as part of the Shire of Ravensthorpe Strategic Plan/Plan for the future.*

A full copy of the Cultural Precinct proposal will be circulated separately to all Councillors.
It is proposed that a landscape architect is engaged to produce a master plan for the identified precinct. Once a master plan is produced then individual community groups can source funding under a plan adopted by the Shire. Individual developments can then progress in a coordinated manner but with separate funding.

The Ravensthorpe CRC have sought funding in the past from Lotteries West but Lotteries have stated that ideally this should be a Shire run project. Ideally, the CRC are requesting the Council to take this project on. Failing this, they are requesting that the Shire indicate clear support for the project.

Considerations

- There is a concentration of cultural and community land uses around Jubilee Park.
- CRC and Dunn Art are accessed by a laneway and they have issues with public awareness of their services.
- The Heavy Haulage Route proposal also makes provision for streetscape upgrades to Morgans Street that a cultural precinct could be coordinated with.
- There is clearly potential to improve accessibility and legibility of this area and make it an identifiable destination for locals and visitors. The laneway and Jubilee Park could be upgraded, as part of a coordinated plan, to be more attractive for visitors and locals and form a coherent community meeting place.
- Community Groups could market themselves as part of the cultural precinct and seek funding for individual projects under a coordinated plan. This would make grant applicants more likely to be supported by funding agencies and ensure that individual projects were constructed as part of a coordinated vision.

The project is supported by staff, however the funding and timing of the project need to be further explored.

Timing & Scope
Council is currently investigating the redevelopment of the current Shire office site, possible alternative uses for the existing Shire offices and even the possibility of redeveloping more of the immediate area for civic uses.

This could allow for the CRC or Dunn Art to relocate to the current Shire offices or to be a part of a greater redevelopment that would co-locate multiple civic uses into one building.

Lastly, this could then expand the scope of works for a cultural precinct to include the land bound by Dunn, Carlisle, Queen and Morgans Streets.

Therefore, whilst the project is supported, it is suggested that any action be delayed until the outcomes of the administration centre project are known.

Consultation:
Considerable consultation has already been undertaken by the CRC. Thirteen community groups have 'signed up' for inclusion in the precinct and provided a list of desired outcomes.

Statutory Obligations:
Nil

Policy Implications:
Nil

Budget / Financial Implications:
The CRC have provided quotes from two landscape architects who have worked in the locality before. The quotes are $12,262 and $7,200, however it is unclear if the two architects have responded to the same scope of works.

Any quote into the future should provide for a fully costed plan ensuring that any public furniture and improvements are assessed against their whole of life costs.

If this project is to be included in the budget it is recommended that a figure of $15,000 be included to fund a fully costed plan for this precinct.

Strategic Implications:
Developing a Cultural Precinct is consistent with theme 1 of the Strategic Community Plan; :…*a vibrant, supportive and socially connected community*" with the gaol to ensure our town centres are vibrant, attractive places.

Sustainability Implications:

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

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

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

Voting Requirements:
Simple majority

OFFICER RECOMENDATION AND COUNCIL DECISION	ITEM 10.2.2
Moved: Cr Lansdown	Seconded: Cr Duncan
THAT Council, That the Council support the preparation of plans to guide the development of a Cultural Precinct; and 1. Consider engaging a landscape architect to prepare a master plan for the Cultural Precinct as part of the Council 2013-14 budget. 2. Take no action on the project until investigations into the Shire Administration Building project are completed.	
Carried: 7/0	Res: 88/13

10.3 Manager of Engineering Services

10.3.1 LIMESTONE PATHWAY RAVENSTHORPE – HOPETOUN RD

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	10th June 2013
Author:	Darryn Watkins – Manager Engineering Services
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	None

Summary:
To inform council of the need to defer the construction of the limestone pathway adjacent to the Ravensthorpe – Hopetoun Road.

Background:
In the 2012/2013 adopted budget council has allocated funding of $50,000 for the construction of a limestone pathway from Wavecrest Village linking to the existing path, a distance of approximately 2900 metres.

Comment:
The 2005 Iveco 8 wheel tip truck suffered a gearbox failure in March 2012 and has been out of service for some 10 weeks whilst a reconditioned gearbox was sourced and replaced. The vehicle is still not in service due to engine management issues which are been investigated currently.
This lengthy delay has impacted on shires infrastructure construction programme to the point where the proposed works would need to be carried over to the 2013/2014 construction programme.

Consultation:
Not applicable.

Statutory Obligations:
Nil

Policy Implications:
Nil

Budget / Financial Implications:
Nil

Strategic Implications:
Nil

Sustainability Implications:

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

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

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

Voting Requirements:
Absolute majority

OFFICER RECOMENDATION AND COUNCIL DECISION	ITEM 10.3.1
Moved: Cr Field	Seconded: Cr Dunlop
That the construction of a limestone pathway adjacent to the Ravensthorpe – Hopetoun Road be deferred to the 2013/2014 Construction Programme.	
Carried by absolute majority: 7/0	Res: 89/13

10.4 Chief Executive Officer

10.4.1 SHIRE OF RAVENSTHORPE TRAILS MASTER PLAN

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	10 June, 2013
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes- Copy of Trails Mater Plan

Summary:
The Trials Master Plan (Plan) for the Shire of Ravensthorpe has been completed.
This report recommends the Plan be received and an implementation strategy be considered through the review of the Shire's Corporate Business Plan in 2013/2014.

Background:
The TMP was initiated by the by the Fitzgerald Coast Tourism Association in 2012, as part of the rollout of the Shire's Tourism Strategy, the Plan, prepared by Landscape Ecologist Nathan McQuoid and Trail Designer Jesse Brampton, addresses areas outside the Fitzgerald River National Park.
As stated in the Plans summary the Plan provides background, explains its development process and identifies five priority trails with simple development plans for trails covering Hopetoun, Ravensthorpe, Kundip, Mt Desmond and Cocanarup.

Comment:
The plan identifies five priority trails, these are :-

1. Hopetoun Heritage Trail - $154,950
2. Kundip Loop - $290,978
3. Ravensthorpe Heritage Walk - $147,928
4. Mt Desmond Circuit - $365,447
5. Ravensthorpe Town Heritage Drive Trail - $53,690

The works costings identified are very much estimates but never the less indicate the extent of financial commitment required if all or any of the trails are to be constructed. Ongoing maintenance costs are in addition to the construction costs, these have not been calculated at this stage but will need to be taken into account when project implementation is considered.

Consultation:
Two community meetings were held in Hopetoun. Consultation also occurred with shire staff, Progress Associations and the Fitzgerald Coast Tourism Association.

Statutory Obligations:
Nil

Policy Implications:
Nil

Budget / Financial Implications:
The cost for the preparation of the Plan was $33,000 funded by
- Lottery West - $18,000
- Future Fund - $13,000
- FCTA - $ 2,000

Strategic Implications:
Shire of Ravensthorpe Tourism Strategy

Sustainability Implications:

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

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

- **Social**:
  The provision of additional facilities will increase recreational opportunities for locals and visitors.

Voting Requirements:
Simple majority

OFFICER RECOMENDATION AND COUNCIL DECISION(1)	ITEM 10.4.1
Moved: Cr Lansdown	Seconded: Cr Duncan
That the Shire of Ravensthorpe Trails Master Plan, identified as attachment 10.4.1 be received.	
Carried: 7/0	Res: 90/13

OFFICER RECOMENDATION AND COUNCIL DECISION(2)	ITEM 10.4.1
Moved: Cr Field	Seconded: Cr Lansdown
That financial and community support for implementation of projects recommended in the Shire of Ravensthorpe Trails Master Plan be assessed through the next review of the Shires Community Strategic Plan and Corporate Business Plan.	
Carried: 7/0	Res: 91/13

10.4.2 RAVENSTHORPE AIRPORT COMPLIANCE AND MONITORING

File Ref:

Applicant:	Not applicable
Location:	Ravensthorpe Airport
Disclosure of Officer Interest:	None
Date:	11 June, 2013
Author:	Steve McGuire – Airport Manager
Authorising Officer:	Pascoe Durtanovich
Attachments:	Yes – Copy of Ravensthorpe Airport Maintenance Report

Summary:
This item is to inform Council on the operations of the Ravensthorpe Airtport and associated compliance requests.

Background:
Ravensthorpe airport is currently serviced by three F50 Regular Passenger Transport (RPT) flights (Monday, Thursday mornings and Friday afternoon). There are also two F100 charter flight on Fridays. The F50 is capable of carrying up to 48 passengers and the F100, up to 100 passengers. Within the next two months the schedule will change – Monday and Thursday flights will remain at the current schedule and Friday will be serviced by two F100 jet flights; one arriving at 7.20am and the second at 3.20pm. Both Friday flights are direct Perth – Ravensthorpe and return, with a flight time of less than 1 hour to Perth. The former FQM closed-chartered jets will become full RPT flights.

This airport is a fully functioning security-screened airport and as such is required to meet requirements as set by various state and federal government agencies. When the Friday jet flights commence it will mean an end to FQM charter flights; giving Ravensthorpe four RPT flights per week.

In addition to annual and ad hoc inspections and audits conducted by the Department of Infrastructure and Transport (Office of Transport Security (OTS)) and the Civil Aviation Safety Authority there are regulated (annual and half-yearly) inspections of airport lighting, infrastructure, runways and markings. The latter inspections are conducted by approved private companies, as considerable cost.

Comment:
Currently administration is in the process of ensuring compliance with all the regulatory authorities it deals with, the appointment of an Airport Manager has assisted considerably in ensuring compliance is maintained.

As mentioned above there are several agencies, organisations and private companies to be dealt with to ensure ongoing compliance. As background the following may provide an appreciation of what is involved:-

OTS – has a responsibility to ensure that all security measures at regulated airports meet requirements of the Aviation Transport Security Act, 2004 and the Aviation Transport Security Regulations, 2005. This includes the physical security of the 'airside' components of the aerodrome and also the physical screening and segregation of passengers and luggage on RPT flights.

- Since 1 July 2012 when screening commenced at Ravensthorpe Airport there have been several instances of covert visits by OTS officers endeavouring to find flaws in the screening process. Sadly, in the early days this did occur. Recently however, through pressure brought to bear on the screening contractor, additional training for screening staff was employed and the last covert inspection detected all items put through by OTS operatives.

- OTS also requires ongoing review and update of the airport's Transport Security Plan; a document specifying security requirements methods of monitoring and reviewing security and plans to implement in the event of an emergency. Review and update of this document is an ongoing process and utilises both Shire staff and an outside contractor.

CASA

- CASA has responsibility for airports adhering to the Civil Aviation Act, 1998, Civil Aviations Safety Regulations, 1998, Civil Aviation Regulations 1988
- areas of responsibility include runways, taxiways, aerodrome operating manuals and adherence to various pieces of legislations designed to ensure safe operation of aerodromes. The most recent CASA audit of Ravensthorpe Airport identified eight different areas for attention.
- One of the items noted from previous audits was the runway lighting. It had previously been identified that many of the lights did not meet the required standard for installation; that is, the housing on which the light was mounted protruded more than 25mm from the level of the runway paving. The height determination was to ensure safety of aircraft should they deviate from the sealed surface to the unsealed 'runway strip' adjoining the sealed surface. Rectification of this problem will be costly and protracted (CASA has agreed to our timeframe of two years to complete this work on the condition that regular updates of progress are provided). There were also other items relating to the condition and/or presence of some equipment. These items have been addressed and completed.

ENESAR Pty Ltd

- This company is required to ensure that information provided to the aviation industry in relation to details of the runways etc. is correct. This includes length, width, markings, take-off and approach angles, identification of hazards It is not a project that can be managed within Shire resources. Inspections are required twice annually, One is a major operation and the second a less complicated inspection. Costs for these inspections can be in the region of $6-8,000 annually.

AIRPORT ALLIANCE Pty Ltd

- Inspections by this company are related to ensuring airport lighting (runway, taxiway, apron, primary and secondary wind indicators), extremity markers and associated equipment meet standards set in relevant legislation. This is an annual inspection and has an associated cost in the region of $10,000. Again the service is not one that could be managed within Shire resources.

AIRPORT SECURITY Pty Ltd.

- This company assists with development and annual review of operational manuals for airport security and operation. It also provides a service producing police checked Airport Security Identification Cards required for all staff who work 'airside' at the airport.

In addition to the above items there is regular maintenance of facilities and grounds – including line marking, ground service equipment, cleaning the terminal building, and weed control on airport land including runway strips (the unsealed area adjacent to the sealed and gravel runways – 30m wide on each side of the runways. This is an ongoing matter requiring considerable time, effort and expense.

As evidenced above there is more to the airport than merely servicing RPT aircraft arriving and departing. There is also a growing small charter scenario, up to five small (3000kg – 5000kg) aircraft moving approximately 20-40 passengers per week. This is another source of revenue that has been tapped and to date this calendar year has netted approximately $13,000 additional revenue for the airport.

The airport Maintenance Schedule shown at *Attachment 1* indicates the extent of checks and inspections required to be performed by both airport staff and contractors. It is imperative for the safety of aircraft utilising the airport that this schedule is adhered to for equipment to remain in serviceable condition.

The airport terminal is manned only on days when there are RPT or FQM charter flights operating, however there is a growing requirement for staff presence at other times to keep up with the requirements of the various regulatory agencies (CASA, OTS etc.).

This is a growing operation and does need the time and resources to maintain it at required standards.

Consultation:
Nil

Statutory Obligations:
As commented on in this report.

Policy Implications:
Nil

Budget / Financial Implications:
The current passenger handling fees of $40/Adult and $10/Child are deemed sufficient to meet budget expectations for the next twelve month period; however it is open for review should circumstances dictate.

Strategic Implications:
Nil

Sustainability Implications:

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

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

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

Voting Requirements:
Simple majority

OFFICER RECOMENDATION AND COUNCIL DECISION	ITEM 10.4.2
Moved: Cr Duncan	Seconded: Cr Lansdown
That the information be noted.	
Carried: 7/0	Res: 92/13

10.4.3 REVIEW OF EMERGENCY SERVICES ACTS

File Ref:	**ES No 6**
Applicant:	State Government
Location:	Western Australia
Disclosure of Officer Interest:	None
Date:	10 June, 2013
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

Summary:
A review of the emergency services legislation was initiated in late 2012 early 2013 to progress the development of a single comprehensive Emergency Services Act.

It is intended that the new Emergency Service Act will be created through the amalgamation of the Fire Brigades Act 1942, the Bush Fires Act 1954 and the Fire and Emergency Services Act 1998.

This report recommends that the Shire of Ravensthorpe provide comment on the proposal.

Background:
The Department of Fire and Emergency Services is co-ordinating the review under the strategic guidance of an Interagency Working Group formed in accordance with recommendation 2 of the Perth Hills Bushfire February 2011 Review.
The first stage of the review is an information gathering exercise where relevant stakeholders, including local government, were contacted to discuss their experiences with the legislation be impacted and how it could be improved to better support emergency services and enhance community safety.
The review team is seeking to draw on stakeholder's knowledge and experience to ensure the new legislation is fully informed by the people who are key to making it work.

Comment:
The Community Emergency Services Officer has circulated the review process to F.C.O's and the C.B.F.C.O with a request to submit comments, basically on behalf of volunteers, direct to the Review Committee. It is understood that some comments have been forwarded.

In this report administration has focussed on the Bush Fires Act and recommends that the following comments be forwarded, by way of a submission, to the Review Committee.

The comments are predominantly those used by the Shire of Kojonup which have been discussed by the CEO and Kojonup Shire staff. The Ravensthorpe CBFCO has also received the Kojonup submission. Kojonup Shire is a strong advocate for local control and responsibility and there submission reflects this shires administration views.

SUBMISSION TO EMERGENCY SERVICES LEGISLATION REVIEW

The Volunteer Bushfire Brigades within the Shire of Ravensthorpe is made up of 9 established Bush Fire Brigades, a VFRS and a Volunteer Emergency Service unit Hopetoun providing potentially 440 volunteers on call, inclusive of 29 FCO which have cause to utilize Legislation through the Acts.

These volunteer V F X U U H Q W O \ E U L Q J Z L W K W K H P Q X P H U R X V I L U H D S S *tanker to full serviced Heavy Duty Appliances, add to this the ability to provide all types of equipment, water tankers and earthworks machinery.*
Realistically too conservatively price or value such assets would be nothing but speculation at this stage. Incident operations is coordinated through a radio network (WAERN, provided and maintained by DFES funding)plus our shire continues with Mid Band link and the continual use of private phone coverage both mobile and household. Add to this the support of back ±up from Local Government, businesses, and the general household is of a huge benefit. The Shire has at this time received support by way of 5 appliances some refurbished, with approval and promise for 3 more in near future. We try to maintain good work relations along-side Department of Conservation, Department of Fire Emergency Service, other Local Governments and all stakeholders within the shire. The culmination of such has provided a substantial commitment to our community safety and protection of its citizens from bush fire using the provisions available to us through the current Bush Fire Act, Emergency Service Act and Fire Brigades Act.

The enormous voluntary commitment is customary in the majority of regional areas in Western Australia, we must be aware that alteration of such would erode the complexity of what exists, and most certainly create conjecture amidst our most valued volunteer assets and their overall commitment.

Through the years the current Bush Fire Act has not hindered the suppression of fire within the Shire of Ravensthorpe, even if it was draft in 1954, but has provided purpose ,wisdom and worthy guidance in the documentation in establishment of local brigades, local laws , created brigade structure and is still currently used for enforcement to legislative law. Overall what is in place is working well within our Shire in respect of Bush Fire Management and Operations, these local various rules are reinforced by the powers contained in these Acts.

- ***Any Act (new or status quo) should provide continuation of Local Government being the default agency for Bush Fire, LG should be the principle body for prescribing local laws at a local level.***

Some important and beneficial sections of the existing Bush Fire Act are summarised as follows-

- ***Role of Local Government Section 33***
  The Fire Break Notice prescribing fire breaks have been an evolving feature of the bush fire structure in local districts. As agriculture has changed fire break requirements have been amended to reflect local conditions, practises and changing bush fire threats within the area, the flexibility and provision of this section allowing LG to minimise bush fire threat to its community should not be adjusted in anyway. The imposing and management of Harvest and Movement Bans remain responsibility of LGA within local jurisdiction. Und H U 6 H F W L R Q Z K H U H / * I D L O *area the Minister can direct the issue to be rectify any deficiency.*

- ***Establishment of Bush Fire Brigades Section 41***
  It is considered essential that this function not be diminished .The ability to be able to lawfully create a Bush fire Brigade and support that facility at local government level has been fundamental to our successful record in management of local bush fires, furthermore the involvement of brigades into homogenous groups creates the added provision into management at wild fires.

- ***Appointment of Brigade Officers Section 43***
  It is considered essential that each brigade be able to elect from their own peer group personal that will have both the respect and confidence of all brigade members to lead them during incidents.

- ***Appointment of Fire Control Officers Section 38***
  7 K H D S S R L Q W P H Q W R I & %) & 2 D Q G ' H S X W L H V S O X V) & 2 ¶ V L
  LGA on recommendation of Bush Fire Advisory Committee from brigades. This method ensures that the persons appointed to senior ranks will have the confidence of the brigade that will represent, lead and manage.

- ***Duties of Brigades Section 39a***
  This part of the act is quite explicit in saying, that the first brigade member attending an incident has all the powers necessary to extinguish a fire .It is important that this provision remain as it gives the power to act independently and prompt response to any brigade member on arrival at wildfire . This ability must not be diminished in the act.

- ***Powers of Bush Fire Officer Section 44***
  The power to act and perform roles and responsibilities defined in the act for all fire fighters from Captain down to your newest member, which includes volunteers offering a service to brigade structure under guidance of officers in the act of fire fighting. Function must not be diminished.

- ***Insurance Section 37 &35a***
  This portion of act is explicit in explanation and intent; a fire fighter and equipment are covered by insurance and indemnified from prosecution in execution of their duties, by definition volunteers are also covered. This provision is essential for all FCOs, Captains, other officers and all volunteers while carrying out roles and responsibilities without fear of personal loss and prosecution.

- *Bush Fire brigades are sometimes first responders to emergencies other than fire. Needs to be clarity in the act that they are covered by insurance in non-fire situations.*

- *Fire Control officers, clarity unless proven grossly negligent, should be indemnified from prosecution for operational decisions made while controlling wildfires.*

- *Definition of machinery should be less descriptive; given constant evolving trends or* R S H U D W L R Q V S H U K D S V E HKVLWQ HUUHVIRU HVQXFFHKG OLLVN PHPOD FW R F D X

- *Standardize Terminology ±still some confusion*
  Clear Communications and No ambiguity in the act terminology
  e.g. Harvest Bans ,Vehicle Movement Bans And Total Fire Bans
  Harvest and Movement ban

- *Acknowledge in Act Regional Agriculture use fire as a tool during operations, Fuel reduction, and disease and weed control, carcase disposal. It is imperative that agriculture landowners are not removed of ability to use fire under legislation without excessive but a controlled permit systems.*

- *The responsibility for a fire lit under the restricted permit conditions will remain with permit holder not the Issuing Officer.*

  The review should also acknowledge that controlled bush fire has and will always be part of the Australian environment, and that bushfires will be erratic and unpredictable causing damage to property and take lives of human and animals in some circumstances. No legislation will prevent these incidents. The concern of implementation of over regulation, unrealistic environments and safety paradigms and control centralization will certainly see longer, larger and escalated risky fires to the future.

  In review, rural and remote regions of Western Australia rely on volunteers and private owned equipment for fire fighting. It is usually the volunteers whom are first responders to incidents traveling numerous kilometres while being major suppliers of resources and manpower. It is Local Volunteer Brigade Members amidst their Local Government Authorities that should have the local knowledge essential for safety and effective fire prevention and suppression.

  It is paramount that any change made to these Acts which all volunteers currently operate under to assist their safety and allow Local Governments the establishment

of a community based emergency services for their Communities, do not detract or discourage from existing support and wisdom freely offered by all volunteers and which are already enshrined in the current Acts.

In addition to the above DFES has advised that –

During the consultation process a key issue that has been identified is the administration and operation of bush fire brigades. More specifically, a number of submissions and discussions made reference to recommendations 55, 56 and 58 of the 2006 Community Development and Justice Standing Committee (CDJSC) ±Inquiry into Fire and Emergency Services Legislation. These recommendations are as follows:

Recommendation 55

- x *The emergency services legislation is to provide for FESA (now DFES) and local government to enter into an agreement for the purpose of local government transferring the following responsibilities to FESA on a permanent basis:*
  - *Emergency incident control;*
  - *Bushfire Brigade operations and administration;*
  - *The determination and administration of ESL (Emergency Service Levy), in relation to the capital and recurring costs associated with Bushfire Brigades.*

Recommendation 56

- *Such an agreement is only to be entered into if both FESA and the local government agree to terms and conditions.*

Recommendation 58

- *Any additional costs of transfer of Bushfire Brigades form local government to FESA, apart from those normally funded under the Emergency Services Levy, are borne to the State.*

Consequently DFES has specifically requested a response to the following question.

If future legislation provided the option for local governments to transfer the responsibility for bush fire brigade operations and administration to DFES, would your local government be likely to retain or transfer the responsibility?
The position provided with respect to the above question is indicative only and does not obligate the local government in any way. The project Team is aware that the control and administration of local brigades is an important consideration for many communities before a formal decision is made. As we are requesting this information in-confidence, and as part of a deliberative process, individual responses to this request will not be disclosed. however, the aggregate of the data collected will be used to calculate the potential impact to the State.

Chief Executive Officer Comment
There is potentially both positive and negative impacts if the state was to take over Bush Fire Brigade Operations and administration. On the positive side it could be argued that if responsibility was handed over there could be a considerable savings in administration time, responsibility for wild fires would pass from local government to state thereby limiting legal liability on local government as an entity, councillors and officers and finally there could be an overall cost saving to rate payers, if the state took financial responsibility.

On the negative side volunteerism would reduce because additional red tape, the community would not be adequately protected from wild fire (if the state cannot adequately manage crown land in the shire how will it manage individual property, property owners, brigades etc), finally the state may increase the ESL to fund additional resources required due to the loss of volunteers.
It is recommended that the Council retain responsibility for Bush Fire Brigade operations and administration.

Consultation:
Brigade FCO's, DCBFCO's and the CBFCO were invited to submit comments on the legislative review direct to the committee. The CBFCO was consulted on the issue of operations and management of Bush Fire Brigades being transferred to DFES. The CBFCO is strongly of the opinion that local government should retain responsibility for the operations and management of Brigades. The Chief Executive Officer has discussed the review process with the Shire of Kojonup officers.

Statutory Obligations:
There is no statutory obligation on the Council to comment on the legislation review.

Policy Implications:
Shire of Ravensthorpe has a number of policies which have been developed under current emergency services legislation. Policies L01, L03, L04 and L05 refer.

Budget / Financial Implications:
Nil

Strategic Implications:
Nil

Sustainability Implications:

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

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

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

Voting Requirements:
Simple majority

OFFICER RECOMENDATION AND COUNCIL DECISION(1)	ITEM 10.4.2
Moved: Cr Duncan	Seconded: Cr Belli
That in respect to the current review of emergency services legislation the submission outlined on the officers report (Item 10.4.3) be forwarded to DFES.	
Carried: 7/0	Res: 93/13

OFFICER RECOMENDATION AND COUNCIL DECISION(2)	ITEM 10.4.2
Moved: Cr Field	Seconded: Cr Dunlop
That in respect to the question on the future responsibility for bush fire brigade operations and administration it be Council's position that the status quo remain, that is, local government continue to be responsible, and DFES be advised accordingly.	
Carried: 7/0	Res: 94/13

10.4.4 MORGANS STREET TREES

File Ref:

Applicant:	Not applicable
Location:	Morgans Street
Disclosure of Officer Interest:	None
Date:	12 June, 2013
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

Summary:
Following the discussion to rescind Res 18/13 (February 21, 2013 Ordinary Council Meeting – Item 10.3.1) Council is requested to determine a position on the future of the subject trees and other trees in Morgans Street that will be impacted on by the Main Street upgrade project.
This report recommends that a suitably qualified person be engaged, as part of the streetscape project, to advise on the possible retention of trees in Morgans Street.

Background:
In addition to the two Rivergums located on the verge in front of the Police Station that are subject to current debate there are a number of trees in the streetscape priority development

zone (service station to service station) that should be retained if possible. The retention/removal of trees in the priority development zone will influence the ultimate development concept.

Comment:
Advice from a suitably qualified person will cover issues such as the health of the trees, roots systems, maximum height, growth rate etc. which will in turn enable the Landscape Architect to develop concept plans for the streetscape project with some certainty surrounding the existing street trees.

Consultation:
The trees in question have been identified by the Chief Executive Officer with input from community members.

Statutory Obligations:
Nil

Policy Implications:
The Shire has a number of policies in respect to street trees, the relevant policy in this case is policy WS10. The relevant section of policy WS10 is:-

Removal or Street Trees

*9. **By Council Staff:** The CEO shall have the delegated authority to approve the removal of trees on Council property by Council staff should tree(s) be required to be removed for the following reasons:*

9.1 Roadworks (including footpaths, etc) associated with the annual works program;

9.2 trees that are dead, dying, deformed, damaged or in poor health;

9.3 trees considered unsuitable for the streetscape;

9.4 trees considered to be located in a hazardous or dangerous position, or in a location contributing to a hazardous or dangerous situation;

9.5 or other rational reason associated with the operations of the Works and Services Department.

The above delegation notwithstanding, where a tree is considered:

(a) contentious or large costs are to be incurred;

(b) a heritage or significant specimen; or

(c) a Council response is necessary.

A report regarding the tree removal will be submitted to Council prior to any action being undertaken.

Budget / Financial Implications:
The cost of engaging a qualified consultant is approximately $3,500 to $4,000. This is a quote received from ECOLOGIC Tree Service Denmark. Funds are available in the Street Tree Management Budget.
Strategic Implications:
Nil

Sustainability Implications:

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

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

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

Voting Requirements:
Simple majority

OFFICER RECOMENDATION AND COUNCIL DECISION	ITEM 10.4.4
Moved: Cr Lansdown	Seconded: Cr Duncan
That Ecologic Tree Service be engaged, at a cost of $4,000 to advise on the appropriateness of the retention of the trees in the Morgans Street streetscape priority development zone.	
Carried: 5/2	Res: 95/13

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

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

12.1 Elected Members
Nil

12.2 Officers

OFFICER RECOMENDATION AND COUNCIL DECISION	ITEM 12.2
Moved: Cr Norman	Seconded: Cr Dunlop
That item 12.2.1 be dealt with at his meeting due to the fact that the analogue service will cease prior to the next Ordinary Council Meeting.	
Carried: 7/0	Res: 96/13

12.2.1 RAVENSTHORPE ENTERTAINMENT CENTRE – DIGITAL TV

File Ref:

Applicant:	Not applicable
Location:	Ravensthorpe Sporting Complex
Disclosure of Officer Interest:	None
Date:	17 June 2013
Author:	Matthew Hunt – Manager Recreation and Community Services
Authorising Officer:	Pascoe Durtanovich – Chief Executive Officer
Attachments:	No

Summary:
This item recommends that Council approve the allocation of up to $1,200.00 (exc gst) for the supply and installation of Digital TV in the mezzanine function space of the Ravensthorpe Entertainment Centre. Funds allocation is to come from the REC Bar Income account.

Background:
The Ravensthorpe Entertainment Centre Management Committee Incorporated is not a Committee of Council, and has no decision making authority. The RECMC is governed by its constitution and a Heads of Agreement document signed by both the Council and the RECMC. The RECMC strive to achieve a number of objectives outlined in their Committee Plan.

This item has been on the RECMC agenda for a number of months to date, however has been unable to attract a quorum since February and as such not confirmed or voted upon this upgrade.

Analogue services will cease in June, 2013.

Comment:
The provision of digital TV equipment will allow for greater use of the space by the Shire, commercial and community users, as without it there will be no provision. It will further integrate with the proposed upgrade of Audio Visual equipment within this area.

A number of requests have been received by Shire staff regarding options for upcoming June functions and as a result, staff recommends this action in the immediate future.

Quotes have been sourced for this provision. In addition, staff reviewed the costs for Foxtel provision through this assessment, which was deemed (informally) by REC MC as far too expensive and that Digital TV would suffice. The access and provision of the Digital TV will integrate with the previously proposed Audio Visual equipment and cabinet which have the ability to connect with existing IT provisions and will allow for greater capacity and modern presentations, functions and activity.

Consultation:
Occurred through previous agendas of the Ravensthorpe Entertainment Centre Management Committee Incorporated (RECMC).

Statutory Obligations:
Nil

Policy Implications:
Nil

Budget / Financial Implications:

- Council is required to endorse or reject all proposed expenditure recommended by the RECMC. Noting also that this is a staff recommendation not a RECMC resolution.
- Adequate funds are available from RECMC bar and membership profits.

Strategic Implications:
Nil

Sustainability Implications:

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

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

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

Voting Requirements:
Absolute majority

OFFICER RECOMENDATION	ITEM 12.2.1
That unbudgeted expenditure of up to $1,500.00 (exc gst) be authorised from the REC Bar Income account, for the supply and installation of Digital TV in the mezzanine function space of the Ravensthorpe Entertainment Centre.	

OFFICER RECOMENDATION AND COUNCIL DECISION	ITEM 12.2.1
Moved: Cr Lansdown	Seconded: Cr Duncan
That unbudgeted expenditure of up to $1,500.00 (exc gst) be authorised from the REC Bar Income account, for the supply and installation of Digital TV in the mezzanine function space of the Ravensthorpe Entertainment Centre, subject to the approval of the Ravensthorpe Entertainment Centre Management Committee by e-vote.	
Carried by absolute majority: 6/1	Res: 97/13

Reason for change
Council felt that despite the fact that the Ravensthorpe Entertainment Centre Management Committee has not had a meeting to consider this matter due to the lack of a quorum, the committee should be given the opportunity to decide the matter by e-vote.

13. MATTERS BEHIND CLOSED DOORS
Nil

14. CLOSURE OF MEETING – 5.55PM