



MINUTES

for the Council Meeting held on

Thursday 21st October, 2010

Commencing at 5.04pm

in the Council Chambers, Ravensthorpe

ORDINARY MEETING OF COUNCIL
HELD IN THE RAVENSTHORPE COUNCIL CHAMBERS
ON 21st OCTOBER, 2010 COMMENCING AT 5.04PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.04 pm – The Shire President, Cr Ian Goldfinch, declared the meeting open.

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS:	Cr Ian Goldfinch	(Shire President)
	Cr Keith Dunlop	(Deputy Shire President)
	Cr Don Lansdown	
	Cr Jan Field	
	Cr Brenda Tilbrook	
	Cr Julianne Townsend	
STAFF:	Kobus Nieuwoudt	(Acting Chief Executive Officer)
	Evelyn Arnold	(Manager Finance & Administration)
	Patrick Steinbacher	(Consulting Engineer)

APOLOGIES: Pascoe Durtanovich (Chief Executive Officer)

ON LEAVE OF ABSENCE:
Nil

ABSENT:
Nil

VISITORS:
Nil

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**5.1 APPLICATION FOR LEAVE OF ABSENCE**

Nil

5.2 DISCLOSURES OF INTEREST

Cr Goldfinch	10.2.2	Financial
Cr Goldfinch	10.2.3	Financial
Cr Goldfinch	10.2.6	Financial
Cr Tilbrook	10.2.5	Financial
Cr Lansdown	10.1.3	Financial
Cr Dunlop	10.2.1	Financial
Cr Dunlop	10.2.2	Financial
Cr Dunlop	10.2.3	Financial
Cr Dunlop	10.2.6	Financial

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES**7.1 COUNCIL MEETING – 18th October 2010**

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 7.1
MOVED: CR TILBROOK	SECONDED: CR DUNLOP
That the minutes of the meeting of Council held on the 18 th October, 2010 be confirmed as a true and correct record or proceedings.	
CARRIED 6/0	Res: 529/10

8. SUSPENSION OF STANDING ORDERS

Nil

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSIONS

Nil

10. REPORTS OF OFFICERS**10.1 Manager - Finance and Administration****10.1.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30th SEPTEMBER 2010****File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 13th October, 2010**Author:** Evelyn Arnold – Manager Finance & Administration**Authorising Officer:** Not applicable**Attachments:** Yes – Financial Statements**Summary:**

The attached financial statements provide details of the Council's financial activities for the period ending 30th September 2010.

Background:

Nil

Comment:

Nil

Consultation:

Not Applicable

Statutory Obligations:

Section 6.10 of the Local Government Act 1995 (as amended) makes provision for Regulations to be established for the general financial management of the local government.

Regulation 35 of the Local Government (Financial Management) Regulations 1996 requires monthly financial reports to be prepared in a prescribed manner.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

Details as per attached reports.

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 10.1.1
MOVED: CR TILBROOK	SECONDED: CR LANSDOWN
That pursuant to section 6.10 of the Local Government Act 1995 (as amended) and Regulation 35 of the Local Government (Financial Management) Regulations 1996, the Financial Reports for the periods ended 30 th September 2010 be accepted.	
CARRIED 6/0	Res: 530/10

10.1.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 30th September 2010
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File Ref:

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: None

Date: 13th October 2010

Author: Evelyn Arnold – Manager Finance & Administration

Authorising Officer: Not applicable

Attachments: Yes – List of Accounts

Summary:

The lists of accounts paid during the months ending 30th September 2010 are attached for Council's information.

Background:

Nil

Comment:

Nil

Consultation:

Not applicable

Statutory Obligations:

Section 6.10 of the Local Government Act 1995 (as amended) makes provision for Regulations to be established for the general financial management of the local government. The following Local Government (Financial Management) Regulations 1996 are addressed in the following list of accounts:

Regulation 13 (2) requires list of accounts paid by authority during the month to be compiled showing:

- a) the payee's name;
- b) the amount of the payment;
- c) the date of the payment;
- d) sufficient information to identify the transaction.

Regulation 13 (3) requires the list referred to in (2) to be-

- a) presented at the next ordinary meeting of council following the preparation of the list; and recorded in the minutes of the meeting at which it was presented.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

Details as per report attached.

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 10.1.2
MOVED: CR FIELD	SECONDED: CR DUNLOP
That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of September 2010, be noted.	
CARRIED 6/0	Res: 531/10

10.1.3 DRAFT M.O.U THE RAVENSTHORPE COMMUNITY RESOURCE CENTRE FOR LIBRARY SERVICES

File Ref:

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: None

Date: 13th October 2010

Author: Evelyn Arnold – Manager Finance & Administration

Authorising Officer: Not applicable

Attachments: Yes – Draft MOU

5.06 pm – Cr Lansdown declared a Financial Interest on the basis that he is a subcontractor to the Community Resource Centre. Cr Lansdown left the room and did not participate in the discussion or vote on the matter.

Summary:

This report recommends that the attached Memorandum of Understanding (M.O.U) be signed and accepted between the Shire of Ravensthorpe and the Ravensthorpe Community Resource Centre (RCRC) which administered the Library in Ravensthorpe.

Background:

The existing M.O.U was signed in 2000 and requires review and updating to reflect the current needs of the Library.

Comment:

The new document seeks to keep the arrangement as simple and as straight forward as possible whilst trying to meet the needs of both parties. It allows for an annual review and clearly sets out where any obligations lie.

Consultation:

Not applicable.

Statutory Obligations:

Nil.

Policy Implications:

There are no policy implications.

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.

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.1.3
MOVED: CR FIELD	SECONDED: CR TILBROOK
That Council adopts the Memorandum of Understanding (M.O.U) between the Shire of Ravensthorpe and the Ravensthorpe Community Resource Centre (RCRC) which administer the Library in Ravensthorpe.	
CARRIED 5/0	Res: 532/10

5.08 pm – Cr Lansdown returned to the meeting.

10.1.4 CLOSURE OF THE SHIRE ADMINISTRATION OFFICE FOR THE 3 DAYS BETWEEN CHRISTMAS AND NEW YEAR
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File Ref:

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest: None

Date: 13th October 2010

Author: Evelyn Arnold – Manager Finance & Administration

Authorising Officer: Not applicable

Attachments: No

Summary:

This report recommends that Council endorse the closure of the Shire Administration for the 29th, 30th and 31st of December 2010.

Background:

Last year the Shire Administration Office closed for the 3 days between Christmas and New Year. This caused minimal disruption to the local

community and provided all staff with a chance to relax and enjoy the festive season.

Comment:

The decision to close the Administration Office has a number of positive elements for both the staff and community;

- As a low transaction time of the year it is an opportunity allow all staff to have a break for the festive season.
- We already 4 staff who have approved leaves therefore at best we could only provide skeleton staff coverage.
- Customer service would be better after allowing all staff to enjoy the break.
- There will be no senior staff available to assist and supervise.

Consultation:

Not applicable.

Statutory Obligations:

Nil.

Policy Implications:

There are no policy implications.

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.

COUNCIL DECISION AND OFFICER RECOMMENDATION	ITEM 10.1.4
MOVED: CR TOWNSEND	SECONDED: CR LANSDOWN
That Council endorses the closure of the Shire Administration for the 29 th , 30 th and 31 st of December 2010.	
CARRIED 6/0	Res: 533/10

10.1.5 SKYWEST FLIGHTS AND LANDING FEES

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	14 th October 2010
Author:	Evelyn Arnold – Manager Finance & Administration
Authorising Officer:	Not applicable
Attachments:	No

Summary:

This report recommends that Council support that Skywest be charged landing fees as per the adopted fees and charges when flights commence later this year.

Background:

Skywest has approached Council (via the Chief Executive Officer) to request that for the any “head taxes and landing charges” be waived for the first 12 months of operation.

Comment:

The current fees and charges allow for a charge of \$15.80 per adult passenger. Approximate numbers per flight are an average of 15 passengers. With 4 flights scheduled a week, this would be 208 flights in a 12 month. The resulting revenue would be approximately \$49,296. There could also be an increase in overheads as our insurance cover would have to be reviewed at the time that operation commenced.

Consultation:

The Shire Ranger.

Statutory Obligations:

Nil.

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

A potential loss of income of \$49,296 per annum and additional costs such as insurance not being covered.

Strategic Implications:

Nil.

Sustainability Implications:

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

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

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 10.1.5

That Council resolves not to waive any “head taxes or landing fees” for Skywest and that the fees and charges be applied as per the adopted schedule.

COUNCIL DECISION

ITEM 10.1.5

MOVED: CR TILBROOK

SECONDED: CR DUNLOP

That this item be deferred to the November 2010 Council meetings, pending negotiations between the CEO and Skywest on the payment of airport operating costs.

CARRIED 6/0

Res: 534/10

10.2 Acting CEO / Manager of Planning and Development
10.2.1 REQUEST TO CLOSE AND PURCHASE LANEWAY ABUTTING FORMER CALTEX ROADHOUSE SITE, RAVENSTHORPE

File Ref:	14.0.4
Applicant:	Harley Global Pty Ltd
Location:	Lots 646-648 Morgans Street, Ravensthorpe and Lots 633, 634 and 822 Dunn Street, Ravensthorpe
Disclosure of Officer Interest:	None
Date:	7 September 2010
Author:	Kobus Nieuwoudt – Acting CEO / Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	Location Plan

5.15 pm - Cr Dunlop declared a Financial Interest in Item 10.2.1, 10.2.2 and 10.2.3 on the basis of his part-time involvement with R&L Constructions. Cr Dunlop left the room and did not participate in the discussions or vote on the matters in Items 10.2.1, 10.2.2 and 10.2.3

Summary:

Council is asked to consider closure of a part of the laneway abutting the former Caltex Roadhouse site in Ravensthorpe.

It is recommended Council undertake the road closure under section 58 of the *Land Administration Act 1997* (as amended) subject to conditions.

Background:

Ravensthorpe Fuel Supplies Pty Ltd (RFS) recently purchased the former Caltex roadhouse opposite Ravensthorpe District High School.

The total roadhouse site is approximately 5,900m² in area and currently comprises the following components:

- Lots 646 – 648 and 822 by freehold (3,585m²);
- Lots 633 and 634 by lease from State Land Services (2,024m²); and
- Approximately 60m X 5m wide public laneway (approx 300m²).

RFS wishes to rationalise the land tenure of the roadhouse site into a single freehold parcel. This will require the following tasks to be completed:

1. Closure of the laneway and conversion to freehold title.
2. Conversion of the leasehold on Lots 633 and 634 to freehold title.
3. Amalgamation of all titles into a single parcel.

In order to progress the rationalisation of the tenure, closure of the public laneway is necessary. This requires the Shire to undertake a road closure action under section 58 of the *Land Administration Act 1997* (as amended).

Once a current lease over Lots 633 and 634 has been finalised with the Department of Regional Development and Lands, RFS will make application for these lots to be converted to freehold under section 89 of the *Land Administration Act 1997*.

The laneway reserve links Hosking (west) and Elston (east) Streets. The laneway, however, opens out into the roadhouse parking area rather than traverse its entire length. Therefore, vehicles using the laneway further to the west of the roadhouse access it through the roadhouse site. Access along the laneway is hampered by a shed and gardens that have been established over time. The laneway is currently not constructed.

The Shire's grey water sewer mains is the only service currently located within the laneway.

Comment:

As pointed out under 'Background' of this report, the only service currently located within the laneway is the grey water sewer mains operated by the Shire.

In order to protect access to the sewer, it is proposed to include a sewerage easement over the mains using section 167 of the *Planning and Development Act 2005*. This would occur at the time the laneway is closed and amalgamated with the surrounding lots.

The same mechanism is used to protect Water Corporation sewerage mains and will allow the Shire to access the mains for maintenance and replacement purposes. It will also ensure the Shire is protected from inappropriate development over the mains.

It is recommended Council undertake the road closure under section 58 of the *Land Administration Act 1997* (as amended) subject to conditions.

Consultation:

Consultation was not considered necessary in relation to the recommendations of this report.

Statutory Obligations:

Laneways are dedicated as road reserves vested with Council. Closure of the road reserves under section 58 of the *Land Administration Act 1997* is

necessary. Part of this process is that Council needs to inform service agencies, the Department of Planning and adjoining landowners of the proposal and seek comments. Public advertising through a newspaper notice and a sign on site will also be required.

Once consultation has concluded, Council will need to consider any comments received prior to making a recommendation to the State Lands department of the Department of Regional Development and Lands concerning the disposal.

Once closed, the land can be disposed of to RFS under section 87 of the Act by State Lands.

Policy Implications:

Nil.

Budget / Financial Implications:

All costs associated with advertising the closures will be met by RFS. RFS will also be responsible for all costs associated with survey and purchase of the land once the closure is approved.

Strategic Implications:

Nil.

Sustainability Implications:

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

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION

ITEM 10.2.1

That Council advise Harley Global Pty Ltd that the Shire of Ravensthorpe is prepared to advertise for public and agency comment the proposed closure of that section of the public laneway abutting the former Caltex Roadhouse site under section 58 of the Land Administration Act 1997, subject to:

- (1) The applicant agreeing that costs associated with the publication of a newspaper notice as required by the Land Administration Act 1997 are to be met by the applicant;
- (2) The applicant being made aware that all costs associated with application, survey, and land purchase are to be met by the applicant; and
- (3) The applicant being advised that agreement to undertake public and agency consultation does not indicate Council's support of the disposal application. This matter will be subject to further consideration once public and agency consultation is complete.

COUNCIL DECISION**ITEM 10.2.1****MOVED: CR LANSDOWN****SECONDED: CR TILBROOK**

That Council advise Harley Global Pty Ltd that the Shire of Ravensthorpe is prepared to advertise for public and agency comment the proposed closure of that section of the public laneway abutting the former Caltex Roadhouse site under section 58 of the Land Administration Act 1997, subject to:

- (1) The applicant agreeing that costs associated with the publication of a newspaper notice as required by the Land Administration Act 1997 are to be met by the applicant;
- (2) The applicant being made aware that all costs associated with application, survey, and land purchase are to be met by the applicant; and
- (3) The applicant being advised that agreement to undertake public and agency consultation does not indicate Council's support of the disposal application. This matter will be subject to further consideration once public and agency consultation is complete; and
- (4) That unfettered public access to the laneway be guaranteed.

CARRIED: 5/0**Res: 535/10****10.2.2 PROPOSED FUNCTION HALL**

File Ref:	13.0.0HRR279 (P10/032)
Applicant:	Hopetoun Quarry Industries Pty Ltd
Location:	Lot 54 (279) Hopetoun-Ravensthorpe Road, Hopetoun
Disclosure of Officer Interest:	None
Date:	7 September 2010
Author:	Kobus Nieuwoudt – Acting CEO / Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	Site Plan Floor Plan and Elevations of proposed development

5.21 pm - Cr Goldfinch declared a Financial Interest in Item 10.2.2 and 10.2.3 on the basis that he owns 2 units at Wavecrest Village. Cr Goldfinch left the room and did not participate in the discussions or vote on the matters in Item 10.2.2 and 10.2.3.

Cr Tilbrook assumed the chair.

Summary:

Council is asked to consider an application for Planning Approval for a park hall at Lot 54 (279) Hopetoun-Ravensthorpe Road, Hopetoun.

The application is recommended for conditional approval.

Background:

Lot 54 (279) Hopetoun-Ravensthorpe Road, also known as Wavecrest Village, is located approximately 3.7km north of Hopetoun. Lot 54 is 4.86ha.

On 22 April 2004, the Shire granted Planning Approval for the development of 103 park home units, convenience store with cafe/restaurant and a service station.

Construction of the development began in 2006 with completion in late 2007 when the commercial portion of the site began operations. As a consequence of environmental concerns, the service station elements of the development were not carried out by Hopetoun Quarry Industries (HQI).

The resultant development constructed all roads and services for the entire 103 park home development. However, the total number of park home units installed was 61 with the other 42 sites remaining empty. The number of units on site has since been reduced to 48.

In 2009, 20 of the unused park home sites in the eastern-most portion of the property were replaced with 16 caravan / RV sites and an ablution block constructed to service travellers.

The application proposes to establish a park function hall with a total area of 162.4m². The function hall is proposed to be erected west of the existing maintenance shed in the southern part of the development. See site plan, floor plan and elevation plans attached.

Comment:

The proposed function hall will form an integral part of the overall development of the existing Park Home Park.

The proposal is consistent with the provisions of the Scheme and will not trigger any additional parking requirements.

The application is therefore recommended for conditional approval.

Consultation:

Consultation was not considered necessary in relation to the recommendations of this report.

Statutory Obligations:

The *Shire of Ravensthorpe Town Planning Scheme No.5* applies.

Lot 54 is zoned *Special Use 11 – Caravan Park*.

Policy Implications:

Nil.

Budget / Financial Implications:

There are no budget and/or financial implications of the recommendations of this report.

Strategic Implications:

Nil.

Sustainability Implications:

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION

ITEM 10.2.2

That Council resolve, with respect to the application for Planning Approval for a function hall at Lot 54 (279) Hopetoun-Ravensthorpe Road, Hopetoun (application reference: P10/032), that the application be approved, subject to the following conditions:

- (1) The development hereby permitted must substantially commence within two (2) years from the date of this decision letter; and
- (2) The development hereby permitted taking place in accordance with the approved plans.

Council's Acting CEO / Manager Planning & Development Services presented to Council an Alternative Officer Recommendation that includes an additional condition of approval and advised that the condition is aimed at providing a greater level of noise attenuation and privacy between the proposed function hall and the nearby park home.

ALTERNATIVE OFFICER RECOMMENDATION AND COUNCIL DECISION

ITEM 10.2.2

MOVED: CR LANSDOWN

SECONDED: CR FIELD

That Council resolve, with respect to the application for Planning Approval for a function hall at Lot 54 (279) Hopetoun-Ravensthorpe Road, Hopetoun (application reference: P10/032), that the application be approved, subject to the following conditions:

- (1) The development hereby permitted must substantially commence within two (2) years from the date of this decision letter; and
- (2) The development hereby permitted taking place in accordance with the approved plans.
- (3) Prior to occupation of the development, a fence be constructed in a material that will provide a greater level of noise attenuation and privacy between the function hall and the nearby park home.

CARRIED 4/0

Res: 536/10

10.2.3 WAVECREST VILLAGE – BHP DONATED UNITS

File Ref:

Applicant:

Wavecrest Village

Location:

Not applicable

Disclosure of Officer Interest:

None

Date:

3rd September 2010

Author:

Pascoe Durtanovich – Chief Executive Officer

Authorising Officer:

Not applicable

Attachments:

None – copy of valuation will be tabled

Summary:

As per the Council resolution on the 19th August 2010, a valuation has been sought for the disposal of the two, Shire of Ravensthorpe owned, units at Wavecrest Village.

This report recommends that the proposed disposal of the units be advertised for public comment.

Background:

Following the closure of the Ravensthorpe Nickel Mine BHP Billiton donated four of their Wavecrest Village units to the Shire of Ravensthorpe for relocation and refurbishment as childcare facilities, two in Ravensthorpe and two in Hopetoun.

Two units have already been relocated to Ravensthorpe and are in the process of being refurbished.

It was reported to the August, 2010 meeting that ownership of the purpose built childcare facility at Hopetoun is unresolved at this stage therefore it may be that ultimately the Wavecrest Village units will not be required for childcare use. Even if they are, Council should consider carefully the merit of using the units for that purpose.

At the August 2010 meeting Council resolved as follows:

That the Chief Executive Officer obtain a valuation for the two Wavecrest Village units, from a qualified valuer, for consideration by Council at the September 2010 meeting.

Albany Valuation Services has been engaged to provide a valuation.

Comment:

Nil.

Consultation:

Prior to making a decision to dispose of property by private treaty the proposal must be advertised for public comment.

Statutory Obligations:

Council can dispose of property either by public tender, auction or by private treaty. If property is disposed of by private treaty the following process applies:

The Local Government Act, 1995, Section 3.58 disposal of property requirements have to be complied with. The relevant clause is as follows:-

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.

Policy Implications:

Nil

Budget / Financial Implications:

Cost of advertising, approximately \$100.

Cost of valuation, approximately \$1,000.

Strategic Implications:

Nil.

Sustainability Implications:

• **Environmental:**

There are no known significant environmental considerations.

• **Economic:**

There are no known significant economic considerations.

• **Social:**

There are no known significant social considerations.

Voting Requirements:

Simple majority.

OFFICER RECOMMENDATION

ITEM 10.2.3

- 1) That the proposal to dispose of the two Wavecrest Village units by private treaty to Wavecrest Village be advertised in accordance with Section 3.58 of the Local Government Act 1995.
- 2) That the valuation of _____ provided by Albany Valuation Services be

adopted as a true market value.

COUNCIL DECISION

ITEM 10.2.3

MOVED: CR FIELD

SECONDED: CR LANSDOWN

- 1) That the proposal to dispose of the two Wavecrest Village units by private treaty to Wavecrest Village be advertised in accordance with Section 3.58 of the Local Government Act 1995.
- 2) That the valuation of \$104,550.00 provided by Albany Valuation Services be adopted as a true market value.
- 3) That the CEO is delegated to negotiate the sale and report the negotiated price back to Council.

CARRIED 4/0

Res: 537/10

5.35 pm - Crs Goldfinch and Dunlop returned to the meeting.

10.2.4 TECTONIC RESOURCES PHILIPS RIVER PROJECT – REQUEST FOR SUPPORT OF HAULAGE PROPOSAL

File Ref:	14.7.5
Location:	Kundip and Trilogy
Applicant:	Tectonic Resources NL
Disclosure of Officer Interest:	None
Date:	14 October 2010
Author:	Kobus Nieuwoudt – Acting CEO / Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	Correspondence and maps received from Tectonic Resources NL

Summary:

The Shire has received correspondence from Tectonic Resources NL requesting Council give the company's haulage proposal due consideration.

Background:

The background to this request is outlined in the attached correspondence.

It is understood that Main Roads WA advised Tectonic Resources that Hopetoun-Ravensthorpe Road in its current form was not adequate to allow the volumes of ore to be hauled between Kundip and Trilogy as the overall pavement thickness was inadequate nor was the width of the running surface deemed sufficiently wide to service the extra traffic.

It is also understood that Main Roads WA have advised Tectonic Resources that a budget figure of approximately \$500,000 per kilometre would be required to refurbish the 10km section between the two points to an acceptable standard.

Tectonic has developed two 'Options' to overcome this issue and has put forth the merits and drawbacks of each option as follows:

Option 1

Upgrade of bitumen road to cater for increased heavy haulage requirement.

Pros

- Shire infrastructure is upgraded; and
- No additional vegetation is required to be cleared up and above that already contemplated by construction of the power line, water pipeline and service road.

Cons

- Cost prohibitive; Tectonic is faced with an additional capital cost of up to \$5 million in order to be allowed access to the road for the purposes of ore haulage. (This cost would be incurred for servicing a requirement that at this point is limited to a mine life at Kundip of 5 years.) The single biggest impediment to commencing the Phillips River Project relates direct to the capital expenditure bill;
- Increased heavy haulage traffic on main road;
- Hindrance of traffic flows on the 10 km stretch of road due to average heavy haulage speed on inclines being much slower than the maximum speed limit of 110 km/h;
- Increased potential for road accidents;
- Major interruptions to allow road upgrade; and
- With heavy haulage to be carried out on a public road the company doesn't get the benefit of application for diesel fuel rebate for fuel used in this application. (The net effect of this being a 100% increase in the notional cost per tonne for ore haulage between the two points).

Option 2

Construct a dedicated road adjacent to the main road to serve a dual purpose of providing access to the power line and pipeline as well as provide heavy haulage of ore from Kundip to Trilogy.

Pros

- Eliminates an increased traffic flow on the main road thus reduces the potential for vehicle accidents;
- Reduces the capital cost for the project as the construction cost for upgrading the service road to a dedicated haul road is anticipated to be of the order of \$50,000 to \$100,000 per km. (A capital cost saving of \$4 to \$4.5 million on the project); and
- Reduces the operating cost for the project as the company will be eligible to claim the diesel fuel rebate for all haulage activities. (Any reduction in operating cost is a benefit to the company and project ensuring the viability of the investment case into the development of the project).

Cons

- Main Roads Department is opposed to this option due to the fact the miscellaneous license is contained within the road reserve thus creates insurance/liability issues;
- Issues potentially arise as a result of motorist's confusion over headlights from heavy haulage equipment being off the main road alignment;
- An additional amount of clearing will be required to increase the access road width to cater for larger haulage equipment; and
- Management of the Jerdacuttup North road intersection with the haul road will require consideration.

Comment:

Hopetoun-Ravensthorpe Road is currently under care and custody of the Shire. However, it should be borne in mind that there are current plans for the road being transferred to Main Roads WA.

It is therefore prudent that Council also take on board the views and comments provided by Main Roads WA.

Consultation:

Consultation was not considered necessary in relation to the recommendations of this report.

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:

Simple majority

OFFICER RECOMMENDATION

ITEM 10.2.4

That Council, in respect of the correspondence received from Tectonic Resources NL dated 5 October 2010, advise the company that Council support the proposed alignment of the ore haulage route between Kundip and Trilogy as outlined under 'Option 1'.

or

That Council, in respect of the correspondence received from Tectonic Resources NL dated 5 October 2010, advise the company that Council support the proposed alignment of the ore haulage route between Kundip and Trilogy as outlined under 'Option 2'.

COUNCIL DECISION

ITEM 10.2.4

MOVED: CR TOWNSEND

SECONDED: CR TILBROOK

That Council, in respect of the correspondence received from Tectonic Resources NL dated 5 October 2010, advise the company that Council

support the proposed alignment of the ore haulage route between Kundip and Trilogy as outlined under 'Option 2'.

CARRIED 6/0

Res: 538/10

10.2.5 PROPOSED MOTEL EXTENSIONS

File Ref:	13.0.0VEA049
Location:	49 Veal Street, Hopetoun
Applicant:	Not applicable
Disclosure of Officer Interest:	None
Date:	13 October 2010
Author:	Kobus Nieuwoudt – Acting CEO / Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	None – plans too large to attach. Plans will be made available at the meeting

5.37 pm - Cr Tilbrook declared a Financial Interest on the basis that she is employed by the owners. Cr Tilbrook left the room and did not participate in the discussion or vote on the matter.

Summary:

Council is asked to consider an application for Planning Approval for the construction of 8 single storey motel units at 49 Veal Street, Hopetoun.

The application is recommended for approval subject to conditions.

Background:

The existing motel complex at 49 Veal Street, Hopetoun, incorporates 11 motel rooms and 4 chalets, as shown below:



It is proposed to extend the motel by constructing 8 standalone single storey 'twin key' accommodation units. This allows for larger family groups to have an

additional bedroom, or if this is not needed, then the additional room can be used by a separate occupant.

Plans of the development are unfortunately too large to attach to the agenda, however, these will be available for viewing at the meeting.

The property is zoned 'Town Centre' by the *Shire of Ravensthorpe Town Planning Scheme No.5* (the Scheme). The use 'motel' is listed in the Zoning Table as 'D'. This use requires Council to exercise its discretion and grant Planning Approval to the development.

Schedule 13 of the Scheme requires 1 bay for every bedroom or unit, plus one bay for every staff member likely to be present at any one time. Additional car parking is required where the motel offers restaurant facilities. The motel does not offer a restaurant and therefore needs only to accommodate parking for guests and staff. A total of 8 parking bays and 1 disabled bay have been provided in combination with the additional units.

Table 1 of the Scheme provides the following setbacks:

- Front – 7.5m
- Rear Average – 7.5m
- Side – 3m per storey

Four of the units are located 3m of the boundary to Veal Street.

Clause 5.5 of the Scheme provides Council the discretion to vary any development or site requirement contained in the Scheme.

The proposal will not create any new access points. Access to the proposed units will be facilitated via the existing entrance on Canning Boulevard.

Comment:

As mentioned under 'Background' of this report, Clause 5.5 of the Scheme provides Council the discretion to vary any development or site requirement contained in the Scheme.

It is recommended that any approval for the reduced front setback be conditional on the following:

- The front setback area and adjoining street verge being landscaped;
- Car parking areas/bays alongside motel units fronting Veal Street to be screened from the view of the street;
- Utility areas, such as clothes drying areas and air conditioner units being located behind the motel units fronting Veal Street;
- Provision being made for pedestrian access between the Veal Street footpath and the motel units fronting the street; and
- Front fencing being limited to 900mm high and in similar materials and colours to the motel units.

Side and rear setbacks are generally acceptable. However, units that are closer than 3m to the side boundary will need to consider the fire separation requirements of the Building Code of Australia.

Given the above, it is recommended Council approve the application subject to conditions.

Consultation:

Consultation was not considered necessary in relation to the recommendations of this report.

Statutory Obligations:

The property is zoned 'Town Centre' by Council's Town Planning Scheme No.5. The use 'motel' is listed in the Zoning Tabled as 'D'. This use requires Council to exercise its discretion and grant Planning Approval to the development.

Policy Implications:

Nil.

Budget / Financial Implications:

Nil.

Strategic Implications:

Nil.

Sustainability Implications:

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.2.5

MOVED: CR LANSDOWN

SECONDED: CR FIELD

That Council grant Planning Approval for the construction of motel extensions at 49 Veal Street, Hopetoun as outlined in the approved plans and subject to the following conditions:

1. The development hereby permitted must substantially commence within two (2) years from the date of this decision letter;
2. The development hereby permitted taking place in accordance with the approved plans;
3. A minimum of 30% of the total lot area to be landscaped in accordance with Town Planning Scheme No.5. Landscaping is to be established prior to occupation of the extensions and is to be reticulated and maintained at all times;
4. Landscaping of the front setback area between the Veal Street boundary and the easternmost row of units, adjacent street verge is to be planted prior to occupation and maintained at all times;
5. Fencing along the Veal Street boundary to be a maximum of 900mm high;
6. Clothes drying and utility areas, including air conditioner and hot

water units to be fully screened from view of Veal Street;

7. A minimum of one (1) car parking space per bedroom or unit, plus one bay for every staff member present at any one time is to be provided on the site in conjunction with the proposed development in accordance with Schedule 13 of Council's Town Planning Scheme No.5. Such spaces are to be in accordance with the specifications contained in Australian Standard 2890.1 Off-street Parking and paved, kerbed, drained and marked in accordance with clause 5.9.4 of Shire of Ravensthorpe Town Planning Scheme No.5; and
8. The entire development to be connected to the Water Corporation reticulated sewage system.

CARRIED 5/0

Res: 539/10

5.42 pm – Cr Tilbrook returned to the meeting

10.2.6 PROPOSED TAVERN AT WAVECREST VILLAGE, HOPETOUN

File Ref:	13.0.0HRR279
Applicant:	Harley Global Pty Ltd
Owner(s):	Hopetoun Quarry Industries Pty Ltd
Location:	Lot 54 (279) Hopetoun-Ravensthorpe Road, Hopetoun
Disclosure of Officer Interest:	None
Date:	15 October 2010
Author:	Kobus Nieuwoudt – Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	<ul style="list-style-type: none"> • Planning proposal and justification • Wavecrest Village Development Guide Plan • WAPC Amendment 21 Schedule of Submissions as determined by Minister for Planning

5.43 pm - Cr Goldfinch declared a Financial Interest in Item 10.2.6 on the basis that he owns 2 units at Wavecrest Village. Cr Goldfinch left the room and did not participate in the discussion or vote on the matter.

Cr Dunlop also declared a Financial Interest in Item 10.2.6 on the basis of his part-time involvement with R&L Constructions. Cr Dunlop left the room and did not participate in the discussion or vote on the matter.

Cr Tilbrook assumed the chair.

Summary:

Council is asked to consider an application for Planning Approval (Change of Use) for a tavern in the existing commercial premises (Nic's 107) at Wavecrest Village near Hopetoun.

The application is recommended for approval subject to conditions.

Background:

Wavecrest Village is located on Lot 54 on Deposited Plan 67968 and has a legal area of 4.86ha.

As Council is aware, Wavecrest Village was recently rezoned (Amendment 21) with a view to:

- Ensure that the relevant planning controls accurately reflect the existing development (convenience store, café, restaurant and function centre) and use of the site; and
- Allow two additional commercial use classes ('Liquor Store' and 'Tavern') to those already legally approved by Council in April 2004.

Council resolved under Item 10.2.3 (Res 321/10) its Ordinary Council Meeting held on 18th February 2010 as follows:

"That:-

- 1. Council Forward to the Western Australian Planning Commission the Schedule of Submissions and recommendations in relation to Amendment No.21;*
- 2. Amendment No.21 to Shire of Ravensthorpe Town Planning Scheme No.5 be modified to:*
 - 2.1 Exclude the terms 'Liquor Store' and 'Tavern' from the "uses permitted" column of Schedule 2 for Special Use Zone 11;*
 - 2.2 Further modify Schedule 2 as it applies to Special Use Zone 11 by deleting the following text from "Conditions" column:*

"All development or changes of use of any part of the commercial development are to be granted Planning Approval by the local government in accordance with the Scheme prior to the development or use commencing."
- 3. Amendment No.21 to Shire of Ravensthorpe Town Planning Scheme No.5 be adopted for final approval as expressed in the Amendment Document (as modified); and*
- 4. The President and Chief Executive Officer be authorised to execute three (3) copies of the Amendment Documents for Amendment No.21 to Shire of Ravensthorpe Town Planning Scheme No.5 in accordance with regulation 22 of the Town Planning Regulations 1967 (as amended), including the fixing of the Council's Seal in the event that the Minister of Planning approves the Amendment without any further modification."*

The motion was carried 4/1.

The amendment documentation, including the Schedule of Submissions and Schedule of Modifications, was forwarded to the Western Australian Planning Commission on 25th February 2010 advising that Council resolved to adopt the application with modifications (excluding the Liquor Store and Tavern as incidental uses at the caravan park).

The Commission advised the Shire on the 5th August 2010 that the Minister for Planning determined the submissions in accordance with the Schedule of

Submissions and has decided not to approve the amendment until such time as the modifications set out in the attached schedule are effected.

In accordance with the provisions of regulations 21 (2) and 25 of the Town Planning Regulations, 1967 (as amended), Council was required to return the executed modified amending documents to the Commission within 42 days of being notified of the Minister's decision.

Three (3) duly signed and executed sets of the amendment documents pertaining to Amendment 21 was forwarded to the Commission on 17th September 2010. At the time of writing, Shire officers have not yet received an instruction from the Commission to cause Amendment 21 to be published in the Government Gazette.

The zoning of Wavecrest Village, pursuant to Amendment 21, as approved by the Minister, is illustrated below:

Special Use Area 11 as contained in Schedule 2 of the Scheme

	Description of land	Special Use	Conditions
11	279 Hopetoun-Ravensthorpe Road, Hopetoun (Lot 6381 on Diagram 94334)	Caravan Park with the following incidental uses and level of permissibility as provided by Clause 4.3.2 of this Scheme: Convenience Store (D) Restaurant (D) Fast Food Outlet (A) Reception Centre (A) Tavern (A)	All incidental uses are to be held in a combined single tenancy and the maximum combined commercial Net Lettable Area is to be 400m ² .

'Tavern' is classified as an 'A' use on Special Use Area 11, meaning "*the use is not permitted unless the local government has exercised its discretion and has granted approval after giving special notice in accordance with clause 9.4*".

The proposal for the tavern has been outlined in detail in the applicant's document titled "Application for Planning Approval (Change of Use) – Proposed Tavern at Wavecrest Village, Hopetoun" (see attachment).

The Proposal

The proposal relates to changing the uses of the existing building from shop, take-away outlet and restaurant to tavern, restaurant and take-away outlet.

The main use will be the tavern, which will expand on the existing, but currently not operating restaurant. It is understood the tavern will include a restaurant with the main change being incorporation of a lounge / cocktail bar and expansion of the current liquor licence to allow for the sale of drinks without a meal.

The restaurant section will overlook an alfresco area with a small children's playground in a similar manner to many 'family bistro' and fast food outlets.

The proposed trading hours will be 6am – 12 Midnight Monday to Saturday and 10am to 10pm Sunday. There are additional limitations on Anzac Day, Good Friday and Christmas Day.

The detailed internal layout will depend upon any conditions placed by the liquor licence. However, it is intended that the tavern will be accessed through a new entry in the northern side of the existing building.

The main lounge / cocktail bar area will be located in the area previously occupied by the convenience store and restaurant at the front of the building. The new restaurant area will be located in the former recreation room adjacent to the ablution facilities and alfresco area.

The existing ablutions, including disabled unisex toilet and baby change room will remain unaltered.

Deliveries and rubbish storage is located on the southern side of the building in an enclosed area away from the public areas of the venue and directly accessible to the kitchen.

The proposal will provide a separate take-away counter area. According to the proposal, this will be operated by the managers of the tavern and will not be a separate tenancy. However, it will be physically separated from the public tavern and restaurant areas and will be provided with separated parking and customer access.

A new car parking area will be developed on the northern side of the building to cater for the tavern whereas the existing bays in front of the building will be for the use of customers of the take-away area.

Wavecrest Village is served by two driveways from Hopetoun- Ravensthorpe Road. The northernmost driveway (see attached Wavecrest Village Development Guide Plan) is intended to be the access point for tavern patrons. The existing driveway will be realigned to enter the site along the northern side of the tavern building from where it will connect into the existing village road network and access a new parking area to be located on the eastern portion of the existing caravan / RV area.

The existing front parking area will be accessed from the southern access driveway and clearly marked to show this area is for take-away customers only.

The realigned entry will also cater for caravans and RV's entering the caravan park area of the Village. Currently, large vans and RV's are forced to travel through the residential part of the Village to access the sites. The realigned entry will thus segregate short-stay caravan and RV visitor traffic from permanent residential traffic by providing separate entry and exit points.

The development guide plan shows the provision of 46 car parking bays located on the north side of the building for tavern and restaurant patrons and 11 bays located at the front of the building for take-away customers. This area has been constructed previously, however, the bays will be realigned from 60° angle to 90° angle.

The applicant has indicated that additional overflow car parking will only be required for large functions and has noted that this is readily available within the Village road network and on the large gravel area in front of the Village.

Liquor Licence Application

The proposal relates only to the Application for Planning Approval required under Part 9 of Shire of the Scheme. Should Council resolve to grant

Planning Approval, a Liquor Licence from the Department of Racing, Gaming and Liquor will be required prior to operations commencing.

Comment:

Apart from addressing the objections received during the advertisement period, the key issue in determining the application is the under-provision of carparking relative to Scheme standards.

First of all, in regards to the objections received, the matter of whether of a tavern at Wavecrest Village constitutes improper planning in respect of Hopetoun Town Centre has been considered and dismissed by the Minister for Planning.

The Shire has been advised by the Western Australian Planning Commission (WAPC), that:

"The risk to the town centre of adverse impact from out of town commercial uses is acknowledged. However, the 400m² limit on Nett Lettable Area for Special Site No 11 does not provide for any expansion of the existing commercial footprint and provision for a Tavern represents a change in use, not an increase in commercial area."

This decision effectively indicates that a tavern at Wavecrest Village will not impact on the central primacy of the Hopetoun Town Centre.

Essentially, if it can be demonstrated that the proposal meets, or can be made to meet, the matters set out under clause 10.2 of the Scheme, Council would be obliged to grant Planning Approval.

In response to the objection raised by Planning Solutions on behalf of Conville Pty Ltd, the owner and operator of the Port Hotel in Hopetoun, the following:

Planning Solutions

1. *The applicant has not provided necessary plans and documents as outlined in Clause 9.2 - Accompanying Materials of TPS5. It would be inappropriate for Council to consider such an application without all of the required content available to inform the decision-making process*

Shire Response

Council is satisfied that the plans and documents provided by the applicant is considered sufficient to consider the 'Change of Use' application. The "Wavecrest Village Development Guide Plan" was provided at the behest of Council. This particular objection is therefore dismissed.

Planning Solutions

2. *The intensification of commercial activity on the land is in direct contrast to the vision of the Shire's Local Planning Strategy*

Shire Response

As pointed out elsewhere in this report, a 400m² limit has been placed on the Nett Lettable Area for Special Site No 11.

Moreover, the WAPC has determined that the tavern use will not be a risk to the Hopetoun Town Centre. It has also stated the 400m² cap on Nett Lettable Area for Special Site No. 11 does not provide for any expansion of the existing commercial footprint and provision for a Tavern represents a change in use, not an increase in commercial area.

Therefore, unless it can be clearly demonstrated that the proposal does not meet or cannot be made to meet the matters set out under clause 10.2 of the Scheme, Council would be obliged to grant Planning Approval.

Reason dismissed.

Planning Solutions

3. *The intensification of commercial activity on the land is inconsistent with the objectives of SPP3 or the key indicators of a sustainable community*

Shire Response

It is the WAPC's role in Amendment applications to ensure they comply with State Planning Policies. It is therefore assumed that SPP3 has been taken into consideration by the Commission and the Minister for Planning when they approved Amendment 21.

In short, the tavern land use, although defined as an 'A' use under Special Use Site No. 11, has been approved by both the Minister and the Commission on the basis that the existing commercial footprint of the premises will not be increased.

Reason dismissed.

Planning Solutions

4. *Approval of the proposal would undermine implementation of the HMS, which seeks to revitalise and develop the Hopetoun Mainstreet, and will undermine private investment in the town*

Shire Response

See reasons stated for 2. and 3. Again, the Minister for Planning determined to include the tavern use class when he approved Amendment 21.

Planning Solutions

5. *The proposed development seeks a significant shortfall in car parking, and the proposed parking is unlikely to be adequate to cater for the demand generated by the proposed development. The use of informal 'overflow parking' on Council's verge is not an appropriate solution.*

Shire Response

Agree to a certain extent. However, the under-provision of parking relative to Scheme Standards is a complex issue.

There are three options to address the issue-

1. Via an increase in on-site carparking provision and/or a reduction in the floorspace of the proposed land use such that levels of carparking provision are brought into consistency with Scheme standards;
2. Via a relaxation of Scheme standards pursuant to clause 5.5 of the Scheme; or
3. Via off-site carparking provision, potentially via a cash payment *in lieu* of on-site carparking provision (clause 5.10 of the Scheme).

Each of the above options is outlined and discussed below.

Increase in parking provision and/or reduction in floorspace

The simplest way to achieve an increase in carparking provision would be to allow more of the site to be used for carparking. That would, however, significantly add to the cost of the development.

A reduction in floorspace would be contrary to the purpose of the project, which is the establishment of a tavern in an existing premises.

Option 1, whilst potentially allowing for a development that would meet Scheme carparking standards, would clearly not meet the owners' objectives. As such, Option 1 is not considered further.

Relaxation of Scheme standards

Clause 5.5 of the Scheme provides for 'Variations to Site and Development Standards and Requirements'. Clause 5.5 states that-

"5.5.1 Except for development in respect of which the Residential Planning Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.5.2 In considering an application for planning approval under this clause, where, in the opinion of local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the local government shall:

- a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 9.4; and*
- b) have regard to any expressed views prior to making its decision to grant the variation.*

5.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that:

- a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality."*

As such, were the Shire to relax Scheme standards, it should first be satisfied that-

1. The change of use will not generate the level of peak carparking demand predicted by the Scheme; or
2. For the foreseeable future, existing public carparking provision in the locality is sufficient to make up for any shortfall in on-site carparking provision.

With respect to the level of peak carparking demand that may be generated by the development, Council's Manager Planning and Development Services, having looked at this issue, is of the view that the level predicted by the Scheme is unreasonable.

In this instance, though, it is considered that a relaxation of carparking standards can be considered based upon the assumption that the bar and lounge area will be largely standing room only in the manner typical of traditional pubs. However, this venue will be more sophisticated and will incorporate less standing room, thereby reducing the number of patrons per square metre and therefore the parking demand.

Given that the site is located outside a recognised town centre and the fairly unique circumstances under which the venture will operate, Council's Manager Planning & Development Services is satisfied that the level of peak carparking demand predicted by the Scheme, can be relaxed.

However, the proposal only seeks to provide 46 bays. Council's Manager Planning & Development Services is of the opinion that at least 50% of the 102 bays required by the Scheme be provided. It is therefore recommended that at least 51 bays be provided.

Off-site carparking provision, including cash-in-lieu

The carparking shortfall could be addressed through off-site provision, either by providing carparking on another, nearby site, or via making cash payment in lieu of on-site provision.

Given the site's rural setting and proximity to a major road, Council's Manager Planning & Development Services is of the opinion that this option should not be considered.

Main Roads WA has indicated that **all** parking is to be contained within the property boundary. Any overflow parking (as shown on the attached Guide Plan) within Hopetoun-Ravensthorpe Road reserve will hence not be approved.

The other option for meeting the shortfall via off-site carparking provision is via a cash payment *in lieu* of on-site provision, the principal statutory context for which is clause 5.10 of the Scheme. Clause 5.10 states that, *inter alia*-

“...

5.10.2 *The local government may accept or require a cash payment or transfer of land or both, in lieu of the provision of all or a proportion of required car parking spaces, but subject to the requirements of this clause.*

5.10.3 *The local government may only require cash-in-lieu of parking where it is satisfied that the provision of parking on-site, and/or associated vehicular access, would be detrimental to the overall development and integrity of the locality of which the development site forms a part.*

...”

The key question here is whether or not a cash-in-lieu payment is appropriate. It is contended that it would not be possible for the Shire to provide additional public carparking in the locality of the site given its rural setting and frontage to an important arterial road. This option is, therefore, not considered appropriate.

Ravensthorpe Cellars

The proposed tavern will impact on the fledging liquor store business at Ravensthorpe Cellars as Hopetoun is part of its customer base for takeaway liquor

Shire Response

This is an objection raised on trade grounds and cannot be given any weight or consideration through the planning system.

Given the above, it is recommended Council approve the application for a Change of Use at Lot 54 (279) Hopetoun-Ravensthorpe Road, subject to conditions.

Consultation:

Shire officers advertised the proposal in the *Esperance Express* for a period of 15 days from Thursday 15 July 2010 until 29 July 2010. Copies of the Strategy were also made available at the Hopetoun Telecentre and the Shire Admin offices during the advertising period.

The proposal was advertised in accordance with Part 9, clause 9.4.3 of Council's Town Planning Scheme No.5 in the following manner:

- Publication of a notice in the *Esperance Express* of 24th September 2010;
- Publication of a notice in the *Community Spirit* of 30th September 2010;
- Placement of a notice in a conspicuous place at Wavecrest Village from 24th September 2010 until 14th October 2010 (total of 21 days);
- Placement of a copy of the planning proposal at the Shire office's front counter from 24th September 2010 until 14th October 2010 (total of 21 days).

A total of 4 submissions were received during the advertising period.

Submissions received in favour of the proposal (total of 2) have been summarised as follows:

- The proposal will encourage and promote tourism in the Shire;
- It should not be up to Council to decide who can and who cannot do business in the Shire, provided they abide to Shire rules and regulations; and
- The town of Hopetoun would benefit from the establishment of a tavern at Wavecrest Village.

Submissions received raising an objection to the proposal (total of 2) have been summarised as follows:

- Argues the proposed 'Tavern' use is entirely inconsistent with the provisions and objectives of the relevant statutory and strategic planning instruments, for the following reasons:
 - The applicant has not provided necessary plans and documents as outlined in Clause 9.2 - Accompanying Materials of TPS5. It would be inappropriate for Council to consider such an application without all of the required content available to inform the decision-making process;
 - The intensification of commercial activity on the land is in direct contrast to the vision of the Shire's Local Planning Strategy;
 - The intensification of commercial activity on the land is inconsistent with the objectives of SPP3 or the key indicators of a sustainable community;
 - Approval of the proposal would undermine implementation of the HMS, which seeks to revitalise and develop the Hopetoun mainstreet, and will undermine private investment in the town;
 - The proposed development seeks a significant shortfall in car parking, and the proposed parking is unlikely to be adequate to cater for the demand generated by the proposed development. The use of informal 'overflow parking' on Council's verge is not an appropriate solution; and
 - The proposed tavern will impact on the fledgling liquor store business at Ravensthorpe Cellars as Hopetoun is part of its customer base for takeaway liquor

Copies of the submissions received during the advertising period are attached.

The issues raised by the submissions summarised here-above, have been addressed under 'Comment' of this report.

The proposal was also referred to Main Roads WA Great Southern Region who responded as follows:

- “1. The existing northern most access point is to be closed as this access was only temporary for the construction of the village and is not approved.
2. **All** parking is to be contained within the property boundary. Any overflow parking (as shown on the attached Guide Plan) within the Ravensthorpe – Hopetoun Road reserve will not be approved.
3. Any change of use or upgrade of the existing 2 crossovers will require the prior approval of the Regional Manager, Main Roads Great Southern.
4. All vegetation within the Ravensthorpe – Hopetoun Road reserve is to be retained.”

Statutory Obligations:

The zoning of Wavecrest Village, pursuant to Amendment 21, as approved by the Minister, is illustrated below:

Special Use Area 11 as contained in Schedule 2 of the Scheme:

	Description of land	Special Use	Conditions
11	279 Hopetoun-Ravensthorpe Road, Hopetoun (Lot 6381 on Diagram 94334)	Caravan Park with the following incidental uses and level of permissibility as provided by Clause 4.3.2 of this Scheme: Convenience Store (D) Restaurant (D) Fast Food Outlet (A) Reception Centre (A) Tavern (A)	All incidental uses are to be held in a combined single tenancy and the maximum combined commercial Net Lettable Area is to be 400m ² .

'Tavern' is classified as an 'A' use on Special Use Area 11, meaning “*the use is not permitted unless the local government has exercised its discretion and has granted approval after giving special notice in accordance with clause 9.4*”.

Policy Implications:

Nil.

Budget / Financial Implications:

There are no budget and/or financial implications of the recommendations of this report.

Strategic Implications:

Nil.

Sustainability Implications:

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

There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION**ITEM 10.2.6**

That Council grant Planning Approval for the establishment of a tavern at Lot 54 (279) Hopetoun-Ravensthorpe Road, Hopetoun as outlined in the application received 6 September 2010 (P10/036) and indicated on the approved plans, subject to the following conditions:

1. Development must substantially commence within two years from the date of this decision letter;
2. Development taking place in accordance with the approved plans;
3. Prior to occupation of the development, 51 car parking bays to be constructed. The car parking and loading area(s), and vehicle access and circulation areas shown on the approved development guide plan, including the provision of disabled car parking, is to be constructed, drained, and line marked to the satisfaction of the Shire.
4. All car parking and loading areas and vehicle access and circulation areas are to be maintained and available for car parking/loading and vehicle access and circulation on an ongoing basis to the satisfaction of the Shire.
5. Vehicular access to the tavern hereby permitted shall be via the northernmost entry point only.
6. A Management Strategy for the tavern premises is to be submitted to the Shire's Chief Executive Officer for approval prior to the operation of the tavern and thereafter the tavern shall be operated in accordance with the approved Management Strategy. The Management Strategy is to address the following matters:
 - (i) the number of licensed security staff present within hours of operations after 6pm;
 - (ii) the control of patron numbers;
 - (iii) serving of complementary drinking water;
 - (iv) complaint and reporting procedures;
 - (v) patron control (including staff training) and external surveillance;
 - (vi) access to taxi service and complementary calling service;
 - (vii) lighting in and around the perimeter of the tavern premises;
 - (viii) cleaning of the site and the public area around the site; and
 - (ix) servicing times and service vehicle route for the tavern premises in terms of deliveries and pick up.

Council's Acting CEO / Manager Planning & Development Services presented Council with an alternative Officer Recommendation that includes two (2) additional conditions of approval and advised that the additional conditions (numbered 7 and 8) are aimed at providing the Shire more effective control over hours of operation and potential sound emissions from the premises.

ALTERNATIVE OFFICER RECOMMENDATION	ITEM 10.2.6
MOVED: CR TOWNSEND	SECONDED: -
<p>That Council grant Planning Approval for the establishment of a tavern at Lot 54 (279) Hopetoun-Ravensthorpe Road, Hopetoun as outlined in the application received 6 September 2010 (P10/036) and indicated on the approved plans, subject to the following conditions:</p> <ol style="list-style-type: none"> 4. Development must substantially commence within two years from the date of this decision letter; 5. Development taking place in accordance with the approved plans; 6. Prior to occupation of the development, 51 car parking bays to be constructed. The car parking and loading area(s), and vehicle access and circulation areas shown on the approved development guide plan, including the provision of disabled car parking, is to be constructed, drained, and line marked to the satisfaction of the Shire. 4. All car parking and loading areas and vehicle access and circulation areas are to be maintained and available for car parking/loading and vehicle access and circulation on an ongoing basis to the satisfaction of the Shire. 5. Vehicular access to the tavern hereby permitted shall be via the northernmost entry point only. 6. A Management Strategy for the tavern premises is to be submitted to the Shire's Chief Executive Officer for approval prior to the operation of the tavern and thereafter the tavern shall be operated in accordance with the approved Management Strategy. The Management Strategy is to address the following matters: <ol style="list-style-type: none"> (i) the number of licensed security staff present within hours of operations after 6pm; (ii) the control of patron numbers; (iii) serving of complementary drinking water; (iv) complaint and reporting procedures; (v) patron control (including staff training) and external surveillance; (vi) access to taxi service and complementary calling service; (vii) lighting in and around the perimeter of the tavern premises; (viii) cleaning of the site and the public area around the site; and (ix) servicing times and service vehicle route for the tavern premises in terms of deliveries and pick up. 7. The hours of operation of the tavern shall be:- <ol style="list-style-type: none"> (i) from 6 am to 12 Midnight Monday to Saturday; and (ii) from 10 am to 10 pm on Sunday and Public Holidays. 8. A suitable sound engineering design to be carried out to ensure that, in conjunction with the acoustic engineer's report, any amplified music is delivered in a manner that ameliorates any noise emissions. <p>The motion lapsed due to the lack of a seconder</p>	

5.46 pm - Crs Goldfinch and Dunlop returned to the meeting

10.3 Consulting Manager of Engineering Services

10.3.1 PROPOSED PET CEMETERY LOCATIONS

File Ref:	9.1.0.0
Applicant:	Not Applicable
Disclosure of Officer Interest:	None
Date:	4th October 2010
Author:	Patrick Steinbacher - Consultant Engineer
Authorising Officer:	Not Applicable
Attachments:	Yes – location plans

Summary

This purpose of this report is to present to Council possible locations for proposed pet cemeteries and recommend possible sites.

Background

Council has identified a need for the establishment of either one or two pet cemeteries in Ravensthorpe and Hopetoun. Officers have investigated possible locations.

Comment

The locations presented are all on reserves currently under the care and control of the shire and as such do not require any further approvals or changes to use. Some minor fencing works, clearing, installation of hard stand areas and access roads may be required depending on the location, however, it is intended to carry out as little disturbance as possible to maintain the amenity of the locations. Therefore costs are expected to be relatively minor.

Should Council resolve to proceed with the establishment of the pet cemetery(ies), officers will draw up administration procedures which may include the imposition of fees, which will offset expenditure. The cemetery(ies) will likely be administered along the lines of the model which is used by the Shire of Corrigin which has a prominent and well known pet cemetery. In any case, officers will determine a course of action and if necessary bring back to Council any issues that need Council endorsement.

Locations:

1. North West corner of Waste Reserve, Moir Road, Ravensthorpe.
2. Near Old Cemetery, Moir Road Ravensthorpe
3. Reserve North of Industrial area, Hopetoun
4. Waste Reserve, Hopetoun

Consultation

This item was compiled after consultation with the Manager, Planning and Development Services and the Shire of Corrigin.

Statutory Obligation

Nil

Policy Implications

Nil

Budget /Financial Implications

Costs depend on whether Council resolves to construct one or two cemeteries, scope of works and the final location(s) however costs for various works to establish the

cemeteries may be in the order of \$2,000 - \$4,000 each plus some ongoing maintenance costs each year. Some of this expense will be offset should fees be imposed.

At present no funds have been included in the 2010/11 for establishment or ongoing costs.

Strategic Implications

Nil.

Sustainability implications

- **Environmental**
There are no known significant environmental considerations.
- **Economic**
The Shire of Corrigin's pet cemetery is somewhat of an icon which most likely is a factor in attracting visitors. It is possible that this status may be achieved by a similar installation in the Shire of Ravensthorpe. Increased visitor numbers will result in a positive economic outlook.
- **Social**
Pets are often a significant presence in people's lives and the establishment of a cemetery dedicated to them can have a positive social impact.

Voting Requirements

Simple Majority.

OFFICER RECOMMENDATION

ITEM 10.3.1

That Council, should it wish to create two pet cemeteries, locate the Ravensthorpe Cemetery at location 1 - North West Corner of the Waste Reserve, Moir Road, Ravensthorpe and the Hopetoun Cemetery at Location 3 – Reserve North of Industrial Area, Hopetoun. Should Council wish to create only one cemetery at this time that Location 3 – Reserve North of Industrial Area, Hopetoun be used.

COUNCIL DECISION

ITEM 10.3.1

MOVED: CR FIELD

SECONDED: CR TILBROOK

That Council:

- 1) Create two (2) pet cemeteries, one in Ravensthorpe and one in Hopetoun;
- 2) Locate the Ravensthorpe pet cemetery on North West corner of the Waste Reserve, Moir Road; and
- 3) The location for the Hopetoun cemetery be determined at a later stage.

CARRIED 6/0

Res: 540/10

10.4 Chief Executive Officer

Nil.

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

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**12.1 ELECTED MEMBERS**

Nil

12.2 OFFICERS**MOTION TO ACCEPT TWO (2) OFFICER LATE ITEMS**

MOVED: CR LANSDOWN

SECONDED: CR FIELD

CARRIED 6/0

Res: 541/10

12.2.1 RAVENSTHORPE ENTERTAINMENT CENTRE MANAGEMENT COMMITTEE**File Ref:****Applicant:** N/A**Location:** N/A**Disclosure of Officer Interest:** None**Date:** 20 October 2010**Author:** Kobus Nieuwoudt – Manager of Planning & Development Services**Authorising Officer:** Not applicable**Attachments:** None**Summary:**

Council is asked to appoint a delegate to the Ravensthorpe Entertainment Centre Management Committee.

Background:

Council appointed Cr Tilbrook and Cr Van der Velde as delegates to the Ravensthorpe Entertainment Centre Management Committee in 2009.

With the resignation of Cr Van der Velde from Council, a new delegate is required for the Ravensthorpe Entertainment Centre Management Committee.

Comment:

Nil.

Consultation:

Nil.

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:

Simple majority

OFFICER RECOMMENDATION	ITEM 12.2.1
That Council appoint Cr _____ as Council delegate to the Ravensthorpe Entertainment Centre Management Committee.	

COUNCIL DECISION	ITEM 12.2.1
<div style="display: flex; justify-content: space-between;"> MOVED: CR TILBROOK SECONDED: CR FIELD </div> That Council appoint Cr Lansdown as Council delegate to the Ravensthorpe Entertainment Centre Management Committee. <div style="display: flex; justify-content: space-between;"> CARRIED 6/0 Res: 542/10 </div>	

12.2.2 PROPOSED ROAD NAME

File Ref:	14.0.3.0
Applicant:	Williamson Brothers Regional Property
Location:	Lot 201 Steeredale Road, Hopetoun
Disclosure of Officer Interest:	None
Date:	21 October 2010
Author:	Kobus Nieuwoudt – Manager of Planning & Development Services
Authorising Officer:	Not applicable
Attachments:	None

Summary:

Council is asked to assign an alternative street name for a road in the Steeredale Meadows (Stage 2) subdivision.

Background:

Council resolved as follows at the Ordinary Council Meeting held on 16 September 2009 under Item 10.2.2 (Res 504/10):

“That Council request the Geographical Names Committee to name the roads depicted on the Subdivision Guide Plan for Lot 201 Steeredale Road, Hopetoun as “Platypus Road”, “Kennedia Way”, “Dillwynia Way” and “Victoria Parade”,

these names being from Council's 2006 Register of Current and Proposed Road Names Register for the Hopetoun rural residential areas."

The Geographical Names Committee has since advised that the name "Victoria" has been used 46 times in the State of WA. As such, the name cannot be employed.

Comment:

The name "Stylidium" is derived from Council's 2006 Register of Current and Proposed Road Names Register for the Hopetoun rural residential areas.

It is recommended Council advise the Geographic Names Committee that it endorses the use of the name "Stylidium Parade" to replace "Victoria Parade".

Consultation:

Consultation was not considered necessary in relation to the recommendations of this report.

Statutory Obligations:

The State Government Geographic Names Committee is responsible for naming of roads in Western Australia. Should Council resolve to request the name be placed on the proposed road reserve, this name will be forwarded for the approval of the Committee, which will then gazette the name under the *Land Administration Act 1997*.

Policy Implications:

Nil.

Budget / Financial Implications:

Nil.

Strategic Implications:

Nil.

Sustainability Implications:

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

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION

ITEM 12.2.2

MOVED: CR LANSDOWN

SECONDED: CR FIELD

That Council advise the Geographic Names Committee that the use of the name "Stylidium Parade" to replace the name "Victoria Parade" is hereby recommended for use in the Steeredale Meadows (Stage 2) subdivision at Lot 201 Steeredale Road, Hopetoun.

CARRIED 6/0

Res: 543/10

- 13. **MATTERS BEHIND CLOSED DOORS**
 Nil
- 14. **CLOSURE OF MEETING** *5.55 pm*