



MINUTES

of the Council Meeting to be held on

Thursday 20 October 2011
commencing at 5.05 p.m.

in the Council Chambers, Ravensthorpe.

**MINUTES - ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE
ON 20 OCTOBER 2011, COMMENCING AT 5.05PM**

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.05pm – *The Shire President, Cr 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 Julianne Townsend
Cr Ken Norman
Cr Andrew Duncan

STAFF: Pascoe Durtanovich (Chief Executive Officer)

APOLOGIES:
Nil

ON LEAVE OF ABSENCE:
Nil

ABSENT:
Nil

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

4.1 Ms Jillian Craig – Re: Permanent Occupancy – Motel

Commented on the situation concerning permanent occupancy of motel accommodation, specifically in regard to her unit in the Hopetoun Motel complex.

Ms Craig is of the opinion that permanent occupancy was permitted and approved when she purchased the unit.

The Chief Executive Officer advised that Council has a legal opinion that concludes that permanent occupancy is not permitted in Motel accommodation, however under Town Centre zoning, residential use is permitted at Council's discretion.

4.2 Ms Karen Campbell – Item 10.4.3 – Election of Delegates

Referring to a comment made by the Shire President at the meeting on 17 October 2011, Ms Campbell asked on what grounds the Shire President judged that only one delegate to the Hopetoun Progress Association is sufficient.

The Shire President responded that he was not determining that one delegate is sufficient, the comment was made because of the number of organisations that Council is expected to be represented on and the resulting workload on Councillors.

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

Nil.

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

Nil.

7. CONFIRMATION OF MINUTES**7.1. Council Meeting – 17 October 2011**

COUNCIL DECISION	ITEM 10.1
MOVED: CR LANSDOWN	SECONDED: CR FIELD
That the minutes of the meeting of Council held on 17 October 2011 be confirmed as a true and correct record of proceedings.	
CARRIED 7/0	
	Res: 219/11

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 FINANCIAL STATEMENT FOR THE PERIOD ENDING 30 SEPTEMBER 2011****File Ref:**

Applicant: Not applicable

Location: Not applicable

Disclosure of Officer Interest None

Date: 12 October 2011

Author: Brent Bailey – Deputy Chief Executive Officer

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 30 September 2011.

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 & OFFICER RECOMMENDATION	ITEM 10.1.1
MOVED: CR FIELD	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 September 2011 be accepted.	
CARRIED 7/0	Res: 220/11

10.1.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 30 SEPTEMBER 2011**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	12 October 2011
Author:	Brent Bailey – Deputy Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – List of Accounts

Summary:

The lists of accounts paid during the months ending 30 September 2011 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:

Nil

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 & OFFICER RECOMMENDATION	ITEM 10.1.2
MOVED: CR TOWNSEND	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 2011, be noted.	
CARRIED 7/0	Res: 221/11

10.2 Manager of Planning and Development**10.2.1 CONSIDERATION OF SUBMISSIONS AND FINAL ADOPTION OF AMENDMENT NO.27**

File Ref:	14.4.5.27
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	11 October 2011
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Pascoe Durtanovich - CEO
Attachments:	Schedule of Submissions Scheme Non-Conforming Use clauses

Summary:

Council is to consider final adoption of Amendment 27 to the Shire of Ravensthorpe Town Planning Scheme No 5 to modify the Zoning Table and introduce performance standards and controls for the 'Town Centre' zone to ensure it is predominantly used for business purposes.

The amendment has been advertised for public comment. This report recommends that: The amendment be adopted for final approval with minor modifications and

That staff prepare a local planning policy to guide the consideration of non-conforming uses in the Town Centre zone into the future.

Background:

Council initiated Amendment No. 27 to its Town Planning Scheme No.5 on 24th February 2011 (Resolution 21/11). At this meeting Council resolved as follows:

“That Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend Town Planning Scheme 5 by:

1. *Modifying the permissibility of the following uses in the Zoning Table in Part 4 of the Scheme Text in the following manner:*

Use Classes	Town Centre
RESIDENTIAL & ASSOCIATED USES	
Aged Persons' Dwelling	X
Ancillary Accommodation	X
Bed & Breakfast	X
Caretaker's Dwelling	IP
Grouped Dwelling	X
Home Business	X
Industry - Cottage	X
Residential Building	X
Second Hand Dwelling	X
Single House	X
INDUSTRIAL USES	
Industry - Light	X

2. *Adding the symbol 'IP' under Clause 4.3.2 of the Scheme Text in the following manner:*

'IP' – a use that is not permitted unless such use is incidental to the predominant use of the land as determined by Council.

3. *Adding the following definition to the schedule of definitions in Schedule 1 of the Scheme:*

'Incidental Use' means a use of premises which is ancillary and subordinate to the predominant use.

4. *Amend clause 4.8.5 'Town Centre Zone' by deleting (a) & (b) and replacing with the following:*

4.8.5 Within the Town Centre Zone, residential development shall only be permitted in the following manner:

- i) *As caretaker's accommodation where it is either located above or to the rear of the commercial development and is incidental to the commercial use of the land.*
- ii) *Where caretaker's accommodation is located behind the commercial development, the building shall be restricted to a maximum footprint of 120m² and shall be located in such a way that it does not impede the possible future extension of the commercial development.*

- iii) *As multiple dwellings above the commercial development.*
- iv) *For the purpose of considering development of multiple dwellings above the commercial development, the density of the residential development in the Town Centre Zone shall not exceed R50 and the relevant development requirements of Part 4.2 'Mixed Use Development' of the Residential Design Codes of Western Australia may be applied by the local government.*

The intention of the rezoning was to recognise that land in the town centre is finite and should be used primarily for commercial purposes. As a result most residential land uses were recommended to be removed from the Town Centre zone.

The Amendment was referred to the Environmental Protection Authority (EPA) who on the 2 May 2011 advised that no environmental assessment is required.

The amendment was then placed on public advertising until the 1 July 2011 and individual letters sent to all landowners in Hopetoun that owned land zoned 'Town Centre'.

During the advertising period a shortcoming in the documentation was identified. The Amendment text referred to Hopetoun only, however the proposed amendments to the Scheme refer to the 'Town Centre' zone. There are properties in Ravensthorpe and Munglinup that are also zoned 'Town Centre'. A submission on our own Amendment has been prepared to address this shortcoming and this is addressed in the attached Schedule of Submissions.

The advertising period was subsequently extended and individual letters were sent to landowners in Ravensthorpe & Munglinup inviting comment, closing on the 22 August 2011.

Consultation:

Formal advertising of Scheme Amendment 27 closed on the 22nd August 2011, during which time 10 submissions were received. 7 are from landowners and 3 from government agencies.

A Schedule of Submissions has been prepared that summarises the submissions received, offers comment and makes recommendations on each submission. The Schedule is attached to this report.

Full copies of any submissions are available to Councillors on request, and will be provided to the WAPC who undertakes final assessment of the amendment.

Comment:

The main issues raised during the advertising period are:

- Existing houses in the 'Town Centre' zone will become 'non-conforming uses' under the Scheme and this has ramifications for landowners and the Council;
- There is potential to 'blight' vacant lots in the Town Centre zone as they are unavailable for residential development but there is not sufficient commercial demand;
- General comments on the prohibition of residential land use being too restrictive and having a negative impact on land values;
- Removing residential land use may 'sterilise' a town centre that needs residences close by to add life and vibrancy to the Centre's street life;
- The Amendment document bases its recommendations on 'anecdotal evidence, more empirical evidence is required for such a dramatic step;

- There is already a shortage of residential accommodation in town and this may exasperate this situation.

These issues are addressed in the Schedule of Submissions at Attachment A. More discussion on these and related issues are provided below.

Discussion

Normally the marketplace will control residential land use in the Town Centre zone. Commercial development demands a higher rent and therefore the residential land use cannot complete. At the moment Hopetoun, Ravensthorpe and Munglinup do not have the commercial development pressure to prevent the development of vacant 'Town Centre' zoned sites for residential purposes.

However, the Shire of Ravensthorpe is unusual in that it has suffered major changes in population with the openings and closings of the mines in the locality. The Council has therefore seen fit to control the market place and secure the Town Centre for commercial development, in advance of the residential population bringing the necessary market forces to bear.

Substantial population growth is expected in the coming years and if the Town Centre is redeveloped with residential land uses then it may become necessary to create a second commercial hub, particularly in Hopetoun. This would cause a dislocation in the townsites growth and cause more issues than the potential to create a series of non-conforming uses in the Town Centre zone in the short term.

The Town Centre's of Hopetoun and Ravensthorpe and to a lesser extent Munglinup are the place identified in the Scheme for retail, entertainment and service industries. Particularly the main streets in these areas (Morgans & Veal Streets) are planned to be a meeting place, a community focus and the heart of the community. These areas have been zoned for this purpose for some time.

Retail models have shown that main street development needs to be on both sides of a street and developed without a break to provide it with the best chance of being a vibrant, successful area. Fragmenting a 'main street' with residential development breaks the continuity of the streetscape and harms its amenity and functionality.

It is important that the Shire takes the long view for these areas and secures them for commercial uses, particularly entertainment, eating and retail land uses. There will be impacts on landowners in these areas in the short term. People have bought existing houses in these areas and used them as primary residences or holiday homes. However, as the communities grow it is reasonable to expect that these areas are eventually fully developed as the centres of each town's community.

Non-Conforming Uses

Non-conforming uses are land uses that were legal land uses at one time and the zoning has changed, leaving them as a not permitted use in the new zone. Clauses 4.9 to 4.13 (inclusive) of the Scheme address non-conforming use. These are provided in full at Attachment B.

There are two main issues arising from the proposed Amendment that require specific attention:

1. Vacant property may only be developed with Commercial type development which may blight its development in the short term (ie before the demand for commercial development occurs it will not be possible to construct a house); and

- Existing residences in the 'Town Centre' zone will become 'Non-Conforming Uses' and will require planning approval before they may be redeveloped or extended.

The specific impact of this change is discussed for each townsite separately below.

Hopetoun

There are only 3 vacant, privately owned lots zoned Town Centre in Hopetoun that would be prevented from developing with residential land uses. These are all in Veal Street. Veal Street is the main street and should clearly be secured for commercial uses such as retail and entertainment uses.

There is a block of lots zoned Town Centre, but away from Veal Street. These are the lots bounded by Dunn & Scott Streets and Southern Ocean Road. It could be argued that there is less demand in the short term for these lots to be developed with commercial land uses (see plan overleaf).

However, these lots are zoned 'Town Centre' and have therefore been identified as the area which the Town Centre commercial land uses will expand into over time. As the housing ages on these lots demand for redevelopment will occur.

If the Amendment is adopted as recommended in this report, the Scheme will send a clear message to these landowners that this area is to be a future commercial area for Hopetoun. If landowners wish to redevelop their land in the short term for a new family home (for example) then they have the ability to apply to 'extend' the non-conforming use right over the property with Council. This would require the planning approval of Council and such measures as proposing adaptable designs for the housing that allows for residential use in the short term but simple conversion to commercial in the medium to long term may be more likely to receive support from a future Council.

Hopetoun Town Centre edged in black (LandGate 2008)



Ravensthorpe

There are a number of vacant lots in Ravensthorpe zoned 'Town Centre', most of which front Morgans Street. There is a single vacant lot that fronts Spence Street. Morgans Street has only a single house fronting it. It is a busy street, with large vehicles and has proven to be largely unsuitable for residential development. It should be retained as the Main Street.



Ravensthorpe Town Centre edged in black (Intramaps 2007)

There are two areas that are zoned 'Town Centre' and do not have main street frontage. The area fronting Dunn Street is already commercial in character. However the area fronting Spence Street may give rise to a number of non-conforming use issues over time as it is residential in character.

Munglinup

The only freehold lots zoned Town Centre in Munglinup are the two lots currently occupied by the Roadhouse. No issues are anticipated for Munglinup from this Amendment.

Conclusion

It is clear that the main streets within the 'Town Centre' zone should be secured for commercial land uses and not be disrupted by the intrusion of residential land uses into the streetscape.

However, there are areas that are zoned 'Town Centre' in Hopetoun and Ravensthorpe, that whilst they should be secured as part of the commercial hub for each townsite into the future, will not have the demand for commercial development in the short term. These areas are generally away from the main street.

These areas are predominantly developed with Single Houses. Owners of these houses will inevitably wish to renovate, extend, add outbuildings, etc. As they will become non-conforming land uses they will need to apply to Council for planning approval. In the short term it would be difficult to refuse all applications for extensions to these non-conforming uses, particularly if there is no demand for their redevelopment for commercial purposes.

It is recommended that a local planning policy be prepared to address how Council will respond to these applications into the future so a consistent decision making framework is put in place. The policy could include the following elements:

- Main Streets secured for commercial development only and no extensions of non-conforming uses will be entertained;

- 'Non-Main Street' sites may be developed with "adaptive housing principles" with the building being used as a residence in the short term but being capable of simple conversion to a commercial land use. Elements such as higher ceilings, universal access, disabled toilets and large front rooms with lesser front setbacks could be considered.

Proposed Modifications

Only one modification to the Amendment is proposed in response to the submissions received. This is explained in the 'in the 'Schedule of Submissions' at Attachment A and refers to the terminology used in restricting the size of a caretakers dwelling.

Part of Amendment 27 proposes to change clause 4.8.5 and replace it with new clauses that control residential type land use in the Town Centre zone. The last part of this states:

- v) *"For the purpose of considering development of multiple dwellings above the commercial development, the density of the residential development in the Town Centre Zone shall not exceed R50 and the relevant development requirements of Part 4.2 'Mixed Use Development' of the Residential Design Codes of Western Australia may be applied by the local government.*

Since the initiation of this Amendment the R-Codes have changed and Part 4.2 no longer refers to 'Mixed Use' development. It is recommended that part (v) be re-written to state:

"For the purpose of considering development of multiple dwellings above the commercial development, the density of the residential development in the Town Centre Zone shall not exceed R50 and the relevant development requirements of the Residential Design Codes of Western Australia may be applied by the local government."

Schemes should not reference a specific clause of the R-Codes, the R-Codes are being constantly reviewed and updated.

Statutory Obligations:

Once initiated, all amendments must be referred to the WAPC for final endorsement and require approval from the Minister for Planning.

Policy Implications:

This report recommends the drafting of a local planning policy on non-conforming uses in the Town Centre zone.

Budget / Financial Implications:

Nil

Strategic Implications:

The Amendment is primarily concerned with securing land for future commercial development in the Shire's townsites. Additionally, the prevention of residential land uses will assist in creating viable, vibrant town centres with a consistent streetscape.

To not remove the residential land uses from the Town Centre zone may result in fragmentation of the town centre areas and require the opening of another commercial area (in Hopetoun) in the long run.

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 & OFFICER RECOMMENDATION**Item 13.2.1**

MOVED: CR LANSDOWN

SECONDED: CR FIELD

That Council:

1. Adopt Amendment No 27 to the Shire of Ravensthorpe Town Planning Scheme No 5 pursuant to Section 75 of the Planning and Development Act 2005 subject to minor modifications by;
 1. *Modifying the permissibility of the following uses in the Zoning Table in Part 4 of the Scheme Text in the following manner:*

Use Classes	Town Centre
RESIDENTIAL & ASSOCIATED USES	
Aged Persons' Dwelling	X
Ancillary Accommodation	X
Bed & Breakfast	X
Caretaker's Dwelling	IP
Grouped Dwelling	X
Home Business	X
Industry - Cottage	X
Residential Building	X
Second Hand Dwelling	X
Single House	X
INDUSTRIAL USES	
Industry - Light	X

2. *Adding the symbol 'IP' under Clause 4.3.2 of the Scheme Text in the following manner:*

'IP' – a use that is not permitted unless such use is incidental to the predominant use of the land as determined by Council.
3. *Adding the following definition to the schedule of definitions in Schedule 1 of the Scheme:*

'Incidental Use' means a use of premises which is ancillary and subordinate to the predominant use.

4. Amend clause 4.8.5 'Town Centre Zone' by deleting (a) & (b) and replacing with the following:

4.8.5 *Within the Town Centre Zone, residential development shall only be permitted in the following manner:*

- vi) *As caretaker's accommodation where it is either located above or to the rear of the commercial development and is incidental to the commercial use of the land.*
 - vii) *Where caretaker's accommodation is located behind the commercial development, the building shall be restricted to a maximum internal floor area of 120m² and shall be located in such a way that it does not impede the possible future extension of the commercial development.*
 - viii) *As multiple dwellings above the commercial development.*
 - ix) *For the purpose of considering development of multiple dwellings above the commercial development, the density of the residential development in the Town Centre Zone shall not exceed R50 and the relevant development requirements of the Residential Design Codes of Western Australia may be applied by the local government.*
2. Note the submissions and adopt the recommendations in the Table of Submissions (Attachment A) and write to all persons/authorities who lodged submissions and advise that:
- (i) Amendment 27 has been supported with minor modifications.
 - (ii) The amendment will be lodged with the Western Australian Planning Commission for final approval and the WAPC will be provided with copies of each submission. Ultimately, the amendment requires endorsement of the WAPC and approval of the Minister for Planning.
3. That a draft local planning policy be brought before Council recommending how applications for extensions to non-conforming uses within the 'Town Centre' zone will be consistently handled. The policy should consider 'main street' principles and adaptive built form.

AMENDMENT:

MOVED: CR NORMAN

SECONDED: CR DUNCAN

That the area marked blue on the Hopetoun townsite plan be excluded from Amendment 27.

The Amendment was put and LOST 3/4

The original Motion was put and CARRIED 4/3

Res: 222/11

**10.2.2 PROPOSED RURAL PURSUIT & ASSOCIATED OUTBUILDING NO. 36
(LOT 516) VERRUCOSA PARADE, HOPETOUN**

File Ref:	13.0.OVER36
Applicant:	RG Rolton
Location:	No. 36 (Lot 516) Verrucosa Parade, Hopetoun
Disclosure of Officer Interest:	None
Date:	11 October 2011
Author:	Crag Pursey, Planning Officer
Authorising Officer:	Pascoe Durtanovich - CEO
Attachments:	Site, floor and elevation plans Supporting letter from applicant

Summary

Council considered an application for the development of a 167m² outbuilding and water tank on the above vacant lot in June 2011 and decided to "lay the application on the table" until the Local Planning Policy No.5 (LPP5) had been reviewed.

The policy has now been reviewed. The proposal has been amended to now apply for a 'Rural Pursuit'. The application appears to comply with the scheme requirements and recommendations of LPP5 and support is recommended

Background**Subject Site**

Lot 516 (36) Verrucosa Parade, Hopetoun (the subject site) is 4.12ha in area, largely cleared with a strip of vegetation (shelter belt) running north-south through the lot.

The site is zoned Rural Small Holdings Area 3 under the Shire of Ravensthorpe Town Planning Scheme No.5 (the Scheme). The objective of this zone is "...for rural lots used for residential purposes in conjunction with a rural pursuit such as hobby farming or keeping animals."

Previous Applications

Council previously considered this application at their meeting of 23 June 2011 where it was resolved:

"That this Item be deferred pending a review of Town Planning Scheme Policy No. 5.

Comment**Proposal**

The applicants are now requesting permission to develop an outbuilding and water tank on the vacant lot as set out in the attached correspondence. This correspondence seeks to address the latest version of Local Planning Policy No.5 and requests planning approval for the outbuilding as part of a 'Rural Pursuit'.

The application states:

"I am applying for a Rural Pursuit on Lot 516 Verrucosa Parade, Steerdale Meadows, Hopetoun.

The block is owned by my wife and I and we intend to develop it in our retirement.

We already have a house in Hopetoun and have no intention of living on the above block.

We want to use the block for the growing of fruit trees and shrubs and the stabling of horses [in this case ponies]

To do this we need to have an outbuilding to assist with the storing of horse feed and supporting equipment [saddles, horse float, fertilizer and tools] and very importantly, for the collection of rainwater for the animals and vegetation.

We don't have the room at our house for the storage of these.

As it is nearly 8 kilometers to our house we believe a toilet in the outbuilding is necessary and preferably a shower to clean up after digging, spreading fertilizers, pruning and working the horses."

A full copy of the application and supporting letter are attached to this report.

Scheme Requirements

The provisions for Rural Small Holding Zone 3 (Part 7 Setbacks) require:

"No building or structure shall be erected closer than:

- 25m from a street frontage;*
- 15m from a designated shelter belt;*
- 15m from any other boundary;*
- 50m from any boundary to the Hopetoun-Ravensthorpe Road."*

The application complies with all setback requirements with the exception of the 15m to the shelter belt. A planning condition may be applied requiring this setback.

Local Planning Policy No.5 Outbuildings in the Rural Small Holding and Rural Conservation Zones (LPP5)

"The primary objectives of this Policy are to:

- 1. Recognise the unique characteristics of rural residential development within the shire as it relates to outbuilding size and construction.*
- 2. Provide Acceptable Development standards for outbuildings in rural residential areas."*

The proposed outbuilding meets the maximum floor area, wall and roof height requirements under the Policy.

The point of discussion on this application is whether to approve the outbuilding on vacant land as part of a 'Rural Pursuit' in accordance with clause 5.8 (c) of the Policy which states:

"5.8 Outbuildings on vacant land

Construction of an outbuilding on a vacant lot is not permitted unless:

...

(c) the outbuilding is part of an approved "Rural Use" granted planning approval under the Scheme.

Note: "Rural Uses" are identified in the Scheme Zoning Table. Outbuildings lodged as part of 'Rural Uses' in the Rural Small Holding zone are to be assessed against all other provisions of this Policy."

In this case the landowner owns a house in Hopetoun and wishes to use the premises for the stabling of horses and growing fruit trees. A 'Rural Pursuit' is one of the recognised 'Rural Uses' under the Scheme. It is defined below:

"rural pursuit" means any land or buildings used for:

- a) *the rearing or agistment of animals;*

- b) *the stabling, agistment or training of horses;*
- c) *the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or*
- d) *the sale of produce grown solely on the lot;*

but does not include agriculture - extensive or agriculture - intensive.”

In this case the proposal is to agist horses, an activity consistent with the definition of a rural pursuit; support is recommended.

Part 5.9 of LPP5 refers to ablutions in outbuildings and states:

Ablutions will only be permitted to be installed in outbuildings where an existing dwelling is located on the same lot.

Ablutions are not permitted in outbuildings approved on vacant land under the provisions of clause 5.8 of this Policy unless ablutions are required in conjunction with an approval under Council’s Temporary Accommodation Policy TP 3 or as part of an approved “Rural Use

The application proposes a toilet and shower in the outbuilding and justifies this as being a requirement of the rural pursuit. Once again support is recommended.

Statutory Obligation

The Shire of Ravensthorpe Town Planning Scheme No.5 is an operative local planning scheme under the Planning and Development Act 2005.

The present policy ‘Outbuildings in the Rural Conservation & Rural Small Holding Zones’ is an adopted policy under Part 2 of the Scheme. The powers of an adopted policy are set out in clause 2.3 below:

2.3 Relationship of Local Planning Policies to Scheme

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

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

Policy Implications

The proposal now complies with revised LPP5 as outlined in the report above.

Budget /Financial Implications

The applicant has included the appropriate planning application fee as determined under the 2011/2012 Schedule of Fees and Charges.

Should Council refuse the application and the applicant decide to appeal the matter to the State Administrative Tribunal, there would be costs to defend any appeal. The amount of those costs cannot be determined at this time.

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 & OFFICER RECOMMENDATION	ITEM 10.2.2
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MOVED: CR NORMAN	SECONDED: CR FIELD
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That Council;

- | | |
|----|--|
| 1. | Approve the application for a 'Rural Pursuit' and associated outbuilding on No. 36 (Lot 516) Verrucosa Parade, Hopetoun subject to the following conditions: <ol style="list-style-type: none"> a) The outbuilding not being used for human habitation. b) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council. c) The walls and roof of the outbuilding are to be constructed in non-reflective materials that blend with the natural environment. d) The outbuilding is to be located a minimum of 15m from the existing shelter belt on the property. An amended site plan should be lodged with the application for a Building Licence. |
| 2. | Advise the applicant that; <ol style="list-style-type: none"> (i) Planning approval should not be construed as an approval to commence works as a separate building licence is also required. |

CARRIED 7/0

Res: 223/11

10.2.3 DRAFT CULHAM INLET – EASTERN FORESHORE MANAGEMENT PLAN
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File Ref:	RES34998
Applicant:	Not applicable
Location:	Culham Inlet eastern foreshore
Disclosure of Officer Interest:	None
Date:	12 October 2011
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Pascoe Durtanovich - CEO
Attachments:	Schedule of Submissions

Summary:

- The draft “Culham Inlet – Eastern Foreshore Management Plan” (the Management Plan) has been prepared by consultants on behalf of the Culham Inlet Management Group (CIMG) and is currently being advertised for public comment.
- The Management Plan was advertised for public comment, closing on the 27th September 2011 during which time six submissions were received.
- The Management Plan is administered by R.A.I.N and they have requested that the Council accept the final report following their consideration of submissions.
- The submissions received and the resultant changes will not significantly affect the Shire’s position on the Management Plan and the Shire’s concerns have been largely addressed in the Management Plan.
- It is recommended that Council formally receive the final version of the Culham Inlet – Eastern Foreshore Management Plan.

Background:

Council considered the draft Culham Inlet Management Plan at its meeting of 22 September 2011 where it was resolved as follows:

“That Council,

1. *Generally support and the draft Culham Inlet – Eastern Foreshore Management Plan;*
2. *Recommend that it be made clear in the Management Plan that any commitment of Shire resources will need to be assessed as part of the Shire’s overall financial planning and that the Management Plan will not necessarily be given priority over any other requirements of Council; and*
3. *An additional action be added to the Management Plan, with the ‘Project Officer’ as the lead, that funding will be sought from external sources wherever possible for the maintenance of infrastructure created through the implementation of the Management Plan.*

The Management Plan has been prepared by Aurora Environmental (Albany) on behalf of the CIMG. The CIMG has broad representation from select community members interested in the foreshore and government agencies with a role in managing foreshore areas including the Shire, Department of Environment and Conservation (DEC), Department of Water (DoW), Ravensthorpe Agricultural Initiative Network (RAIN), Councillors, South Coast Natural Resource Management Inc (South Coast NRM), Department of Fisheries and Department of Agriculture and Food (DAFWA).

The preparation of this plan was funded by the Western Australian and Australian Government through South Coast NRM and the Department of Water.

A copy of the Management Plan is available on request.

Consultation:

The Plan was on public advertising until the 27 September 2011 during which time 6 submissions were received. R.A.I.N and their consultant’s Aurora Environmental (Albany) have assessed the submissions received and made a series of recommended changes to the document. These are summarised in the Schedule of Submissions from Aurora Environmental at Attachment A.

Comment:

R.A.I.N has compiled the submissions received during the public advertising period and has made a series of recommended changes to the document. These are summarised in the Schedule of Submissions from Aurora Environmental at Attachment A.

There are no real major changes proposed to the document with a variety of small technical errors, changes in responsible parties for particular actions, a tweaking of the location of bollards in the various proposed car parking areas and the bird hide location to be further investigated.

The major change proposed for the Shire is that we are to become the lead agency for the Fire Management Plan and its implementation. The Shire is the manager of many of the reserves that make up the Culham Inlet foreshore reserve and the Shire is actually already responsible for the fire management in these reserves.

In particular the Shire's submission has been addressed in the following manner

Issue	Response
<i>Recommend that it be made clear in the Management Plan that any commitment of Shire resources will need to be assessed as part of the Shire's overall financial planning and that the Management Plan will not necessarily be given priority over any other requirements of Council</i>	Insert text to clarify that 'any commitment of Shire resources will need to be assessed as part of the Shire's overall financial planning and considered in relation to all of Council's commitments'.
<i>An additional action be added to the Management Plan, with the 'Project Officer' as the lead, that funding will be sought from external sources wherever possible for the maintenance of infrastructure created through the implementation of the Management Plan</i>	Funding for maintenance is generally not available (NRM funding). However, this text can be inserted as it emphasizes the ongoing responsibility of maintenance for all infrastructure.

Overall, no changes requested by other submissions lodged appear to affect the Shire's position apart from the Shire becoming the lead agency for Fire Management. The Shire's submission appears to have been adequately addressed.

It is recommended that the Management Plan be accepted.

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

There will be staff time, resources, cost of infrastructure and ongoing maintenance of proposed actions.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**

The acceptance of the Management Plan will undoubtedly have benefits for the health of the Culham Inlet and surrounding foreshore areas.

- **Economic:**
The additional infrastructure proposed in the Management Plan has potential to increase tourist visitation to the site and bring additional revenue to the locality.
- **Social:**
Day use areas will need regular servicing and monitoring to prevent antisocial behaviour and illegal overnight camping.

Voting Requirements:

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 10.2.3
MOVED: CR LANSDOWN	SECONDED: CR FIELD
That Council receive the Culham Inlet – Eastern Foreshore Management Plan prepared by Aurora Environmental (Albany).	
CARRIED 7/0	Res: 224/11

10.3 Manager of Engineering Services

Nil

10.4 Chief Executive Officer

10.4.1. SHIRE OF RAVENSTHORPE PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW

File Ref:

Applicant:	Shire of Ravensthorpe
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	11 October 2011
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	Yes – Draft Amendment Local Law

Summary:

The purpose of this item is to commence the process to amend the Shire of Ravensthorpe Parking and Parking Facilities Local Law to correct typing errors identified.

Background:

The subject Local law was gazetted on 8 February 2011.

Errors identified are:

- Section 5.5(2) talks of subclause (2)(c), (e) and (g), this should read as Subclause (3)(c), (e) and (g)
- Section 5.5 is numbered 1,2,3,3,4,5 obviously it should be 1,2,3,4,5,6
- Schedule 2 Prescribed Offences – Clause numbers incorrect.

Comment:

Although typographical errors, corrections cannot be made by a notice in the Government Gazette, the corrections have to be by amendment to the local law.

Every local law, whether it is the introduction of a new local law, the amendment of an existing local law or the repeal of an existing local law, is considered to be a local law and must follow the process outlined in the Local Government Act 1995 to ensure that its validity cannot be challenged.

Section 3.12(2) of the Act requires that the person presiding give notice to the meeting of the purpose and effect of the proposed local law. The person presiding gives notice by ensuring that the purpose and effect is included in the agenda and minutes of the meeting.

The **purpose** of the local law is to:

- constitute a parking region;
- enable the Shire to regulate the parking of vehicles within the parking region;
- provide for the management and operation of parking facilities occupied by the Shire; and
- the issuing of infringement notices for parking offences.

The **effect** of this local law is that all persons parking a vehicle within the parking region are to comply with the provisions of this local law.

If Council adopts the recommendation in this report the amendment local law will be advertised for a period of 42 days to allow for public comment.

A copy of the proposed local law will be sent to the Minister for Local Government and other relevant Ministers for comment during the submission period.

Consultation:

The amending local law will be advertised for public comment.

Statutory Obligations:

As it is proposed to adopt a local law, the following processes, as set out in section 3.12 of the Local Government Act 1995, must be observed –

1. At a Council meeting the person presiding is to give notice of the purpose and effect of the proposed local law by ensuring that:-
 - (a) The purpose and effect of the proposed local law is included in the agenda for that meeting; and
 - (b) The minutes of the meeting of the Council include the purpose and effect of the proposed local law.
2. A local government is to:-
 - (a) give Statewide public notice stating that –
 - (i) the local government proposes to make a local law, the purpose and effect of which is summarised in the notice;

- (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
- (iii) submissions about the proposed local law may be made to a local government before a date to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice is to be forwarded to the relevant Minister;
- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a Local Law that is not significantly different from what was proposed.

The local law is then published in the Government Gazette, advertised and a copy sent to the relevant Minister and the State Parliament Joint Standing Committee on Delegated Legislation.

The local law comes into effect 14 days after publication in the Government Gazette.

Policy Implications:

Nil

Budget / Financial Implications:

The proposed Local Law needs to be advertised in a newspaper circulating throughout the State and once made by Council is required to be advertised in the Government Gazette.

Costs will be in the vicinity of \$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

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 10.4.1
MOVED: CR TOWNSEND	SECONDED: CR LANSDOWN
That Council propose to make the Shire of Ravensthorpe Parking and Parking Facilities Amendment Local Law 2011, attached as Attachment 13.4.1 and the proposed local law be advertised for public comment.	
CARRIED 7/0	Res: 225/11

10.4.2 ELECTION OF COMMITTEES AND WORKING GROUPS**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	11 October 2011
Author:	Pascoe Durtanovich – Chief Executive Officer
Authorising Officer:	Not applicable
Attachments:	None

Summary:

Council currently has three Committees:

- Bush Fire Advisory
- Audit
- Tourism Development

and two Working Groups:

- Ravensthorpe Streetscape Steering Group
- Hopetoun Streetscape Steering Group

This report recommends all but the Tourism Development Committee be continued with.

Background:

The Committees and Working Groups were established a number of years ago and are reaffirmed every two years (election year).

Councillor appointments to the Committees and Groups are also made every two years.

Comment:

Details of the Committees are as follows:

BUSH FIRE ADVISORY COMMITTEE

(1 Councillor + 1 proxy)

This Committee is established under the Bush Fires Act 1954.

The Committee structure is as follows:

Chief Fire Control Officer
Deputy Chief Fire Control Officers x 2
Community Emergency Services Manager / Secretary (FCO)
FCO's from each Brigade
Two Bush Fire Control Officers Town (Permits)
Fire Weather Officer

Non - Voting Attendees

One Shire Delegate (Currently Ken Norman)

Fire and Emergency Services Authority (FESA) representative
Dept of Environment and Conservation representative

Community Fire Officer to undertake secretarial duties in conjunction with Council staff.

AUDIT COMMITTEE

Requirements

- Committee must be of three or more persons (Section 7.1 A(1)
Members
 - are to be appointed by an absolute majority decision of Council
 - can include non elected members; and
 - must include at least three Council members and Council members must comprise the majority of the Committee. (Section 7.1A(2))
- The CEO is prevented from
 - being a member; and
 - nominating a person/representative to be a member. (Section 7.1A(3))
- Employees are also prevented from being members (Section 7.1A(4))
- Decisions by audit committee only require to be made by simple majority (Section 7.1C)
- Any appointment of an auditor is to be made on recommendation if the audit committee – appointment still needs to be done by an absolute majority of full Council (Section 7.3(1))

TOURISM DEVELOPMENT COMMITTEE

This committee is superseded by the Fitzgerald Coast Tourism Association.

WORKING GROUPS

- **Ravensthorpe Streetscape Steering Group**
Current representatives – Cr Brenda Tilbrook and Cr Don Lansdown
- **Hopetoun Streetscape Steering Group**
Current representatives – Cr Jan Field and Cr Keith Dunlop

Both working groups are in recess but should be continued with.

Consultation:

Not applicable.

Statutory Obligations:

Local Government Act, 1995
Bush Fires Act, 1954

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 – Bush Fire Advisory and Working Groups

Absolute Majority – Audit Committee

COUNCIL DECISION & OFFICER RECOMMENDATION (1)	ITEM 10.4.2
MOVED: CR LANSDOWN	SECONDED: CR FIELD
That an Audit Committee be established comprising a membership of all Councillors.	
CARRIED BY ABSOLUTE MAJORITY 7/0	Res: 226/11

COUNCIL DECISION & OFFICER RECOMMENDATION (2)	ITEM 10.4.2
MOVED: CR FIELD	SECONDED: CR LANSDOWN
That the Tourism Development Committee be discontinued.	
CARRIED 7/0	Res: 227/11

COUNCIL DECISION & OFFICER RECOMMENDATION (3)	ITEM 10.4.2
MOVED: CR DUNLOP	SECONDED: CR TOWNSEND
That Cr Norman and Cr Duncan be appointed Council's representative and proxy respectively, to the Bush Fire Advisory Committee.	
Carried 7/0	Res: 228/11

COUNCIL DECISION & OFFICER RECOMMENDATION (4)	ITEM 10.4.2
MOVED: CR FIELD	SECONDED: CR DUNCAN
That Cr Lansdown and Cr Townsend be appointed to the Ravensthorpe Streetscape Steering Group.	
CARRIED 7/0	Res: 229/11

COUNCIL DECISION & OFFICER RECOMMENDATION (5)	ITEM 10.4.2
MOVED: CR TOWNSEND	SECONDED: CR NORMAN
That Cr Field and Cr Dunlop be appointed to the Hopetoun Streetscape Steering Group.	
CARRIED 7/0	Res: 230/11

10.4.3. ELECTION OF DELEGATES

File Ref:**Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 11 October 2011**Author:** Pascoe Durtanovich – Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** None

Summary:

Council appoints delegates to local groups and organisations every two years (election year)

This report recommends continuation of this practice.

Background:

Nil

Comment:

Current appointments are as follows:

1. Hopetoun Progress Association
(2 delegates)
Cr Norman and Cr Goldfinch
2. Ravensthorpe Progress Association
(1 delegate)
Cr Norman
3. RHAPS
(1 delegate and 1 proxy)
Nil.

This group is superseded by Fitzgerald Coast Tourism Association
(CEO, Shire President and 1 delegate)

Cr Field

4. Chamber of Commerce
(1 delegate)
Cr Field
5. Munglinup Community Group
(1 delegate)
Cr Norman
6. Community Liaison Committee
(Shire President)
7. Goldfields/Esperance Country Zone - WALGA
(Includes Goldfields Voluntary Regional Organisation of Councils)
(2 delegates)
Cr Goldfinch and Cr Duncan (Proxy Cr Dunlop)
8. Fitzgerald River National Park
(1 delegate and 1 proxy)
Cr Goldfinch (Proxy Cr Norman)
9. South Coast Management Group
(2 delegates + 2 Community Members and CEO)
Cr Lansdown and Cr Field
10. Great Southern Regional Road Group
(1 delegate and 1 proxy)
Cr Townsend (Cr Duncan Proxy)
11. Ravensthorpe Agricultural Initiative Network (RAIN)
(1 delegate)
Cr Goldfinch
12. LEMAC
(Shire President)
13. Cullum Inlet Management Committee
(1 delegate)
Cr Dunlop
14. Esperance Regional Tourism Association
(1 delegate)
Cr Field

15. Ravensthorpe Resource Centre Committee
(1 delegate)
Cr Norman

16. Hopetoun Resource Centre Committee
(1 delegate)
Cr Dunlop

17. Bendigo Bank Committee
(1 delegate)
Cr Field

18. Ravensthorpe Entertainment Centre Management Committee
(2 delegates)
Cr Townsend and Cr Lansdown

19. Ravensthorpe Community Childcare
(1 delegate)
Cr Townsend

20. Goldfields Esperance Regional Collaborative Group
Cr Goldfinch

21. Development Assessment Panel
(2 members + 2 deputy members)

Cr Townsend and Cr Field
(Cr Norman and Cr Duncan Proxy members)

Note: Councillors are required to determine delegates and adopt same with one resolution.

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:

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION	ITEM 10.4.4
MOVED: CR LANSDOWN	SECONDED: CR FIELD
That delegates to Committee Groups and Organisations, as listed in this report (1 to 21), be appointed.	
CARRIED 7/0	Res: 231/11

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

Nil.

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE OF MEETING – 6.17pm

<p>These minutes were confirmed at the meeting of the _____</p> <p>Signed: _____ (Presiding Person at the meeting of which the minutes were confirmed.)</p> <p>Date: _____</p>
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