



## **MINUTES**

For the Council Meeting held on

Thursday 16 April, 2015

Commencing at 5.03 p.m.

In the Council Chambers, Ravensthorpe.

**ORDINARY MEETING OF COUNCIL**  
**TO BE HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE**  
**ON 16 APRIL 2015, COMMENCING AT 5.03PM**

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**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

5.03pm – the presiding person, Cr Belli, declared the meeting open.

**2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE**

MEMBERS: Cr Julianne Belli (Acting Shire President)  
 Cr Andrew Duncan  
 Cr Sharyn Gairen  
 Cr Ian Goldfinch  
 Cr Angela Kelton  
 Cr Ken Norman

STAFF: Ian Fitzgerald (Chief Executive Officer)  
 Keith White (Deputy Chief Executive Officer)  
 Darryn Watkins (Manager Engineering Services)  
 Portia Ridout (Executive Assistant)  
 Jenny Goodbourn (Manager of Community and Recreation)

APOLOGIES:

ON LEAVE OF ABSENCE:  
 Cr Keith Dunlop (Shire President)

ABSENT:

**3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

NIL

**4. PUBLIC QUESTION TIME**

NIL

**5. APPLICATIONS FOR, AND PREVIOUSLY APPROVED, LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST****5.1 DECLARATION OF INTEREST**

Councillor/Officer	Item	Nature of Interest	Extent of Interest
Cr Goldfinch	10.2.3	Proximity	Has a House on Raglan and Birdwood Street

**6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS**  
NIL**7. CONFIRMATION OF MINUTES****7.1 COUNCIL MEETING – 19 MARCH, 2015**

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 7.1
Moved: Cr Gairen	Seconded: Cr Duncan
That the minutes of the meeting of council held on 19 March, 2015 be confirmed as a true and correct record of proceedings.	
Carried: 6/0	Res: 26/15

**7.2 SPECIAL MEETING - 1 APRIL, 2015**

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 7.2
Moved: Cr Duncan	Seconded: Cr Norman
That the minutes of the special meeting of council held on 1 April, 2015 be confirmed as a true and correct record of proceedings.	
Carried: 6/0	Res: 27/15

**8. SUSPENSION OF STANDING ORDERS**  
NIL**9. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS**  
NIL

**10. REPORTS OF OFFICERS****10.1 DEPUTY CHIEF EXECUTIVE OFFICER****10.1.1 SCHEDULE OF ACCOUNT PAYMENTS – MARCH 2015****File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 31<sup>st</sup> March, 2015**Author:** Stacey Addis – Senior Finance Officer**Authorising Officer:** Keith White – Deputy Chief Executive Officer**Attachments:** Schedule of Payments to 31<sup>st</sup> March, 2015Credit Transactions to 25<sup>th</sup> March, 2015**Summary:**

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

**Background:****31<sup>st</sup> March 2015**

<b>FUND</b>	<b>PAYMENT</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
<b>Municipal Account</b>	EFTs	EFT3989-EFT4082	<b>\$534,994.62</b>
	Municipal Fund Cheques	39434-39483	<b>\$47,314.79</b>
<b>Payroll</b>	Dates	04/03/2015 11/03/2015 18/03/2015	<b>\$158,944.10</b>
<b>Bank Fees</b>			<b>\$387.43</b>
<b>Municipal Account Total</b>			<b>\$741,640.94</b>
<b>Shire Credit Card Facility</b>	Westpac VISA	26/02/2015-25/03/2015	<b>\$2,608.54</b>
<b>Trust Account Payments</b>	EFTs	EFT4057-EFT4059 EFT4083	<b>\$54,061.30</b>
	Trust Cheques	1296-1301	<b>\$900.00</b>
<b>Grand Total</b>			<b>\$799,210.78</b>

**Comment:**

This schedule of accounts as presented, submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costing's and the amounts shown have been paid.

**Consultation:**

Not applicable.

**Statutory Obligations:****Local Government (Financial Management) Regulations 1996****13. Lists of accounts**

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

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

(2) A list of accounts for approval to be paid is to be prepared each month showing —

- (a) for each account which requires council authorisation in that month —
  - (i) the payee's name;
  - (ii) the amount of the payment; and
  - (iii) sufficient information to identify the transaction; and
- (b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under subregulation (1) or (2) is to be —

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

**Policy Implications:**

Nil

**Budget / Financial Implications:**

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

**Strategic Implications:**

Nil

**Sustainability Implications:**

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

**Voting Requirements:**

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.1.1
Moved: Cr Kelton	Seconded: Cr Duncan
That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of March 2015, be noted.	
Carried: 6/0	Res: 28/15

**10.1.2 MONTHLY FINANCIAL REPORT – 31 MARCH 2015****File Ref:**

<b>Applicant:</b>	Not applicable
<b>Location:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	08 April, 2015
<b>Author:</b>	Keith White – Deputy Chief Executive Officer
<b>Authorising Officer:</b>	Not applicable
<b>Attachments:</b>	Yes – Monthly Financial Report – March 2015

**Summary:**

This report presents the monthly financial reports for March 2015 to Council which is provided as an attachment to the agenda. The recommendation is to receive the March monthly financial reports.

**Background:**

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

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

**Comment:**

This report contains annual budget amounts, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and



actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

**Consultation:**

Council Financial Records

**Statutory Obligations:**

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

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

**Policy Implications:**

Nil

**Budget / Financial Implications:**

As detailed within the attachments

**Strategic Implications:**

Nil

**Sustainability Implications:**

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

**Voting Requirements:**

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.1.2
Moved: Cr Norman	Seconded: Cr Kelton
That Council receive the Monthly Financial Reports for the period ending 31 March 2015 in accordance with Section 6.4 of the Local Government Act 1995.	
Carried: 6/0	Res: 29/15

## 10.2 MANAGER OF PLANNING AND DEVELOPMENT

### 10.2.1 PROPOSED ADDITIONAL STAFF ACCOMMODATION

<b>File Ref:</b>	LU.PL.5
<b>Applicant:</b>	Cooperative Bulk Handling
<b>Location:</b>	Lot 12 South Coast Highway, Munglinup
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	31 March 2015
<b>Author:</b>	Craig Pursey, Planning Officer
<b>Authorising Officer:</b>	Ian Fitzgerald – Chief Executive Officer
<b>Attachments:</b>	Yes - Application

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#### Summary:

Council has received an application to extend the existing accommodation available at the CBH, Munglinup (Lot 12 South Coast Highway). The proposal consists of:

1. Three new units of four single bedrooms with ensuites; therefore accommodating an additional 16 people on site; and
2. Moving the existing accommodation located at the front of the site to the rear of the site.

The proposal is an extension of an existing use and conditional approval is recommended.

#### Background:

##### **Site Description**

Lot 12 South Coast Highway, Munglinup is located 2km to the west of the Munglinup townsite. Lot 12 is developed with the Cooperative Bulk Handling (CBH) infrastructure for Grain receipt and storage and accommodation that sleeps up to 18 people.

Lot 12 is 56.141ha in area and zoned 'Special Use 4 – CBH Depot and ancillary uses'. Accommodation would be considered an ancillary land use under the current zoning.



Lot 12 South Coast Highway, Munglinup – subject site (Landgate 2012)

### **Previous Approvals**

The last recorded approval for the subject site is a planning approval issued by Council in 2007 for a second hand transportable residential building.

### **Comment:**

#### **Proposal**

Council is required to consider a planning application from Cooperative Bulk Handling (CBH) for additional staff accommodation to be located at the rear of the development. The proposal includes:

- Three 4 bedroom units from Fleetwood, each bedroom with an ensuite;
- A single amenities block with laundry, store, dining and kitchen;
- Connecting verandahs throughout;
- Water tanks and septic systems to support the proposed buildings;
- 16 parking bays, access and manoeuvring area; and
- Relocation of the existing four bedroom accommodation to the rear of the site.

A copy of the plans are attached to this report.

The accommodation is required as currently some staff are housed in caravans and some staff live locally. CBH state that they anticipate that the local pool of staff will diminish in

coming years, particularly for students due to the later semester finish and if the grain harvest starts early and therefore the need for more onsite accommodation is anticipated.

**Assessment**

The proposed accommodation and amenity block is located at the rear of the existing development and will not be seen from the highway.

The proposed accommodation is setback a minimum of 30m to the northern boundary that is used for broad hectare farming. As the proposal is for staff accommodation on an industrial type site it is recommended that buffers to the adjoining farm are not required.

The accommodation and amenities will improve the standard of development on the site. Approval is recommended.

**Consultation:**

None required.

**Statutory Obligations:**

The proposed infrastructure is considered development under Town Planning Scheme No.5 and requires planning approval and a Building Permit.

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

**Policy Implications:**

Local Planning Policy 7 – 'Industrial Design Guidelines' (LPP7) applies to land zoned 'Industry' and 'Light & Service Industry'. The subject site is industrial in character and similar development standards could be expected.

The only applicable part of LPP7 would be the recommendation that carparking areas are sealed to a 2-coat bitumen standard.

**Budget / Financial Implications:**

None for Council

**Strategic Implications:**

None

**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 10.2.1
Moved: Cr Duncan	Seconded: Cr Norman
That Council;	
1. Approve the application lodged by the Cooperative Bulk Handling for the proposed accommodation, car parking and amenity building subject to the following conditions:	
a) Development shall be carried out and fully implemented in accordance with the approved plans lodged with Council on the 6 <sup>th</sup> March 2015.	
b) All runoff from impervious surfaces being contained within the property and disposed of to the Shire of Ravensthorpe's satisfaction.	
c) Vehicular parking, manoeuvring and circulation areas and access driveways indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of the Shire. All parking spaces being marked out and maintained in good repair thereafter.	
d) The accommodation is for workers only and not for permanent occupation.	
e) The development is to be connected to an on-site effluent disposal system to the satisfaction of the Environmental Health Officer.	
2. Advise the applicant that;	
i) Planning approval should not be construed as an approval to commence works as a separate building permit is also required.	
ii) It is recommended that the applicant consider providing disabled access and facilities in accordance with the provisions contained in the Building Code of Australia and Australian Standard 1428.	
iii) It is recommended that the water tanks proposed comply with the following technical requirements:	
• The rainwater tank is fitted with an overflow device that disposes of overflow from the rainwater tank.	
• A backflow protection device is installed in accordance with AS3500.1.	
• The inlet and overflow of the rainwater tank be fitted with mosquito proof, non-degradable screens to ensure continual rainwater tank water quality.	
• Appropriate consideration needs to be given to the adequacy of the structure supporting the plumbed rainwater tanks.	
Carried: 6/0	Res:30/15

**10.2.2 REVIEW OF LOCAL PLANNING POLICY 2A – ADVERTISING SIGNS**

<b>File Ref:</b>	CR.SG.1
<b>Applicant:</b>	Not applicable
<b>Location:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	2 <sup>nd</sup> April 2015
<b>Author:</b>	Craig Pursey, Planning Officer
<b>Authorising Officer:</b>	Ian Fitzgerald – Chief Executive Officer
<b>Attachments:</b>	Draft Revised Policy Extract from current Main Roads WA ‘Roadside Advertising’ policy

**Summary:**

Following a recent compliance action by Shire staff it became apparent that a review of Local Planning Policy 2A – Advertising Signs was required, particularly as it applies to ‘remote signage’. Remote signs are signs that are not located within or immediately adjacent to the business to which the sign relates.

Remote signs located adjacent to highways require the approval of Main Roads WA following approval of the local government.

The current policy recommends against remote signage. This report recommends support for remote signage under specific circumstances and a renewal of existing older signs.

**Background:*****Previous Consideration*****December 2012**

Council reviewed its policy on Advertising Signage in detail at the December 2012 meeting of Council. The Council report at the time described the two options for remote signage:

1. Prohibit remote signs based on the following rationale:
  - To establish a level playing field for all. It is difficult to allow one sign and refuse the next, leading to potential for a proliferation of signs on the edge of the Shire’s townsites;
  - Remote signs can affect the amenity of a townsite for visitors and locals with billboards and signs interrupting the views of the rural landscape.



- These signs can end up in a poor state and they reflect badly on the town they are seeking to advertise;
- Businesses located in townsites are generally found in legible commercial or industrial areas and may can be located through the use of adequate signage at their place of business; and
- It is questionable how effective remote signs are in getting people to stop in a town when compared to the generic signage. More often than not tourists are looking for goods and services rather than an individual business. Remote signs allow business to start competing well beyond the town and this can lead to a proliferation of signs.

**OR**

2. Permit a certain amount of remote signage based given the following:

A number of other Shire's around the State have permitted remote signage with restrictions to attempt to limit their proliferation. These policies include such measures as:

- That the signs promote local business only;
- They are within reasonable proximity of the business they are advertising (ie within 15km);
- Their size and number are limited;
- The remote sign is associated with a tourist-related business or a business that provides goods or services to the travelling public that has been approved by the local government
- They face oncoming traffic only;
- The quality is to be monitored and the signage consistently refreshed;
- They are not located within the townsite.

Remote signs can effective advertise goods and services available locally and if presented well can reflect positively on the perception of a townsite.

The Council decided at that time to prohibit remote signage, however either approach has some validity.

June 2014

Council reviewed all policies at their meeting in June 2014 and the position to refuse all remote signage was readopted.

**Main Roads WA**

Main Roads have a current adopted policy applied through the Main Roads Act 1930 and the Main Roads (Control of Advertisements) Regulation 1996. Main Roads term remote signage as 'roadside advertising' and it is controlled more specifically through their 'Roadside Advertising' policy. This policy:

- Allows for limited remote signage adjacent to highways following approval from the local government;
- Requires separate approval under the Main Roads legislation;
- Sets the criteria under which Main Roads will consider remote signage.

An extract of the relevant portions of the current 'Roadside Advertising' policy are attached to this report.

Main Roads WA also has a draft 'Roadside Advertising' policy that is currently with their Minister for final approval that proposes to remove the decision making role of the local government from roadside advertising and take a position which prohibits all roadside advertising. There is no timeline for the adoption of this policy and no absolute certainty that it will be adopted.

**Comment:**

A compliance action was initiated in January 2015 following a review of past approvals and in light of the adopted Council policy. This action drew out public comment on the matter of remote signage that the previous advertising of draft policies did not.

It has become clear that local business has a clear desire to allow remote signage.

As described in previous Council agenda on this matter, Council can take a position for or against remote signage. Council has indicated informally that they would like an alternative position presented for consideration that allows for remote signage with control.

The current policy has been reviewed in this light and the following amendments are proposed for Council's consideration:

1. A revised and simplified definition for a "remote sign" as follows:

**“remote sign”** means a sign that is not located within or immediately adjacent to the business to which the sign relates, but does not include a portable sign.

2. Controls introduced to ensure limits on the number, location and nature of remote signs as follows:
  - i. The remote sign is to be associated with a locally based business or community organisation;
  - ii. It is erected within private property in a location approved by the local government and Main Roads in the event of it being located adjacent to a road dedicated under the Main Roads Act 1933.
  - iii. The owner or owners of the property in which the remote sign is to be erected provide written approval and sign the Application for Planning Approval form;
  - iv. The sign is located not less than:
    - 140m of another remote sign where the speed limit of the adjacent road is 110km/h;
    - 100m where the speed limit of the adjacent road is 90km/h or less;
  - v. It is to face the direction of approaching traffic.
  - vi. It is located within 15km of the business to which the sign relates, or as otherwise determined by the local government taking into account the business location and the importance of the sign to providing information to the travelling public
  - vii. It is not located within a gazetted townsite;
  - viii. No more than two (2) remote signs per business will be permitted

A copy of the revised policy with existing clauses struck through and new clauses highlighted in yellow is attached to this report.

### ***Existing Signage***

There remain a number of signs located adjacent to highways in the Shire that have been in place for some time without any approvals from the Council or Main Roads WA.

Shire records from the last 10 years show that only the Wildflower Show signage applied for and received approval from the Council in the past.

Council has a number of options available as to how to treat these signs:

1. Retain the status quo and allow the signs to remain in their current state. This would leave any requirement for approval from Main Roads WA up to Main Road to pursue;
2. Require application and approval for all existing signs;
3. Require application and approval for all existing signs plus require these signs to be renewed within an acceptable timeframe.

This report recommends requiring all existing remote signs to apply for approval from the local government and Main Roads and that if the sign is older than 5 years old, require that the sign be renewed.

Whilst there may be a place for remote signs in advertising goods and services available locally, if the sign is in a poor state of repair it reflects poorly on the townsite and the business.

**Consultation:**

The draft policy is required to be advertised for a period of 21 days before being back before Council for final approval. This includes advertising in local papers on notice boards and in this case, with Main Roads WA.

The draft policy and any position requiring renewal of existing signs should be referred directly to the owners of existing signs for comment.

**Statutory Obligations:**

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

Part 2 'Local Planning Policy Framework' of the Scheme controls local planning policies.

Clause 2.4.1 requires upon adoption of a draft policy, Council is required to:

- a) Publish a notice of the proposed Policy for 2 consecutive weeks in a local newspaper giving details of the policy and inviting submissions for a minimum of 21 days; and
- b) May publish the notice in other manners and consult with others.

Council is then required to consider any submissions received from the advertising of the draft policy and resolve to adopt, modify or not proceed with the policy.

**Policy Implications:**

Explained in the body of this report.

**Budget / Financial Implications:**

The cost of advertising and referral of the draft policy were met within the existing budget.

**Strategic Implications:**

The Policy will act as a tool to guide future development.

**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 10.2.2
Moved: Cr Duncan	Seconded: Cr Norman
That Council,	
1. In accordance with Clause 2.4.1 of Town Planning Scheme No. 5 adopts the draft revised Local Planning Policy 2A - 'Advertising Signs' and advertises the draft in the local newspaper for a period of 21 days for public inspection and comment.	
2. Refers the draft revised Local Planning Policy 2A - 'Advertising Signs' to Main Roads WA for comment; and	
3. Refers the draft revised Local Planning Policy 2A - 'Advertising Signs' to owners of existing remote signs in the Shire of Ravensthorpe and indicates to these owners that the Council intends that all existing remote signage will require:	
i) The planning approval of Council assessed in accordance with the draft revised Local Planning Policy 2A - 'Advertising Signs';	
ii) Separate approval of Main Roads WA; and	
iii) If the sign is older than 5 years old or in a poor state of repair will be required to be renewed within 3 months of approval.	
Carried: 6/0	Res: 31/15

*Prior to any consideration of Item 10.2.3 Cr Goldfinch declared a proximity interest on the basis that he owns a house on Raglan Street and Birdwood Street, Hopetoun.*

### **10.2.3 PROPOSED OVERSIZED OUTBUILDING**

<b>File Ref:</b>	A1003
<b>Applicant:</b>	Jeff & Maureen Gault
<b>Location:</b>	Lot 576 (#35) Raglan Street, Hopetoun
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	2 April 2015
<b>Author:</b>	Craig Pursey, Planning officer
<b>Authorising Officer:</b>	Ian Fitzgerald – Chief Executive Officer
<b>Attachments:</b>	Planning application & supporting letter Objection

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#### **Summary:**

Council has received a planning application for a 67.5m<sup>2</sup> shed with a 45m<sup>2</sup> carport attached to the front of the shed at Lot 576 (#35) Raglan Street, Hopetoun.

The proposal requires a discretionary decision under the Council's Local Planning Policy No.3 – Outbuildings. The application was referred to adjoining landowners and one objection was received.

Conditional approval is recommended.

#### **Background:**

##### ***Site Description***

Lot 576 Raglan Street, Hopetoun is 1010m<sup>2</sup> in area and located on the corner of Raglan Street and Birdwood Street. Lot 576 is developed with a single house and small outbuilding.



*Subject site edged in yellow (Landgate 2013)*

### **Zoning & Scheme Requirements**

Lot 576 is zoned Residential R10/20. All development in this zone is assessed against the requirements of the Residential Design Codes of WA (R-Codes). In addition, outbuildings are assessed against Local Planning Policy 3 – Outbuildings.

### **Comment:**

#### ***The Proposal***

Council has received an application from the owners of Lot 576 (#35) Raglan Street, Hopetoun; Jeff and Maureen Gault, to develop an outbuilding with attached carport. The proposal is as follows:

1. Demolition of the existing shed;
2. A new 67.5m<sup>2</sup> shed, being 9m long and 7.5m wide;
3. A 45m<sup>2</sup> carport attached to the front of the shed being 6m long and 7.5m wide;
4. The combined structure being setback 0.5m from the side and rear boundaries (at the closest point);
5. A small retaining wall is proposed along the western boundary to support a proposed 300-400mm excavation within Lot 576; and
6. A wall height of 2.7m (accounting for the proposed 300mm excavation).



The applicant has stated that the size of outbuilding is required for the following reasons:

1. It is required to store a caravan, boat and provide space for a workshop; and
2. The caravan is 8.1m in length and 2.9m high which is becoming more common as most modern caravans have long hitches.

The applicant has explored alternative locations for the carport; at the front and along the side of the house. There is less room in the front setback for the carport and the carport would need to be too high if located along the side of the house to allow for the caravan to access the shed in the back yard.

A copy of the plans and explanatory letter is attached to this report.

### ***Local Planning Policy 3 - Outbuildings***

Council adopted Local Planning Policy 3 – Outbuildings for final approval on the 26 June 2014.

The objectives of the policy are as follows:

- a) To provide clear guidelines for the development of outbuildings in the Residential, Town Centre, Rural Small Holdings, Rural Conservation and General Agriculture zones; and*
- b) To achieve a balance between providing for the various legitimate needs for outbuildings, and minimizing any adverse impacts outbuildings have on the neighbours, the streetscape, the amenity of the neighbourhood or locality and of the Shire as a whole.*

Carports are not considered to be an outbuilding as they are open sided.

The table below shows the applicable requirements.

	<b>Policy Requirement</b>	<b>Proposed</b>	<b>Complies?</b>
<b>Maximum Wall Height</b>	3m or 2.4m (where wall is < 1.0m from boundary)	2.7m (@ 0.5m from side boundary)	No, 0.3m variation
<b>Maximum Ridge Height</b>	4.5metres or 3.9m (where wall is < 1.0m from boundary)	3.8m	Yes
<b>Maximum floor area (aggregate)</b>	60m <sup>2</sup>	67.5m <sup>2</sup>	No, 7.5m <sup>2</sup> variation

The proposed outbuilding complies with the permissible ridge height however seeks a variation on the maximum wall height and floor area.

Any variations to the policy will require the applicant to demonstrate exceptional circumstances as to why the policy should be relaxed with the proposal being presented to an Ordinary Meeting of Council for determination. Assessment of the application will require consultation with adjoining and affected landowners.

Council will have regard for matters such as;

1. The visibility of the proposed outbuilding(s) as viewed from a street, public space or neighbouring property;
2. The need for removal of any native vegetation or major trees;
3. Comments from adjacent neighbours/landowners;
4. Preservation of useable on site open space areas;
5. The ability for the outbuilding(s) to be screened by existing or proposed landscaping;
6. Whether support for the application will set an undesirable precedent for similar sized surrounding lots;
7. The impact of the development on streetscape and the character of the area;
9. The objectives of the zone;
10. All relevant general matters as set out in Clause 10.2 of the Scheme; and
11. Any other matter considered relevant by the Council.

## **Assessment**

- The application will hardly be seen from the surrounding streets and the bulk of the building will only be seen from the neighbouring property to the west.
- The neighbouring property immediately to the west has not objected to the 0.5m setback (reduced from 1.0m).
- A 0.3m retaining wall is proposed to allow the property to be excavated to reduce the overall height of the building.
- A greater setback to the rear boundary has been negotiated with the applicant with an increase from 0.5m to 1.0m.
- The applicant has established the need to store a caravan and boat out of the weather and out of sight of the street.
- The carport is not considered to be a part of the outbuilding although it does add some bulk to the building.
- Lot 576 is 1010m<sup>2</sup> in area and the useable open space is not affected by the slight increase in floor space.
- The use of the building will be restricted to storage; any home business would require a separate approval of Council.
- The proposed variation consists of a 0.3m wall height variation because the shed is proposed at 0.5m from the side boundary. If it was moved 0.5m further away from the side boundary it would comply with the policy. However, the applicant has stated that it would be difficult to manoeuvre the caravan into the shed if it was moved to a 1.0m setback from the boundary.
- The additional 7.5m<sup>2</sup> floor area is required to house the caravan and other household goods.
- The carport could be moved to another location on the property but would have a greater impact on streetscape.
- There is always some question of precedent in relaxing any Council local planning policy. Each application needs to be assessed on its merit, a local planning policy is a guideline and sets expectations in the community. The height and floor area of any outbuilding should be kept as close to the policy as practical.

**Conclusion**

It is recommended that Council approve the application but require an increase in the setback to the rear boundary to 1.0m for the following reasons:

1. The Policy is a guideline only and each application still has to be assessed on its individual merits.
2. The extra height only affects the landowner on the western boundary who has not objected; the existing house will largely screen the outbuilding from the street.
3. The applicant has demonstrated that they have a requirement for additional floor area.

**Consultation:**

The application was referred to the two adjoining neighbours to the proposed outbuilding for comment. During this time an objection was received from the owners of the undeveloped lot to the rear, Lot 25 Wilkinson Street. A copy of the objection is attached; in summary it raises the following concerns:

1. The Shire's maximum floor area of 60m<sup>2</sup> is adequate and keeps it fair for all;
2. Believe that the size of the shed will start to give the area a light industrial feel; and
3. They question what sort of land use will occur in a larger shed and suggest that home cottage industries that generate noise may occur.

In response:

1. Only an additional 7.5m<sup>2</sup> floor area is being sought;
2. The carport added to the outbuilding does become quite a large building, however the property is large and the building will not be seen from the street.
3. The shed is only 7.5m<sup>2</sup> larger than usually permitted, intended for storage of a caravan and is highly unlikely to encourage industrial type uses. All home business require the separate planning approval of Council.

**Statutory Obligations:**

The proposed outbuilding and carport is considered development under Town Planning Scheme No.5 and requires planning approval and a Building Permit.

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

**Policy Implications:**

Explained in body of this report.

**Budget / Financial Implications:**

None for Council.

**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 10.2.3
Moved: Cr Norman	Seconded: Cr Gairen
That Council,	
1. Approve the application for an outbuilding and carport at Lot 576 (#35) Raglan Street, Hopetoun subject to the following conditions:	
(i) Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application.	
(ii) The setback to the rear boundary being increased to a minimum of 1.0m.	
(iii) All runoff from impervious surfaces being contained within the property and disposed of to the satisfaction of the Chief Executive Officer.	
(iv) The external walls and roof of the proposed development are to be constructed out of non-reflective materials to the satisfaction of the Chief Executive Officer.	
(v) The outbuilding being used for domestic storage only and not for human habitation or commercial activity.	
(vi) The carport is to remain open on three sides.	
2. Advise the applicant in footnotes on the planning approval that:	
a) Planning approval should not be construed as an approval to commence works as a separate building permit is also required	
b) If the carport is to be enclosed it is then considered to be part of the outbuilding and a further planning application is required.	
Carried: 6/0	Res: 32/15

**10.2.4 DRAFT FENCING LOCAL LAW 2015****File Ref:****Applicant:** Not applicable**Location:** Whole of Shire**Disclosure of Officer Interest:** None**Date:** 7 April 2015**Author:** Craig Pursey, Planning Officer**Authorising Officer:** Ian Fitzgerald – Chief Executive Officer**Attachments:**

1. Draft Fencing Local Law 2015 with modifications
2. Comment from Department of Local Government and Communities

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**Summary:**

Council is asked to consider adopting Draft Fencing Local Law 2015 under the Local Government Act 1995 for final approval.

The Local Laws establish the minimum standards for fencing throughout the Shire in terms of materials, standards and heights and in particular establishes what is deemed to be a 'sufficient fence' under the Dividing Fences Act 1961.

The draft Local Laws were advertised for 42 days during which time no submissions were received but detailed advice from the Department for Local Government and Communities was received on behalf of the Minister for Local Government.

This report recommends adopting the draft Local Laws found at Attachment 1 (subject to modifications) for final approval in accordance with the Local Government Act 1995.

**Background:**

The Shire of Ravensthorpe currently does not have a Local Law relating to fencing and therefore the community does not have any standards to apply in the case of a dispute between neighbours.

Fencing is currently controlled through two pieces of legislation:

- i) Dividing fences under the Dividing Fences Act 1961, administered by the Building Commission; and
- ii) Front fences under the Residential Design Codes of WA administered by the Shire.

At the moment if neighbours cannot agree on the standard of a dividing fence then the minimum standard for a fence (or a 'sufficient fence') as established by the Dividing Fences Act 1961 is:

- *A substantial fence that is ordinarily capable of resisting the trespass of cattle and sheep; or*
- *A fence determined by a Magistrates Court to be a sufficient fence (Dividing Fences Act 1961)*

Additionally, there are no controls on the use of barbed & razor wire, electric fences, heights or standards of fences. Currently, any disagreement between neighbours or the Shire and a landowner would need to be resolved by a magistrate.

**Comment:**

***Draft Local Law***

The draft Fencing Local Law 2015 found at Attachment 1 address the following matters:

1. Defines a 'sufficient fence' broadly as follows:
  - Residential areas - 1.8m, timber picket, corrugated fibre, colourbond, brick, masonry or brushwood fence;
  - Commercial & Industrial areas - up to 2.4m high galvanised or PVC coated rail-less link mesh; and
  - Rural & Rural Residential areas - fence of posts and wire construction, with minimum specifications.
2. Confirms fences within the front and secondary street setback area greater than 1200mm in height require approval;
3. Establishes acceptable fencing materials including outlining a need for approval to use barbed wire and prohibiting razor wire and use of broken glass without a licence issued by the Shire;
4. Ensures electric fences are not used in residential areas; and
5. Provides powers for enforcement and penalties for failure to comply with the terms of the Local Law.



Importantly, the Dividing Fences Act 1961 allows for variations to these standards on agreement between neighbouring landowners. The Local Law is a 'backstop' as far as dividing fences are concerned.

**Consultation:**

The Local Law was advertised state-wide for 42 days during which time no submissions were received.

The draft Local Law was referred to the Minister for Local Government, as required by the Local Government Act, in order to give the Minister an opportunity to ensure that the local law does not go beyond the borders of what is appropriate for a local government to make a law about and comment on any structural defects.

The Department for Local Government and Communities provided detailed comment on behalf of the Minister for Local Government. All of these changes bring the draft local law into conformity with the latest requirements of the Department but do not change the intent of the draft local law. The list of changes are found attached to this report and are all recommended as modifications to the draft local law.

**Statutory Obligations:**

Local Laws are enabled by the Local Government Act 1995.

**Policy Implications:**

The proposed Local Laws would complement the Residential Design Codes and Housing Policy of the Shire of Ravensthorpe.

**Budget / Financial Implications:**

There are costs in advertising the draft Local Law in the Government Gazette.

**Strategic Implications:**

The proposal aligns with the following desired outcome of the Strategic Community Plan:

*4.2.1 High quality corporate governance, accountability and compliance.*

**Sustainability Implications:**

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

**Voting Requirements:**

Absolute majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.2.4
Moved: Cr Gairen	Seconded: Cr Duncan
That Council adopt the Fencing Local Law 2015 found at Attachment 1 of this report for final approval in accordance with the requirements of the Local Government Act 1995 subject to the modifications listed at Attachment 2 of this report.	
Carried by absolute majority: 6/0	Res: 33/15

**10.3      MANAGER OF ENGINEERING SERVICES**

NIL

**10.4 CHIEF EXECUTIVE OFFICER**

NIL

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

### 11.1 REVOKING OR CHANGING DECISIONS

The Chief Executive Officer has been advised by some members of Council that they wish to reconsider Item 7.1.1- Tourism Marketing of Ravensthorpe and Hopetoun - discussed at the Special Council meeting held on Wednesday 1<sup>st</sup> April.

The process for this to occur is outlined in the Local Government (Administration) Regulations 1996 and the relevant section is copied below.

#### ***Local Government (Administration) Regulations 1996 - EXTRACT***

#### **10. *Revoking or changing decisions (Act s. 5.25(1)(e))***

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
  - (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority;*  
*or*
  - (b) ***in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee,***  
*inclusive of the mover.*
- (1a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*
  - (a) *in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
  - (b) *in any other case, by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

*[Regulation 10 amended in Gazette 31 Mar 2005 p. 1030.]*

Therefore, in this case, in order for the original resolution to be revoked a Notice of Motion signed by 3 members of Council is required.

If/when this motion is then put to the vote an Absolute Majority is required for it to succeed – 4 members.

Staff have prepared a Notice of Motion which can be signed by members if they so wish to allow the process to proceed.

Moved: Cr Norman

Seconded: Cr Gairen

That Resolution 23/15 of the Special Council meeting held on the 1<sup>st</sup> April 2015 (Item 7.1.1) be rescinded.

Carried: 6/0

Res: 34/15

Signed:

Cr Goldfinch

Cr Duncan

Cr Kelton

The item originally put to Council is copied below:

## 7.1 CHIEF EXECUTIVE OFFICER

### 7.1.1 TOURISM MARKETING OF RAVENSTHORPE & HOPETOUN

**File Ref:**

<b>Applicant:</b>	Not applicable
<b>Location:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	27 <sup>th</sup> March 2015
<b>Author:</b>	Ian Fitzgerald – Chief Executive Officer
<b>Authorising Officer:</b>	Not applicable
<b>Attachments:</b>	Nil

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**Summary:**

Council has had several informal discussions on contributing to a marketing campaign in China to promote Hopetoun & Ravensthorpe as a tourist destination of choice.

At the previous meeting it was suggested that Council and the Fitzgerald Coast Tourism Association (FCTA) make a joint contribution to a marketing campaign.

FCTA have now formally resolved to make a small contribution to a marketing campaign subject to Council making a matching contribution.

This report recommends Council make a \$5,000 once off contribution to the marketing of Hopetoun and Ravensthorpe as a tourism destination in China.

**Background:**

Council has met on several occasions with a range of representatives from Enjoy Going on the potential promotion of Hopetoun and Ravensthorpe as a tourist destination for Chinese tourists.

Council hosted a civic reception in November 2014 which was attended by senior officials from Enjoy Going and also a number of marketing managers from Enjoy Going. More recently Council met with the President of the company who was visiting the area to see first-hand what we had to offer – he was very impressed with the uniqueness of our area and is keen to promote it to Chinese tourists. Council has previously been provided with a copy of the Enjoy Going proposal which outlines projected visitor numbers and cost to develop the campaign.

**Comment:**

The development work that has been completed by the State Government in the Fitzgerald River National Park has greatly added to the attraction of our area locally, within Australia and to some extent internationally. With FCTA now being far more pro-active in the tourism area with new glossy brochures produced and attendance at ravel related expos it is considered that tourist numbers will continue to grow.

The potential for regular small travel groups from China to visit our area is very exciting. As outlined in the Enjoy Going proposal there is potential for the tour numbers to increase overtime and this will provide the opportunity for existing businesses to grow and new businesses to be established to support the growth in visitor numbers.

Support from Council is seen as very important by Enjoy Going given the high regard the Chinese have for government. As Ravensthorpe was the only local government to host a civic reception for the visiting representatives a good relationship is already in place and this has helped encourage the development of their campaign to promote our area in China.

The proposal provided outlined the shortfall they perceive in the development of the tours initially so they can market at an attractive price whilst building the awareness of the region. It has been made very clear to Enjoy Going that we are not in a position to fund the shortfall but we would be willing to go to government seeking assistance for the first 12 months of their campaign.

A small contribution by Council and FCTA towards the marketing costs whilst we seek government funding would be seen as a positive gesture on our behalf and show a genuine commitment to work with Enjoy Going to develop regular small group tours of Chinese nationals to Hopetoun and Ravensthorpe.

In addition the fact that we had made a contribution to the project would help support any approach to government for a greater level of support than we are in a position to offer.

Any contribution made would be clearly identified as a local contribution to the marketing of our region and the tours developed for visitors to come and enjoy our unique part of the world.

**Consultation:**

Council

FCTA

Enjoy Going

**Statutory Obligations:**

Nil

**Policy Implications:**

Nil



**Budget / Financial Implications:**

The proposed contribution is an unbudgeted expense but can be met from areas of underspend in the Governance area of the budget.

**Strategic Implications:**

The promotion of tourism is outlined in Council's Strategic Community Plan – Theme 2 – *a thriving business and industry community including tourism*.

**Sustainability Implications:**

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

The growth of tourism has the potential to attract new businesses to our region as well as supporting existing local businesses.

- **Social:**

There are no known significant social considerations.

**Voting Requirements:**

Absolute majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION (1)**

Moved: Cr Goldfinch

**ITEM 7.1.1**

Seconded: Kelton

That Council:

1. Resolve to make a \$5,000 contribution to Enjoy Going to match the \$5,000 committed by Fitzgerald Coast Tourism Association
2. Advise Enjoy Going that this contribution is to go towards the marketing of our region in China and the tours developed to bring tourists here
3. Advise Enjoy Going that this will be a once only contribution
4. Prepare a submission to the WA Minister for Tourism seeking support and a once off financial contribution towards the Enjoy Going proposal to bring regular small group tours to Hopetoun and Ravensthorpe.

Carried by absolute majority: 6/0

Res: 35/15

<b>COUNCIL DECISION (2)</b>	<b>ITEM 7.1.1</b>
Moved: Cr Norman	Seconded: Cr Kelton
That Council work with the Ravensthorpe Regional Chamber of Commerce and Industry to assist new and existing Ravensthorpe Shire based tourist related businesses to obtain the necessary skills, approvals and licences to allow them to operate within our district.	
Carried: 6/0	Res: 36/15

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

**12.1 ELECTED MEMBERS**  
NIL

**12.2 OFFICERS**  
NIL

**13. MATTERS BEHIND CLOSED DOORS**  
NIL

**14. CLOSURE OF MEETING – 5.14PM**

These minutes were confirmed at the meeting of the \_\_\_\_\_

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

Date: \_\_\_\_\_