



Minutes

Ordinary Meeting of Council
Tuesday, 21 November 2023



Unconfirmed

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NOTICE OF MEETING

Notice is hereby given that the

Shire of Ravensthorpe
Ordinary Council Meeting

will be held on
Tuesday, 21 November 2023
commencing at 6.00pm

Council Chambers
Ravensthorpe Cultural Precinct
Ravensthorpe

Matthew Bird
Chief Executive Officer

Disclaimer

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations which have not yet been adopted by Council.

No responsibility whatsoever is implied or accepted by the Shire of Ravensthorpe for any act, omission, statement or intimation occurring during the Council/Committee meetings or during formal/informal conversations with staff. The Shire of Ravensthorpe disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broader disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Ravensthorpe during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Ravensthorpe. The Shire of Ravensthorpe warns that anyone who has an application lodged with the Shire of Ravensthorpe must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by the Shire of Ravensthorpe in respect of the application.

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DISCLOSURE OF INTEREST FORM
(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70, 5.71 & 5.71(B))

To: Chief Executive Officer

Name _____

Elected Member Committee Member Employee Contractor

- Ordinary Council Meeting held on _____
- Special Council Meeting held on _____
- Committee Meeting held on _____
- Other _____

Report No _____

Report Title _____

Type of Interest (*see overleaf for further information)

Proximity Financial Impartiality

Nature of Interest

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

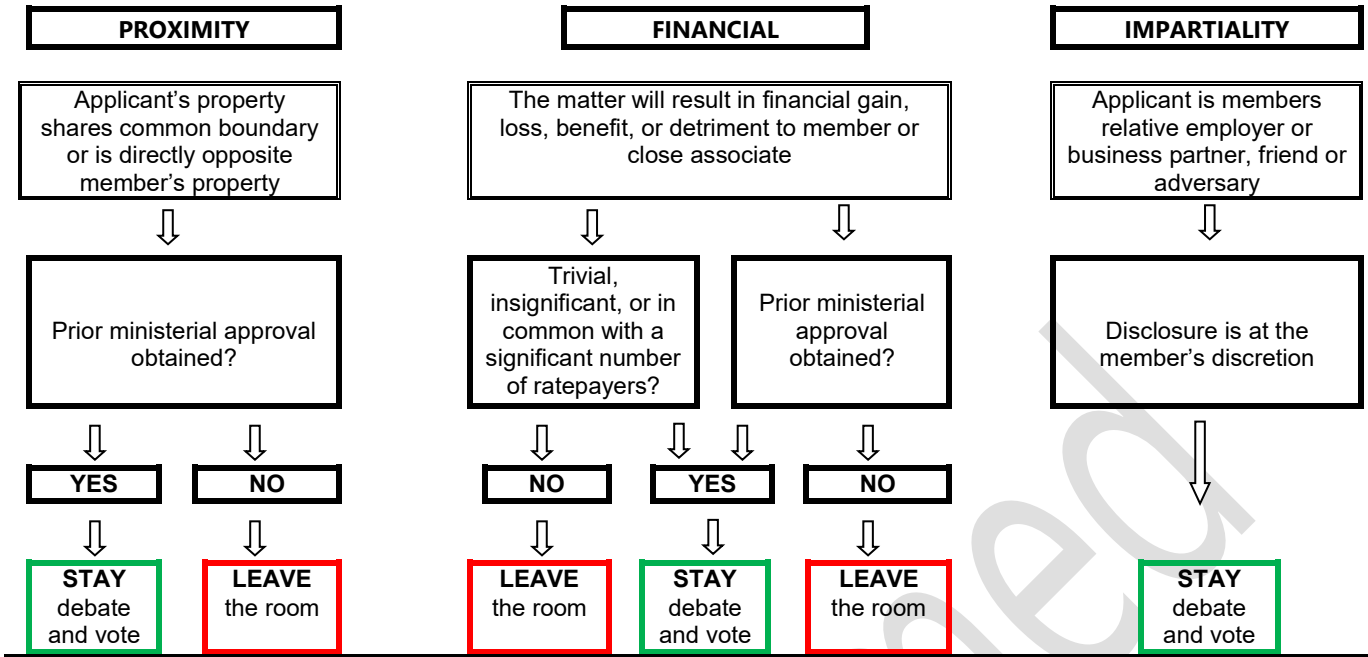
Signed: _____ Date: _____

- **Note 1** - Elected Members/ Committee Members/Employees refer to the Disclosure of Interest Declaration card when disclosure is being read out at Council or Committee Meeting.
- **Note 2**: For Ordinary meetings of the Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.
- **Note 3**: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

CEO: _____ Signed: _____ Date: _____

OFFICE USE ONLY	
<input type="checkbox"/> Particulars recorded in Minutes	<input type="checkbox"/> Particulars recorded in Register

* Declaring an Interest



Local Government Act 1995 – Extract

s.5.60A - Financial Interest

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

s.5.60B – Proximity Interest

A person has a proximity interest in a matter if the matter concerns —

- (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
- (b) a proposed change to the zoning or use of land that adjoins the person's land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:

(a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.

(3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

(1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

(3) An employee who discloses an interest under this section must if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

5.71A. - CEOs to disclose interests relating to gifts in connection with advice or reports

(1) A CEO who has an interest relating to a gift in a matter in respect of which the CEO proposes to provide advice or a report, directly or indirectly, to the council or a committee must disclose the nature of the interest in a written notice given to the council.

(2) A CEO who makes a disclosure under subsection (1) must not provide the advice or report unless the CEO is allowed to do so under section 5.71B(2) or (6).

(3) A CEO who has an interest relating to a gift in a matter in respect of which another employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when the advice or report is provided.

Local Government (Administration) Regulations 1996 – Extract - In this clause and in accordance with Regulation 19AA "Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an association.

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Unconfirmed

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Unconfirmed MINUTES

Mission Statement *To grow our community through the provision of leadership, services and infrastructure.*

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 6.00pm.

The Shire President acknowledged the Traditional Owners of the land on which we meet, and pays respect to Elders past, present, and emerging.

The Shire President advised visitors in adhering to both the *Local Government Act 1995*, and the Shire of Ravensthorpe Meeting Procedures Local Law 2022, it is an offence to record the proceedings of this meeting and visitors are to switch off any recording devices, including phones.

2. RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Elected Members:

Cr Thomas Major (Shire President)
Cr Mark Mudie (Deputy Shire President)
Cr Rachel Livingston
Cr Rachel Gibson
Cr Robert Miloseski
Cr Sue Leighton (Electronic Attendance)

Officers:

Matthew Bird (Chief Executive Officer)
Paul Spencer (Executive Manager Infrastructure Services)
Natalie Bell (Executive Manager Projects and Regulatory Services)
Les Mainwaring (Executive Manager Corporate Services)

VISITORS

Larry Baker, Gail Baker

APOLOGIES

Cr Graham Richardson

LEAVE OF ABSENCE

Nil.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTIONS TIME

1. *Mr Larry Baker asked why Council had recently approved a land give-away (voted 7-0) to the local native title claimant group.*

Note: following more discussion and explanation Mr Baker's question related to resolution item 87/23 endorsed by Council at the 19 September 2023 OCM under item heading "South West Native Title Settlement – Land Base Consultation – DPLH Request for Comment on Land List 1646 and 1647".

CEO response: the CEO advised that he would take this question on notice and provide Mr Baker with a detailed written response however as a summary, outlined that Council was asked to make comment by the Department of Planning Lands and Heritage (DPLH) relating to a transfer request from the native title group for state government owned land. The local government does not have any approval authority over the land parcels in question but rather were asked by the state government to make comment.

2. *Mr Baker followed up his initial question by stating that this process for land requests was not very clear and there was a lot of mis-information out in the community on the matter.*

CEO response: the CEO thanked Mr Baker for bringing this to the attention of Council and noted that this item forms part of the much larger, landmark South West Native Title Settlement agreement reached between the WA State Government and the six Noongar Agreement Groups made back in February 2021 and is therefore a responsibility of the State Government to properly inform and consult with those affected. The Shire will look at ways to assist the State Government to improve its communication of this process with our local community.

3. *Mrs Gail Baker raised the issue of vehicles speeding along the Ravensthorpe-Hopetoun Road around the Cambewarra Drive intersection and asked if a slipway could be installed and the speed limit reduced down to 70kmh.*

CEO response: the CEO thanked Mrs Baker for her question and informed Mrs Baker that Shire officers are currently reviewing design options for this intersection for Council to consider in the new year. Speed limits are determined by Main Roads WA and any requests to reduce will form part of the discussion with Council when considering design options. The Shire will raise this speeding vehicle concern with local WAPOL Hopetoun office.

5. DECLARATIONS OF INTEREST

1. Cr Graham Richardson declared an Impartiality Interest for Agenda item 15.1 Citizen of the Year Awards 2024. Cr Richardson is also an apology for the meeting so did not participate in consideration of that item.
2. Cr Rachel Gibson declared an Impartiality Interest for Agenda item 15.1 Citizen of the Year Awards 2024. Cr Gibson determined she would leave the Chambers whilst the part of the item relating to her disclosure was to be considered.

6. APPLICATIONS FOR LEAVE OF ABSENCE

None received.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY COUNCIL MEETING MINUTES 17 OCTOBER 2023

(Attachment **YELLOW**)

Statutory Environment:

Section 5.22 of the *Local Government Act 1995* provides that minutes of all meeting to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

COUNCIL DECISION

Moved by Cr Mudie and Seconded by Cr Livingston

Resolution 100/23

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Ravensthorpe held on 17 October 2023 be confirmed as a true and correct record.

Motion put and CARRIED by Simple Majority

6/0

7.2 SPECIAL COUNCIL MEETING MINUTES 31 OCTOBER 2023

(Attachment **PURPLE**)

Statutory Environment:

Section 5.22 of the *Local Government Act 1995* provides that minutes of all meeting to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

COUNCIL DECISION

Moved by Cr Livingston and Seconded by Cr Leighton

Resolution 101/23

That the Minutes and associated attachments of the Special Meeting of the Shire of Ravensthorpe held on 31 October 2023 be confirmed as a true and correct record.

Motion put and CARRIED by Simple Majority

6/0

8. ANNOUNCEMENTS/REPORTS BY ELECTED MEMBERS

Cr Mudie;

- Along with members of the Shire executive team, attended a meeting with a representative from Barminco who are tendering for the potential Allkem underground mining activity. Site visit of Ravensthorpe was to better understand the local community issues.
- Attended the Great Southern Regional Road Group (GSRRG) meeting along with the Shire's Executive Manager Infrastructure Services and Cr Gibson in Albany. Items discussed included;
 - o Emergency response
 - o Secondary Freight Road Network
 - o Road maintenance will revert to MRWA in February 2024

- \$150m proposed to upgrade South Coast Highway
- Springdale Bridge works update
- Albany Ring Road works update – completion scheduled for mid 2024
- City of Albany revision of road projects
- Cr Gibson also reported on attending the GSRRG meeting stating other items discussed were the limited number of contractors currently in the region, and the price increases are significant.

Cr Livingston;

- Acknowledged the good work by Ravensthorpe CRC week long program “get online” for local seniors. Noted this was a very positive outcome for the community.
- Acknowledged November WA Seniors Week. Acknowledged Jesse Fairhead and the Ravensthorpe Tai Chi group holding a special Tai Chi event plus luncheon.
- Congratulated RAVE About Arts for their delivery of Dance & Vocals end of year concert. Noted the phenomenal work being done by RAVE About Arts within the Ravensthorpe community.

Cr Leighton;

- Attended Remembrance Day in Hopetoun and noted the very nice wreath from the Shire. Acknowledged the good efforts from Harold Lee and attended along with other Crs Gibson and Richardson.
- Attended “Wombat’s” farewell in Hopetoun.
- Attended open mic event.

Cr Gibson;

- Attended the Shire stand at the Hopetoun markets along with Crs Major, Richardson, and Leighton.
- Attended the Artitude event opening by RAVE About Arts, well done.
- Artitude Showcase in Hopetoun, our kids are very lucky to have access to these type of programs.
- Attended Remembrance Day in Hopetoun.
- Joined the Ravensthorpe Tai Chi group for event.
- Attended the GSRRG meeting in Albany along with Cr Mudie and EMIS.

Cr Major;

- Attended the RAIN AGM on 31 October. Pete Daw was elected Chair, Jenny Chambers Treasurer, and Madeleine Norman as Secretary.
- Was interviewed by ABC Radio Esperance regarding recent local government elections and becoming the new Shire President.
- Attended the Allkem Community Day – Big Day Out at the Hopetoun Golf Course.
- Attended the Hopetoun Community Markets

- Attended Remembrance Day at Ravensthorpe. Thanked Shire's Manager Community, Sport & Recreation for his efforts. Also made special mention of high standard of presentation of rose gardens at both locations for Remembrance Day.
- Congratulated RAVE About Arts on delivery of Artitude event and kids end of year dance and vocal concert events;
 - Artitude Kids Visual Arts exhibition opening at the Fitz Building - Sunday 5/11/23
 - Artitude Kids End of year dance & vocals concert Sunday 18/11/23
- Two fantastic events where the kids of our community get to showcase their talents. Very special events to attend and well done to Artitude, Rave about arts, the sponsors and everyone involved for putting it on.

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Shire President Tom Major made the following announcement;

On behalf of the Shire of Ravensthorpe I would like to acknowledge the passing of Pat Meadows and extend our heartfelt sympathy to all her family. She moved to Ravensthorpe in the early 1960s and was a beloved figure at the Ravensthorpe hospital for over 20 years including Hospital Matron for eight years. Pat's enduring commitment to the well-being of others was famously demonstrated when she entered a collapsed mineshaft at great personal risk to herself to administer aid to an Elverton mine worker who had been crushed in a rockfall. By all accounts, she was a pillar of strength and kindness within our community and has left an inspiring legacy.

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

REPORTS OF OFFICERS

12.1 EXECUTIVE SERVICES

12.1.1 COUNCIL POLICY MANUAL REVIEW

File Reference:	CM.PO.1
Location:	Shire Ravensthorpe
Applicant:	N/A
Author:	Chief Executive Officer
Authorising Officer	Chief Executive Officer
Date:	14 November 2023
Disclosure of Interest:	Nil
Attachments: <u>GREEN</u>	Council Policy Manual – Tracked Changes
Previous Reference:	Nil

PURPOSE

1. That Council approve the annual review of the Council Policy Manual dated November 2023.

BACKGROUND

2. An annual review of all Council policies is undertaken to adhere to the Shire of Ravensthorpe Compliance Calendar, which is the basis of the Compliance Audit Return submitted to the Department of Local Government, Sport and Cultural Industries annually.

The purpose of policy documents is to enable the effective and efficient management of Council resources and to assist staff and Council to achieve an equitable decision-making process. Written policies also enable the community to be aware of the reasoning behind administrative (operational) and Council decisions and to be familiar with the philosophy behind individual decisions.

3. Policy statements enable much of the day-to-day business of Council to be handled by the Administration, freeing up the time of the Elected Members in determining major policy and strategic direction.

An up-to-date policy manual of any organisation proves to be a valuable tool in improving the decision-making process. Policies contained within the manual are those that project a corporate image and are not controlled by individual directorates. The development of the policies involves input from staff across the organisation and elected members.

A policy statement is not binding on Council but provides a guideline for Elected Members and staff in determining individual applications or requests. Generally, policies evolve as issues come before Council and should continue to evolve through a process of review and refinement. For this reason, it is important that a review process is in place.

Each policy is developed in order to address specific matters. They relate to objectives of the Shire of Ravensthorpe, and, in some instances, as required by legislation. The principles behind the policies are directly related to the Shire's values as an organisation.

It is important to note that the manual should only contain the policies statement of the Council and should not refer to operational, staff or procedural matters.

COMMENT

4. The following policies were updated as part of this annual review;
 - a. New – LO8 Dog Management Policy
 - b. Revised – F.2 Purchasing Policy
 - c. Revised – G.16 Community Engagement Policy and Strategy
 - d. Revised - LO2 Bush Fire Advisory Committee

5. This Policy Manual Review, numbered Version 12 replaces Version 11 approved in May 2023.

6. It should also be noted that this a general update to the Policy Manual to reflect changes in Officer Roles.

CONSULTATION

7. Chief Executive Officer, Executive Managers and Staff

STATUTORY ENVIRONMENT

8. *The Local Government Act 1995* outlines the roles of Council and the Chief Executive Officer.

POLICY IMPLICATIONS

9. The Policy Manual has been developed over time to enable the effective and efficient management of Council resources and to assist staff and Council achieve an equitable decision-making process. The Policy Manual is a fluid document and should be reviewed annually. If approved by Council the proposed amendments will be updated in the Council Policy Manual.

FINANCIAL IMPLICATIONS

10. Nil

RISK MANAGEMENT

11. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) It is a requirement to review the Council Policy manual on an annual basis as part of the Compliance Annual Return	Unlikely	Moderate	Medium	Council consider the officer recommendation to adopt the amended Council Manual

ALTERNATE OPTIONS

12. Council may decide not to accept the revised manual as presented in whole or part thereof.

STRATEGIC ALIGNMENT

13. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2020-2024.

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward

Item	Objectives and Strategies
5.2	The Council ensures its decisions are well informed and considered
5.3	The Council, with the support of the community, is an effective advocate for resources and facilities which support the vision for the future
5.4	The Shire of Ravensthorpe is known as a good employer, and staff have the capacity and skills to deliver identified services and strategies
5.6	Financial systems are effectively managed
5.7	Customer service and other corporate systems are of high quality

VOTING REQUIREMENT

14. Absolute Majority

COUNCIL DECISION

Moved by Cr Mudie and Seconded by Cr Livingston

Resolution 102/23

That Council ADOPT by Absolute Majority the amended Council Policy Manual as presented in Attachment GREEN to this report.

Motion put and CARRIED by Absolute Majority

6/0

12.2 CORPORATE SERVICES

12.2.1 MONTHLY FINANCIAL REPORTS – 31 OCTOBER 2023

File Reference: N/A
Location: Shire of Ravensthorpe
Applicant: Nil
Author: Accountant
Authorising Officer: Executive Manager Corporate Services
Date: 14 November 2023

Disclosure of Interest: Nil
Attachment: BLUE Monthly Financial Reports for 31 October 2023
Previous Reference: Nil

PURPOSE

1. In accordance with the Local Government Financial Management Regulations (1996), Regulation 34, a local government is to prepare a monthly Statement of Financial Activity for approval by Council.

BACKGROUND

2. Council is requested to review the October 2023 Monthly Financial Reports.

COMMENT

3. The October 2023 Monthly Financial Reports are presented for review.

CONSULTATION

4. Executive Team

STATUTORY ENVIRONMENT

5. Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the Local Government (Financial Management) Regulations 1996 apply.

POLICY IMPLICATIONS

6. Nil.

FINANCIAL IMPLICATIONS

7. All expenditure has been approved via adoption of the 2023/24 Annual Budget, or resulting from a Council Motion for a budget amendment.

RISK MANAGEMENT:

8. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the financial activity statements as required by S6.4 of the <i>Local Government Act 1995</i> .	Rare	Insignificant	Very Low	That Council receives the financial activity statements as required by legislation.

ALTERNATE OPTIONS

9. Nil.

STRATEGIC ALIGNMENT

10. This item is relevant to the Councils approved Strategic Community Plan 2020-2030 and Corporate Business Plan 2020-2024.

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward

Item	Objectives and Strategies
5.5	The value of community owned assets is maintained
5.5.1	Assets renewals and upgrades are funded to the level required to maintain asset value and agreed service levels
5.5.2	Projects are well-planned planned and delivered on time and on budget, with effective and thorough risk management and reporting
5.6	Financial systems are effectively managed
5.6.1	Financial management and reporting systems are able to deliver on all administrative and management functions (including reporting), and long-term financial planning requirements

VOTING REQUIREMENTS

11. Simple Majority

COUNCIL DECISION

Moved by Cr Livingston and Seconded by Cr

Resolution 103/23

That Council RECEIVE the October 2023 Monthly Financial Reports as presented.

Motion put and CARRIED by Simple Majority

6/0

12.2.2 SCHEDULE OF ACCOUNT PAYMENTS – OCTOBER 2023

File Reference: GR.ME.8
Location: Shire of Ravensthorpe
Applicant: Shire of Ravensthorpe
Author: Finance Officer
Authorising Officer: Executive Manager of Corporate Services
Date: 10 November 2023
Disclosure of Interest: Nil
Attachment: ORANGE
 1. Schedule of Payments to 31 October 2023
 2. Credit Card Transactions 01 October 2023
 3. Creditors List of Accounts Paid October 2023

Previous Reference: Nil

PURPOSE

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

BACKGROUND

2. Period 01/10/2023 – 31/10/2023

Month	Cheques	EFT Pymts	Direct Debits	Credit Card	Trust	Total Creditors	Payroll
Jul	5,390	977,241	142,831	4,180	0	1,129,643	336,369
Aug	13,517	818,548	143,285	8,366	0	983,716	327,430
Sep	5,452	523,031	59,617	4,859	0	592,960	328,547
Oct	57,624	618,676	86,149	7,850	0	770,300	347,668
Nov	0	0	0	0	0	0	0
Dec	0	0	0	0	0	0	0
Jan	0	0	0	0	0	0	0
Feb	0	0	0	0	0	0	0
Mar	0	0	0	0	0	0	0
Apr	0	0	0	0	0	0	0
May	0	0	0	0	0	0	0
Jun	0	0	0	0	0	0	0
Total	81,984	2,937,496	431,883	25,255	0	3,476,618	1,340,014
22/23	114,562	12,445,050	943,431	81,842	0	13,584,885	4,162,759
21/22	109,610	11,455,728	1,217,128	101,107	0	12,883,572	4,057,812
20/21	219,357	8,442,181	965,406	135,103	0	9,762,047	3,790,863

COMMENT

3. Schedules of accounts as presented, submitted to each member of the Council, have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods, the performance of services, to prices computation, costing's and the amounts that have been paid.

CONSULTATION

4. Accountant and Executive Manager Corporate Services

STATUTORY ENVIRONMENT

5. Regulation 13 (1) – (3) of the Local Government (Financial Management) Regulations.

POLICY IMPLICATIONS

6. Nil.

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT

8. The following risks have been identified as part of this report;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational; That Council does not receive the list of payments.	Rare	Insignificant	Very Low	That Council receives the list of payments as required by legislation

ALTERNATE OPTIONS

9. Nil.

STRATEGIC ALIGNMENT

10. This item is relevant to the Councils approved Strategic Community Plan 2020-2030 and Corporate Business Plan 2020-2024.

Outcome 1: Economy - The population is growing, in tandem with a thriving, resilient local economy.

Item	Objectives and Strategies
1.2	The right resources and infrastructure are in place to support local commerce and industry

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward.

Item	Objectives and Strategies
5.2	The Council ensures its decisions are well informed and considered
5.3	The Council, with the support of the community, is an effective advocate for resources and facilities which support the vision for the future
5.6	Financial systems are effectively managed
5.7	Customer service and other corporate systems are of high quality

VOTING REQUIREMENTS

11. Simple Majority

COUNCIL DECISION

Moved by Cr Gibson and Seconded by Cr Major

Resolution 104/23

That Council NOTE, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of October 2023.

Motion put and CARRIED by Simple Majority

6/0

Unconfirmed

12.3 INFRASTRUCTURE SERVICES

Nil.

Unconfirmed

12.4 **PROJECTS AND REGULATORY SERVICES**

12.4.1 **DEVELOPMENT APPLICATION – OVERSIZED OUTBUILDING (SHED) – LOT 46 (11) CANNING BOULEVARD, HOPETOUN**

File Reference:	A829
Location:	Lot 46 (11) Canning Boulevard, Hopetoun
Applicant:	F E & R A McDonald
Author:	Peter Wilks, Planning Officer
Authorising Officer	Chief Executive Officer
Date:	06 November 2023
Disclosure of Interest:	None
Attachments: <u>PINK</u>	Plans of Proposal
Previous Reference:	N/A

PURPOSE

1. For Council to consider Development Application P23-25 for an Oversized Outbuilding (Shed) at Lot 46 (11) Canning Boulevard, Hopetoun.

BACKGROUND

2. Shire of Ravensthorpe received Development Application P23-25 for an Oversized Outbuilding (Shed) at Lot 46 (11) Canning Boulevard, Hopetoun on 3 October 2023. Lot 46 (11) Canning Boulevard (30) Wilkinson Street is zoned Residential R10/25, has a lot area of 1012 square metres and is developed as a single house.

Neighbours were consulted as part of the application process with a 21-day period between 3 October 2023 and 24 October 2023. One (1) non-objection from an adjoining landowner was received. No objections were received.

COMMENT

3. Lot 46 (11) Canning Boulevard (30) Wilkinson Street is zoned Residential R10/25, has a lot area of 1012 square metres and is developed as a single house.

As per Local Planning Policy: Outbuildings, the maximum size area for an Outbuilding (Shed) in the Residential zone is 10% of the site area or 100 square metres whichever is less. Maximum wall and ridge heights for a wall that is one or more metres from the boundary also apply with a maximum wall height of 3.9 metres and a maximum ridge height of 4.5 metres for residential Outbuildings.

The applicant in this instance seeks approval for a 130 square metre Outbuilding (Shed) with a wall height of 4 metres and a ridge height of 4.947 metres which exceeds all three criteria.

As per the provisions of Local Planning Policy: Outbuildings, Council is to have regard for matters such as:

- i. The visibility of the proposed outbuilding(s) as viewed from a street, public space or neighbouring property;
- ii. The need for removal of any native vegetation or major trees;
- iii. Comments from affected neighbours/landowners;
- iv. Preservation of useable on-site open space areas;
- v. The ability for the outbuilding(s) to be screened by existing or proposed landscaping;
- vi. Whether support for the application will set an undesirable precedent for similar sized surrounding lots;
- vii. The impact of the development on streetscape and the character of the area;
- viii. The objectives of the zone;
- ix. All relevant general matters as set out in Clause 67 of the Deemed Provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2); and
- x. Any other matter considered relevant by the Council.

In regards to these criteria, Planning Officers advise the following:

- i. While the Outbuilding will be visible from the street from certain angles, the size of the Outbuilding will not be detrimental to the visual amenity in the locality or to adjoining landowners;
- ii. The site is predominantly cleared and as such there is negligible need/requirement to remove native vegetation or major trees;
- iii. The adjoining landowners either registered no objection to the proposal or declined to provide comment as a result of neighbour referral letter;
- iv. There will still be sufficient open space to comply with *Residential Design Codes* criteria for provision of open space on a Residential zoned property;
- v. The proposed setbacks mean that it may be possible to use vegetation to screen the Outbuilding from view;
- vi. The Outbuilding does not set an undesirable precedent;
- vii. The impact from the proposed Outbuilding on the streetscape and surrounding area will be similar to an Outbuilding of maximum compliant size due to the small scale of the proposed variations;
- viii. The proposed Outbuilding is compliant with the objectives of the Residential zone;
- ix. The proposal is either compliant or proposes only a minor variation from the general matters set out in Clause 67 of the Deemed Provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015);

The proposal is for a minor variation to the provisions of Local Planning Policy: Outbuilding. Impact on adjoining properties will be mitigated by the location of the Outbuilding. Whilst the size of the Outbuilding is slightly larger than other properties in the locality, Planning Officers acknowledge that there is a strong interest in large Outbuildings on residential properties due to several factors, including a lack of storage units, an increase in ownership of boats and caravans and an increase in the size of the average boat and/or caravan.

It is the position of Planning Officers that the proposal should be approved subject to conditions.

CONSULTATION

- 4. One non-objection from an adjoining landowner was received with the application, with the consultation to adjoining landowners between 3 October 2023 and 24 October 2023.

STATUTORY ENVIRONMENT

- 5. Local Planning Scheme No. 6
- 6. The applicant has a right of review to the State Administrative Tribunal (SAT) if aggrieved by any planning decision.
- 7. It should also be noted that pursuant to Section 211(1) of the *Planning and Development Act 2005*, a person aggrieved by the failure of a local government to enforce or implement effectively the observance of a local planning scheme may make representation to the Minister. If the Minister considers it appropriate to do so, representation may be referred to the State Administrative Tribunal for its report and recommendation. Following subsequent actions and recommendation by the SAT the Minister may order the local government to do all things considered necessary for enforcing the observance of the Scheme or any provisions of the Scheme.

POLICY IMPLICATIONS

- 8. None

FINANCIAL IMPLICATIONS

- 9. Application fees totalling \$256.00 were received as part of this application.

RISK MANAGEMENT

- 10. The following risks have been identified as part of this application;

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environmental	Rare	Insignificant	Very Low	There is no significant vegetation on the property. Screening could be done with plantings if required
Reputational	Rare	Insignificant	Very Low	Consistency with decision making.

ALTERNATE OPTIONS

- 11. That Council do not approve the development proposal.

STRATEGIC ALIGNMENT

- 12. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2020-2024.

Outcome 3: Built Environment - The built environment is accessible, honours history and provides for the economic and social needs of residents, industry and visitors

Item	Objectives and Strategies
3.2	New development (including commercial) is of a high quality and contributes positively to the character and appearance of the town
3.3	The towns of the Shire have attractive streetscapes in keeping with local character
3.4	It is easy and safe to move around and in and out of the district

VOTING REQUIREMENTS

13. Simple Majority

COUNCIL DECISION

Moved by Cr Leighton and Seconded by Cr Livingston

Resolution 105/23

That Council APPROVE Development Application P23-25 for an Oversized Outbuilding (Shed) at Lot 46 (11) Canning Boulevard, Hopetoun subject to the following conditions:

1. Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application.
2. During construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).
3. The approved outbuilding(s) shall be used for purposes incidental and ancillary to the enjoyment of the dwelling on the land only, and shall not be used for human habitation, commercial or industrial uses without the express written permission of the Shire of Ravensthorpe.
4. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Ravensthorpe.
5. The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Ravensthorpe.
6. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants.
7. The works involved in the implementation of the development must not cause sand drift and/or dust nuisance. In the event that the Shire of Ravensthorpe is aware of, or is made aware of, the existence of a dust problem, measures such as installation of sprinklers, use of water tanks, mulching, or other land management systems as appropriate may be required to be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and manner directed by the Shire of Ravensthorpe.
8. All fencing shall be in accordance with Shire of Ravensthorpe Local Planning Policy: Fencing.
9. The proposed operations, during and after construction, are required to comply with the *Environmental Protection (Noise) Regulations 1997*.

And the following advice notes:

- 1. THIS IS NOT A BUILDING PERMIT. An application for a building permit is required to be submitted and approved by the Shire of Ravensthorpe prior to any works commencing on-site.**
- 2. The development is to comply with the *Building Code of Australia, Building Act 2011, Building Regulations 2012* and the *Local Government Act 1995*.**
- 3. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.**
- 4. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Ravensthorpe will take no responsibility for incorrectly located buildings.**
- 5. The Shire of Ravensthorpe strongly recommends that the vehicle parking, manoeuvring and circulation areas be suitably constructed, sealed (asphalt, concrete or brick pavers), drained and thereafter maintained to facilitate access to the property and Outbuilding (Shed).**
- 6. The Department of Water and Environment Regulation has prepared dust control guidelines for development sites, which outline the procedures for the preparation of dust management plans. Further information on the guidelines can be obtained from the Department of Water and Environment and Regulation's website www.dwer.wa.gov.au under air quality publications.**

Motion put and CARRIED by Simple Majority

6/0

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

Nil

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil.

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Under the Local Government Act 1995, Part 5, Section 5.23, states in part:

2. If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following—

- a) a matter affecting an employee or employees; and*
- b) the personal affairs of any person; and*
- c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- e) a matter that if disclosed, would reveal —*
 - (i) a trade secret;*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*

where the trade secret or information is held by, or is about, a person other than the local government; and

- f) a matter that if disclosed, could be reasonably expected to —*
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) endanger the security of the local government's property; or*
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- and*
- g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- h) such other matters as may be prescribed.*

**PROCEDURAL MOTION – MEETING BEHIND CLOSED DOORS
COUNCIL DECISION**

Moved by Cr Livingston, seconded by Cr Gibson

Resolution: 106/23

That Council consider the following Confidential Items behind closed doors.

Procedural Motion put and CARRIED

(6/0)

Mr Larry Baker and Mrs Gail Baker left the Chamber at 6.35pm

**PROCEDURAL MOTION - SUSPENSION OF STANDING ORDERS
COUNCIL DECISION**

Moved by Cr Major, seconded by Cr Mudie

Resolution: 107/23

That all Standing Orders be suspended to enable open discussion on the following Confidential Items.

Procedural Motion put and CARRIED

(6/0)

The operation of all Standing Orders was suspended at 6.35pm.

15.1 CITIZEN OF THE YEAR AWARDS NOMINATIONS FOR 2024 – CONFIDENTIAL

DISCLOSURE OF INTEREST

Prior to the Item, Cr Richardson disclosed an interest affecting impartiality for this item. As Cr Richardson was an apology for the meeting he did not participate in consideration of this item.

DISCLOSURE OF INTEREST

Prior to the Item, Cr Gibson disclosed an interest affecting impartiality. Cr Gibson elected to not participate in consideration of the item relating to her disclosure and left the Chambers.

Cr Gibson left the Chamber at 6.36pm

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

Moved by Cr Leighton, seconded by Cr Mudie

Resolution: 108/23

That Council DETERMINED the Award Recipient for the Community Citizen of the Year Award as detailed in the Confidential Report Attachment A.

Motion put and CARRIED

(5/0)

Cr Gibson returned to the Chamber at 6.41pm

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

Moved by Cr Leighton, seconded by Cr Mudie

Resolution: 109/23

That Council DETERMINED the Award Recipient for the Active Citizenship Award (community group or event) as detailed in the Confidential Report Attachment A.

Motion put and CARRIED

(6/0)

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

Moved by Cr Major, seconded by Cr Gibson

Resolution: 110/23

That Council DETERMINED the Award Recipient for the Senior Citizen Award as detailed in the Confidential Report Attachment A.

Motion put and CARRIED

(6/0)

PROCEDURAL MOTION - RESUMPTION OF STANDING ORDERS

Moved by Cr Major, seconded by Cr Mudie

Resolution: 111/23

That the operation of Standing Orders be resumed.

Procedural Motion put and CARRIED

(6/0)

The operation of all Standing Orders resumed at 6.52pm.

15.2 ORGANISATIONAL HUMAN RESOURCES MATTERS – CONFIDENTIAL

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

Moved by Cr Leighton, seconded by Cr Livingston

Resolution: 112/23

That Council APPROVE the CEO to progress the matter as detailed in the Confidential Report Attachment B.

Motion put and CARRIED

(6/0)

PROCEDURAL MOTION - RESUMPTION MEETING FROM BEHIND CLOSED DOORS

Moved by Cr Mudie, seconded by Cr Miloseski

Resolution: 113/23

That Council come out from behind closed doors.

Procedural Motion put and CARRIED

(6/0)

16. CLOSURE

The Presiding Member declare the meeting closed at 6.57pm.

Unconfirmed