



## **AGENDA**

For the Special Council Meeting to be held on

Monday 3 September, 2018

Commencing at 6 p.m.

In the Council Chambers, Ravensthorpe.



## SHIRE OF RAVENSTHORPE

### DISCLAIMER

No responsibility whatsoever is implied or accepted by the Ravensthorpe Shire Council for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Ravensthorpe Shire Council disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity that act 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 broad 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 Ravensthorpe Shire Council during the course of any meeting is not intended to be and is not taken as notice of approval from the Ravensthorpe Shire Council. The Ravensthorpe Shire Council warns that anyone who has an application lodged with the Ravensthorpe Shire Council must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Ravensthorpe Shire Council in respect of the application.

A handwritten signature in black ink, appearing to be "Darren Kennedy", is written over a horizontal line.

**Darren Kennedy**  
**A/Chief Executive Officer**

27/8/2018

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**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

**NOTE: USE ONE FORM PER DECLARATION**

I, (1) \_\_\_\_\_ wish to declare an interest in the following item to be considered by council at its meeting to be held on (2) \_\_\_\_\_

Agenda item (3) \_\_\_\_\_

The type of interest I wish to declare is (4)

- Financial pursuant to Sections 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

The nature of my interest is (5)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The extent of my interest is (6)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

\_\_\_\_\_

Signature

Date

RECEIVED BY:

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Date

- (1) Insert you name.
- (2) Insert the date of the Council Meeting at which the item it to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box to indicate the type of interest.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act)

\_\_\_\_\_

**Financial pursuant to Sections 5.60A of the Local Government Act 1995****5.60A – Financial Interest**

For the purpose of this Subdivision, 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.

*[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]*

**Proximity pursuant to Section 5.60B of the Local government Act 1995****5.60B – Proximity Interest**

- (1). For the purposes of this Subdivision, 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;
  - (b). a proposed change to zoning or use of land that adjoins that person's land; or
  - (c). a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.
- (2). In this section, land ("**the proposal land**") adjoins a person's land if –
  - (a). the proposal land, not being a thoroughfare, has a common boundary with the person's land;
  - (b). the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - (c). the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

*[Section 5.60B inserted by No 64 of 1998 s. 30.]*

**Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995****5.61 – Indirect financial interest**

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

**Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007****11 – Disclosure of interest**

- (1). In this regulation –  
Interest means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship friendship or membership of an association.
- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting 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.
- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
- (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
  - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
- (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
- (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
  - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

***Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act)***

**5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings**

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
- (a). may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b). may allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest –
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers
- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3). This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.



**SHIRE OF RAVENSTHORPE  
WORKS REQUEST FORM**

Name: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/2018      Urgency:    Low / Medium / High / Strategic

Road / Public Building / Area: \_\_\_\_\_

Request: \_\_\_\_\_

Description:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OFFICE USE ONLY:**

Action Taken:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comment:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Completed: \_\_\_\_/\_\_\_\_/2018      Signature: \_\_\_\_\_

Inspected and/or authorised: \_\_\_\_\_



**Application for Leave of Absence**

**(Pursuant to Section 2.25 of the Local Government Act 1995 (as amended))**

- (1) A council may, by resolution, grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect to more than 6 consecutive ordinary meetings of the Council without the approval of the Minister.
- (3) The granting of the leave is to be recorded in the minutes of the meeting.
- (4) A member who is absent without first obtaining leave of the Council throughout 3 consecutive ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the Council does not constitute absence from an ordinary meeting of Council –
  - (a) if no meeting of the Council at which a quorum is present is actually held on that day; or
  - (b) if the non-attendance occurs while –
    - (i) the member has ceased to act as a member after which written notice has been given to the member under Section 2.27 (3) and before written notice has been given to the member under Section 2.27 (5);
    - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
    - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.

I, ....., hereby apply for Leave of Absence from the Ravensthorpe Shire Council from..... to ..... for the purpose of .....

Signed:..... Date:.....



**Shire of Ravensthorpe  
Notice of Ordinary Council Meetings**

In accordance with the Local Government Act 1995 and Administration Regulation 12 (I) it, is hereby notified that as from January 2018 to December 2018, Ordinary Council meetings of the Shire of Ravensthorpe will be held as follows:

January 2018	No meetings scheduled	
12 February 2018	Ravensthorpe Council Chambers- Forum	1 pm
<b>15 February 2018</b>	<b>Ravensthorpe Council Chambers</b>	<b>5 pm</b>
12 March 2018	Ravensthorpe Council Chambers - Forum	1 pm
<b>15 March 2018</b>	<b>Hopetoun Community Centre</b>	<b>5 pm</b>
16 April 2018	Ravensthorpe Council Chambers - Forum	1 pm
<b>19 April 2018</b>	<b>Ravensthorpe Council Chambers</b>	<b>5 pm</b>
14 May 2018	Ravensthorpe Council Chambers - Forum	1 pm
<b>17 May 2018</b>	<b>Hopetoun Community Centre</b>	<b>5 pm</b>
18 June 2018	Ravensthorpe Council Chambers - Forum	1 pm
<b>21 June 2018</b>	<b>Ravensthorpe Council Chambers</b>	<b>5 pm</b>
16 July 2018	Ravensthorpe Council Chambers - Forum	1 pm
<b>19 July 2018</b>	<b>Hopetoun Community Centre</b>	<b>5 pm</b>
13 August 2018	Ravensthorpe Council Chambers – Forum	1pm
<b>16 August 2018</b>	<b>Ravensthorpe Council Chambers</b>	<b>5pm</b>
17 September 2018	Ravensthorpe Council Chambers – Forum	1pm
<b>20 September 2018</b>	<b>Ravensthorpe Council Chambers</b>	<b>5pm</b>
15 October 2018	Ravensthorpe Council Chambers - Forum	1 pm
<b>18 October 2018</b>	<b>Ravensthorpe Council Chambers</b>	<b>5 pm</b>
12 November 2018	Ravensthorpe Council Chambers - Forum	1 pm
<b>15 November 2018</b>	<b>Hopetoun Community Centre</b>	<b>5 pm</b>
17 December 2018	Ravensthorpe Council Chambers- Forum	1 pm
<b>20 December 2018</b>	<b>Ravensthorpe Council Chambers</b>	<b>5 pm</b>

**Ratepayers and residents are welcome to attend the council meetings and participate in the Public Question time session which are held at the beginning of each Council Meeting.**

**Darren Kennedy  
Acting Chief Executive Officer**



**SPECIAL MEETING OF COUNCIL**  
**TO BE HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE**  
**ON 3 SEPTEMBER 2018, COMMENCING AT 6PM**

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<b>CONTENTS</b>	<b>PAGE</b>
1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....	10
2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE .....	10
3. PUBLIC QUESTION TIME .....	10
4. DISCLOSURE OF INTEREST.....	10
5. SPECIAL BUSINESS.....	11
5.1. LOT 28 (69) SPENCE STREET RAVENSTHORPE – 24 WORKFORCE ACCOMMODATION UNITS.....	11
6. MATTERS BEHIND CLOSED DOORS .....	23
6.1 CONFIDENTIAL ITEM .....	23
7. CLOSURE OF MEETING.....	23

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

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

MEMBERS: Cr Keith Dunlop (Shire President)  
Cr Julianne Belli (Deputy Shire President)  
Cr Ian Goldfinch  
Cr Thomas Major  
Cr Graham Richardson  
Cr Peter Smith

STAFF: Darren Kennedy (Acting Chief Executive Officer)  
Helen Coleman (Personal Assistant)

APOLOGIES: Ian Fitzgerald (Chief Executive Officer)  
Cr Kerry Dickinson

ON LEAVE OF ABSENCE:

ABSENT:

**3. PUBLIC QUESTION TIME**

**4. DISCLOSURE OF INTEREST**

## 5. SPECIAL BUSINESS

### 5.1. LOT 28 (69) SPENCE STREET RAVENSTHORPE – 24 WORKFORCE ACCOMMODATION UNITS

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<b>File Ref:</b>	P18-021
<b>Applicant:</b>	PAXMA Pty Ltd
<b>Location:</b>	Lot 28 (69) Spence Street, Ravensthorpe
<b>Date:</b>	7 August 2018
<b>Author:</b>	Peter Wilks
<b>Authorising Officer:</b>	Richard Hindley
<b>Attachments:</b>	5.1.1 Plans and information 5.1.2 Objection and Submission

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**Summary:**

For Council to consider an application for the development of 24 Workforce Accommodation Units, Retaining Walls and associated Earthworks at Lot 28 (69) Spence Street, Ravensthorpe.

**Recommendation:**

That Council approve development application P18-021 for the development of 24 Workforce Accommodation Units, Retaining Walls and associated Earthworks at Lot 28 (69) Spence Street, Ravensthorpe.

**Background:****Site Description**

Lot 28 (69) Spence Street, Ravensthorpe is 1012 square metres in area and is undeveloped. Vegetation is limited to grasses. The property slopes from the north-west to the south-east.

**Assessment:**

The following are the zoning and Scheme requirements under Local Planning Scheme No. 6.

Lot 28 (69) Spence is zoned 'Mixed Use' by the Shire's Local Planning Scheme No. 6.

The objectives of the zone are as follows:

- i. To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.*
- ii. To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.*

It is the position of Planning Services that the proposal is a compatible land use in the area. However there are valid concerns regarding potential impact via noise nuisance and amenity.

Health, welfare and safety of residents should not be impacted by the proposal, however this is impossible to confirm owing to the unknown nature of future residents.

The following provisions are contained in Local Planning Scheme No. 6:

#### 4.12 Development in the Rural Townsite and Mixed Use Zones

4.12.1 All development within the Rural Townsite and Mixed Use Zones shall have regard to any Local Planning Policy adopted by the local government.

4.12.2 All development within the Rural Townsite and Mixed Use Zones shall be of a design, and constructed from materials that complement the existing character and amenity of the zone as determined by the local government.

4.12.3 Residential development within the Rural Townsite and Mixed Use Zones is only permitted where it is proposed in conjunction with a non-residential land use or where an existing non-residential land use is operating. The local government may consider a standalone residential development where it can be demonstrated that it will not prejudice the primary street frontage to be used for non-residential land uses.

4.12.4 Residential development shall be permitted to a maximum density of R50 within the Rural Townsite and Mixed Use Zones. Any such residential development shall comply with the relevant requirements of the R-Codes as determined by the local government and clause 4.2.

4.12.5 All development within the Rural Townsite and Mixed Use Zones shall have due regard to the impact on existing residential development in terms of:

- a) Scale, bulk and height of proposed buildings;
- b) The proposed activities associated with the land use including hours of operation; and
- c) The general amenity of the area.

There are no Local Planning Policies which affect the proposal as such 4.12.1 does not apply.

While the proposal may be constructed of materials similar to those used on Residential properties in the townsite of Ravensthorpe, it is acknowledged that this form of development does not complement the existing character or amenity of the development along Spence Street.

The proposal is not defined as Residential development under Local Planning Scheme No. 6, as such 4.12.3 and 4.12.4 are not relevant.

The height of the proposed development is not out of character with the existing buildings along Spence Street, being single storey development on retaining walls. The overall site coverage is also equivalent to a proposal for two dwellings on a single property. The building bulk will be slightly higher than a single dwelling or outbuilding on top of a retaining wall, however it is noted that larger construction can be considered under the Scheme, and that

building bulk for the proposal is less than if someone were to propose two double storey dwellings on the site or a single double storey dwelling and a large Outbuilding.

There are no hours of operation associated with workforce accommodation. As such 4.12.5(b) is not relevant.

The proposal will impact on the visual amenity of the area. There will also be a level of impact via noise, vehicle movements, increased density and additional pedestrians, however it is noted that the property is located in close proximity to the Ravensthorpe Hotel and Morgans Street and as such the property is already impacted by a degree of noise, vehicles and pedestrian movement.

The proposed land use is defined as Workforce Accommodation which means premises, which may include modular or relocatable buildings, used –

- a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

The proposal is intended by the applicant to be freely used by any organisation or body seeking workforce accommodation in the Shire of Ravensthorpe, ranging from mines, to farmers, to the Shire which complies with the definition of Workforce Accommodation.

Workforce Accommodation is an 'A' use in the Mixed Use zone, which means that the application can only be determined after giving notice in accordance with Clause 64 of the Deemed Provisions. In this instance the application was referred to the two adjoining landowners for comment with one objection being received.

The following specific provisions also impact on proposals for Workforce Accommodation:

#### 4.16 Workforce Accommodation

4.16.1 On land within the Rural, Residential, Mixed Use or Rural Townsite Zones, the local government may consider an application for Workforce Accommodation associated with an existing or proposed construction, resource, agricultural or industrial operation to accommodate the worker(s), provided that:

- a) the local government is satisfied that the Workforce Accommodation can be adequately serviced with water, power and effluent disposal;
- b) where an operation is proposed and not yet operational, it can be adequately demonstrated to the local government that the operation will proceed to construction and operation prior to the approval for Workforce Accommodation being issued;
- c) a management plan is prepared and submitted with the local government that outlines how the Workforce Accommodation will be decommissioned should it no longer be required; and
- d) where Workforce Accommodation is proposed within the Residential, Mixed Use and Rural Townsite Zones it is to be setback from boundaries in accordance with the Residential Design Codes.

The proposal is intended by the applicant to be freely used by any organisation of body seeking workforce accommodation in the Shire of Ravensthorpe, ranging from mines, to farmers, to the Shire.

The proposal can be connected to existing infrastructure in Ravensthorpe for water, power and sewer.

The applicant has indicated that should the use of the site cease in the future that the units are to either be removed from the site or converted to tourist accommodation which fulfils the requirement for a management plan.

The buildings associated with the workforce accommodation are setback from the boundaries in accordance with the *Residential Design Codes*, being a 1.5 metre side setback. The retaining walls, being a separate form of development to the Workforce Accommodation, fall under standard setbacks for the Mixed Use which permits a nil side setback.

For reference please note that as per the Department of Planning's position statement on Workforce Accommodation published in January 2018, under the *Planning and Development Act 2005* planning decision makers can control:

1. Where a planning application is required, the terms of an approval related to:
  - a. timeframe
  - b. setbacks
  - c. landscaping
  - d. parking and access
  - e. location and appearance of buildings
  - f. integration with surrounding areas
  - g. any other land use planning matters relevant to the site.
2. Where a planning application is required, the ability to approve/refuse a proposal considering local planning scheme requirements.

Planning decision makers cannot control:

1. Any matters specified by a State Agreement Act.
2. The issuing of a mining tenement made under the Mining Act 1978 – which can include a general purpose lease for 'any other purpose directly connected with mining operations' (may be located in a townsite).
3. That workforce accommodation needs to be met by permanent accommodation rather than 'camps'.
4. That workforce accommodation be located in a town rather than a minesite.
5. Whether the land for workforce accommodation is owned by the Crown or held in fee simple.
6. Requirements for 'community contributions' by workforce accommodation proponents.
7. Requirements for workforce accommodation to achieve 'legacy benefits'.

**Officers Comment:**

The application has been referred to Council due to the objection received from the owner of Lot 39 (65) Spence Street and a submission made by the owner of Lot 39 (65) Spence Street. As the objection is on valid Planning grounds and the submission raises valid concerns, only Council has the power to either approve or refuse the application. A breakdown of the concerns outlined in the objection and submission can be found in the consultation section.

From a planning perspective, there are both positives and negatives from locating any form of Workforce Accommodation in a location such as Lot 28 (63) Spence Street.

On the positive side of things:

- 1) Locating workforce accommodation in the centre of Ravensthorpe allows for workers to have direct access to infrastructure and shops which has positive flow on effects in terms of commercial viability and increased patronage.

- 2) Proximity to the Ravensthorpe Hotel and Morgans Street means that the local area is already affected by some degree of noise and amenity impact which reduces the scale of any noise or amenity impact generated by the proposal.
- 3) The proposal is well within the capacity of the local road network to accommodate.

On the negative side of things:

- 1) It is acknowledged that the proposal will result in increased noise, particularly from vehicle and pedestrian movements as well as provision of air conditioning that will impact on adjoining landowners and tenants.
- 2) Development of this type is not attractive. There will be some impact on visual amenity in the local area from the proposal.

In regards to the proposed Retaining Walls it is important to note that these are considered separate from the proposed buildings for Workforce Accommodation. Where Workforce Accommodation is referenced in the Scheme, it should only apply to those buildings intended to be actively used for the purposes of Workforce Accommodation and not for ancillary structures. The reason for this is that Retaining Walls (and the associated Earthworks) can be proposed as part of any potential use of the site, whether it is for Dwelling, Shop, Office, Industrial or even as a completely separate application and that as such they should be assessed solely under provisions for Mixed Use development in the Scheme.

**Consultation:**

The application was advertised between 8 July and 22 July 2018 to owner of Lot 39 (65) Spence Street, and between 8 July and 21 August 2018 to the Department of Housing (Housing Authority) being the owner of Lot 37 (61) Spence Street. The owner of Lot 39 (65) Spence Street provided an initial objection on the 20<sup>th</sup> of July, and a more detailed objection of the 31<sup>st</sup> of July.

The matters referred to in the submissions are summarized as follows. Please note that some submissions covered multiple points.

Grounds of Objection	Planning Services Comments and Recommendation
Lack of notice regarding the proposal.	<p>It is noted that the 14 days given for referral to the owner of Lot 39 (65) Spence Street may not have been satisfactory from their perspective but was in line with the requirements of Clause 64 (3)(a) of the Deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>It has been raised by Planning Staff with the Department of Planning that this time period needs to be extended owing to the slow delivery times of Australian Post in regional Australia. As of this time the Department of Planning has not indicated whether this time period is likely to change in the future.</p>

<p>Only 12 car parking bays associated with the proposed development and access by 6 vehicles.</p>	<p>There is no set amount of car parking required for Workforce Accommodation by Local Planning Scheme No. 6.</p> <p>Having only 12 car parking bays on site can be justified given the intention of the workforce accommodation is to have the workforce travelling by bus to and from both the airport and the applicable mine site. Combined with the position of the workforce accommodation in the centre of Ravensthorpe there is little need for workers staying at the site to have their own vehicles.</p> <p>Should the proposal be approved it is suggested that the following conditions be applied to mitigate the concerns of the adjoining landowners:</p> <ol style="list-style-type: none"> <li>1) A minimum of twelve (12) car parking bays are to be provided on-site in accordance with the requirements of Australian Standard AS2890.1:2004 Parking Facilities – Off-street Car Parking.</li> <li>2) Vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (two coat, asphalt, concrete or brickpavers), drained and thereafter maintained.</li> <li>3) All car parking areas and access ways shall be maintained for their stated purpose at all times and shall not be used for display or general storage purposes.</li> <li>4) No parking or display of vehicles and/or equipment shall occur within the road verge area at any time.</li> <li>5) In the event that overflow car parking is required, the parking of the vehicles in question is to be on land associated with the Ravensthorpe Palace Hotel.</li> </ol>
<p>Setback of retaining walls to the eastern boundary.</p>	<p>In regards to the proposed Retaining Walls it is important to note that these are considered separate from the proposed buildings for Workforce Accommodation. Where Workforce Accommodation is referenced in the Scheme, it should only apply to those buildings intended to be actively used for the purposes of Workforce Accommodation and not for ancillary structures.</p> <p>The reason for this is that Retaining Walls (and the associated Earthworks) can be proposed as part of any potential use of the site, whether it is for Dwelling, Shop,</p>



	<p>Office, Industrial or even as a completely separate application and that as such they should be assessed solely under provisions for Mixed Use development in the Scheme.</p>
<p>Overshadowing</p>	<p>There are no limitations on overshadowing where the development that causes the overshadowing is not a Residential development.</p> <p>If the provisions of the <i>Residential Design Codes</i> were applicable and the property assigned a density code of R30 similar to the maximum density of nearby properties, a maximum of 35% overshadowing at 12 noon on the winter solstice could be permitted. As the proposed development is located to the west (or more correctly, a couple of degrees south of a true western alignment), there would be no consideration given to overshadowing under the <i>Residential Design Codes</i>.</p>
<p>Stormwater Collection and Management.</p>	<p>As part of any planning approval for the proposal, Stormwater will need to be properly managed so that it does not impact on an adjoining property. As such the following condition is suggested as part of the conditions of any approval for the site:</p> <ol style="list-style-type: none"> <li>1) 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.</li> </ol> <p>The applicant will then need to demonstrate how the stormwater is retained to site as part of the Building Permit.</p>
<p>Concerns regarding subterranean movement causing damage to adjoining properties.</p>	<p>This is covered under Builders Insurance. Should the owner of an adjoining or nearby property believe that damage has occurred to their property as a result of works associated with this proposal, they will need to get in touch with the Builder in question to arrange for an inspection.</p> <p>It is recommended that the owners of adjoining properties take photographs of their properties for use as evidence in the event that damage does occur.</p>

<p>Concerns regarding excess noise</p>	<p>Any construction or works on the site will need to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>, which will limit work hours to between 7am and 7pm.</p> <p>The following condition is suggested as part of any approval:</p> <p>1) The proposed operations, during and after construction, are required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>The Shire has no responsibility for noise associated with private vehicles. Should an individual believe that a vehicle is creating excessive noise, they should note the number of the license plate and contact the police.</p> <p>Planning Services acknowledges that the Department of Communities – Housing has a valid concern regarding potential noise impact on tenants from the WA Police who may have alternative work/sleep hours to the majority of the community. Given that the proposed development utilises transportable units, the period where the adjoining properties will be impacted by construction noise should be shorter than if the proposal was for a standard dwelling and retaining walls, however the amount of noise is also likely to be greater during the construction period due to the need for heavy machinery to move the transportable units into place.</p>
<p>Concerns regarding security</p>	<p>Any potential impact on security will depend on who the tenants of the proposed development are, and as such it is impossible to determine if there will be any impact at this time.</p> <p>It is noted that security is not a valid planning concern, but rather a matter for the WA Police.</p>
<p>Difficulty renting the property, and potential impact on land value</p>	<p>Impact on land value and the ability to rent a property to tenants are not valid planning concerns.</p>

**Statutory Obligations:**

Local Planning Scheme No. 6

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

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:**

None

**Budget / Financial Implications:**

None for Council

**Strategic Implications:**

The proposal is to do with the following theme of the Strategic Community Plan:  
Theme 1:

A healthy, strong and connected community that is actively engaged and involved;  
Outcome 1.2 "Vibrant & attractive townsite".

**Sustainability Implications:**

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are potential economic benefits to the Ravensthorpe townsite from the proposed Workforce Accommodation, through increased population in the centre of the townsite and the flow-on effects of increased trade and patronage.

- **Social:**

There are potential social benefits from locating Workforce Accommodation in the centre of Ravensthorpe, allowing workers to access the full range of commercial businesses and social infrastructure available in the Ravensthorpe townsite. This

may assist in counter-acting the mental and physical health concerns associated with Fly-in, Fly-out and Drive-in, Drive-out workers.

### **Voting Requirements:**

Simple majority

#### **OFFICER RECOMMENDATION**

#### **ITEM 5.1**

That Council resolve to approve Development Application P18-021 for 24 workforce accommodation units, retaining walls and associated earthworks subject to the following conditions:

1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Ravensthorpe (Planning Services).
2. The land and buildings the subject of this approval shall be used for the purposes of Workforce Accommodation only and for no other purpose unless otherwise approved in accordance with the provisions of Local Planning Scheme No. 6 (refer below definition as extracted from Part 6, Division 2 – Land Use Terms used in Scheme).
  - primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
  - for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.
3. During construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).
4. This approval to establish Workforce Accommodation on the subject land shall not be viewed as providing a basis for subdivision of the land (either strata subdivision or fee simple (green title)) to create a separate title for single or multiple Workforce Accommodation units.
5. The void area between the floor and natural ground levels is to be enclosed with brickwork, battens or other suitable material which is compliant with the Building Code of Australia and Australian Standard 3959:2009 (as amended).
6. All retaining walls, earthworks and/or associated drainage shall be undertaken in accordance plans and specifications certified by a qualified Engineer as being consistent with standard engineering practices, as approved by the Shire of Ravensthorpe.
7. The vehicle crossovers are to be constructed, drained and sealed to the satisfaction and specifications of the Shire of Ravensthorpe.
8. A minimum of twelve (12) car parking bays and any applicable accessible bays are to be provided on-site in accordance with the requirements of Australian Standard AS2890.1:2004 Parking Facilities – Off-street Car Parking, Australian Standard 2890.6 and the Building Code of Australia.

9. Prior to the commencement of the use, vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brickpavers), drained, kerbed, marked (including disabled bays) and thereafter maintained.
10. All car parking areas and access ways shall be maintained for their stated purpose at all times and shall not be used for display or general storage purposes.
11. No parking or display of vehicles and/or equipment shall occur within the road verge area at any time.
12. In the event that overflow car parking is required, the parking of the vehicles in question is to be on land associated with the Ravensthorpe Palace Hotel.
13. 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.
14. Arrangements shall be made to the satisfaction of the Shire of Ravensthorpe for the provision of onsite parking for the purpose of picking and setting down members of the public prior to occupation of the approved development so that any impediment to the movement of traffic along Spence Street does not occur.
15. The existing infrastructure located within the road reserve shall be retained and protected during the construction process period with any damage to the infrastructure being repaired to the satisfaction of the Shire of Ravensthorpe (Asset Management Division) at developer's expense.
16. All street trees located in verge areas adjoining the site shall be retained and protected during the construction process to the specification and satisfaction of the Shire of Ravensthorpe (Asset Management Division).
17. 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.
18. The approved development must be connected to a reticulated water supply provided by a licensed water provider.
19. Before the approved development is occupied, the property must be connected to the reticulated sewerage system.
20. Immediately prior to the occupation of the site and/or buildings for their approved purpose, the proponent shall notify the Shire of Ravensthorpe, in writing, of the effective completion of the approved development such that a Final Inspection can be carried out to determine compliance with the conditions contained on this Planning Consent.

21. 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.

22. All fencing shall be in accordance with Shire of Ravensthorpe Local Planning Policy: Fencing.

23. 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.

24. A bin storage area shall be provided on-site and screened from public view to the satisfaction of the Shire of Ravensthorpe.

25. All delivery/collection points and rubbish storage areas are to be designed and located to minimise noise, odour, visual intrusion and/or other factors potentially adversely affecting the character and/or amenity of residents and properties in the vicinity to the satisfaction of the Shire of Ravensthorpe.

26. 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 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.

4. 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.

5. The applicant is to liaise with Shire of Ravensthorpe to ascertain the location of any and all shire infrastructure prior to the commencement of works.

6. Any requirement to move, relocate, repair or adjust existing shire infrastructure is to be at the cost of the applicant.

7. 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](http://www.dwer.wa.gov.au) under air quality publications.

8. The developer is to liaise with Shire of Ravensthorpe to determine any requirement for additional approvals for any signage proposed to be erected on site.

9. The approved development is required to comply with the following legislation (as amended from time to time):

*Health (Miscellaneous Provisions) Act 1911*

*Occupational Safety and Health Regulations 1996*

*Sewerage (Lighting, Ventilation & Construction) Regulations 1971*

*Environmental Protection (Noise) Regulations 1997*

## **6. MATTERS BEHIND CLOSED DOORS**

### **6.1 CONFIDENTIAL ITEM**

## **7. CLOSURE OF MEETING**