

## **MINUTES**

For the Special Council Meeting to be held on

Monday 3 September, 2018

Scheduled 6 p.m.

In the Council Chambers, Ravensthorpe.



## SHIRE OF RAVENSTHORPE

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A handwritten signature in black ink, appearing to read "Darren Kennedy".

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

27/8/2018

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**SPECIAL MEETING OF COUNCIL**  
HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE  
ON 3 SEPTEMBER 2018, COMMENCING AT 6.05PM

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

6.05pm – The presiding person, Cr K Dunlop, declared the meeting open.

**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:

NIL

ABSENT:

NIL

VISITORS:

Hugh Trivett – Galaxy Lithium  
Brad Hawkins – Bluemar  
Michael Palmer – Palace Hotel  
Peter Robertson  
Tammy Lee Robertson  
Sue Lee

**3. PUBLIC QUESTION TIME**

General discussion regarding agenda item 5.1

**4. DISCLOSURE OF INTEREST**

NIL

## COUNCIL DECISION

## ITEM 5.1

Moved: Cr Smith

Seconded: Cr Goldfinch

That all Standing Orders be suspended for item 5.1 to enable detailed discussion, Councillors' questions and briefing by staff on the agenda item in accordance with Council's policy.

Carried: 6/0

Res:101/18

## COUNCIL DECISION

## ITEM 5.1

Moved: Cr Smith

Seconded: Cr Major

That all Standing Orders be resumed for item 5.1

Carried: 6/0

Res: 102/18

## 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 or 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.

<b>Grounds of Objection</b>	<b>Planning Services Comments and Recommendation</b>
Lack of notice regarding the proposal.	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>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>

Setback of retaining walls to the eastern boundary.	<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, 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>
Overshadowing	<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>
Stormwater Collection and Management.	<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>
Concerns regarding	This is covered under Builders Insurance. Should the owner

<p>subterranean movement causing damage to adjoining properties.</p>	<p>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> <ol style="list-style-type: none"> <li>1) The proposed operations, during and after construction, are required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</li> </ol> <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>

	It is noted that security is not a valid planning concern, but rather a matter for the WA Police.
Difficulty renting the property, and potential impact on land value	Impact on land value and the ability to rent a property to tenants are not valid planning concerns.

**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

COUNCIL DECISION	ITEM 5.1
Moved: Cr Belli	Seconded: Cr Richardson
That Council resolve to lay this item on the table.	
Carried: 6/0	Res: 103/18

6.50pm All visitors departed the meeting with the exception of Hugh Trivett – Galaxy Lithium

## 6. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION	ITEM 6.1
Moved: Cr Goldfinch	Seconded: Cr Smith
That Council close the meeting to the public to allow discussion on a commercial-in-confidence matter	
Carried: 6/0	Res: 104/18

**6.1 CONFIDENTIAL ITEM****Voting Requirements:**

Absolute majority

**COUNCIL DECISION****ITEM 6.1**

Moved: Cr Goldfinch

Seconded: Cr Smith

That Council Authorise:

1. The Shire President and Acting Chief Executive Officer to execute:
  - a. Road Diversion Deed – Floater Road, Ravensthorpe with Galaxy Lithium Australia Ltd ABN 79 130 182 099 and Luke and Gary Webster.
  - b. Deed of Easement between Galaxy Resources Limited ABN 11 071 976 442 and Shire of Ravensthorpe – Lot 30 & 31 on Deposited Plan 224145.
  - c. Offer and Acceptance – Lot 177, Lot 318 & Lot 36 Floater Road, Ravensthorpe, WA 6346.
2. Amends 2018/19 budget as follows:

Description		Budget Figure	Amended Figure	Variation
Income Relating to Roads	12201	Nil	(\$434,000)	(\$434,000)
Land Lot 36,318 & 177 Floater Road	AL613	Nil	\$434,000	\$434,000
<b>Net Result</b>				\$0

3. Amends 2018/19 budget as follows:

Description		Budget Figure	Amended Figure	Variation
Private Works Income	I141	(\$5,000)	(\$292,500)	(\$287,500)
Galaxy temporary road construction	PW9	Nil	\$250,000	\$250,000
<b>Net Result</b>				(\$37,500)

4. Instructs the Chief Executive Officer in November 2018 to commence the disposal of the balance of Lot 177, Lot 318 & Lot 36 Floater Road via calling for expressions of interest to lease the land under Section 3.58 of the *Local Government Act 1995*.

Carried: 6/0


Res: 105/18



COUNCIL DECISION	ITEM 6.1
Moved: Cr Goldfinch	Seconded: Cr Smith
That Council re-open the meeting to the public.	
Carried: 6/0	Res: 106/18

**7. CLOSURE OF MEETING – 7.15PM**

These minutes were confirmed at the meeting of the 18 October 2018

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

Date: 18 October 2018