



Agenda

Special Council Meeting

Wednesday, 26 November 2025

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NOTICE OF MEETING

Notice is hereby given that the

Shire of Ravensthorpe

Special Meeting of Council

will be held on

Wednesday, 26 November 2025

commencing at 5.00pm

Hopetoun Community Centre

Hopetoun

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.

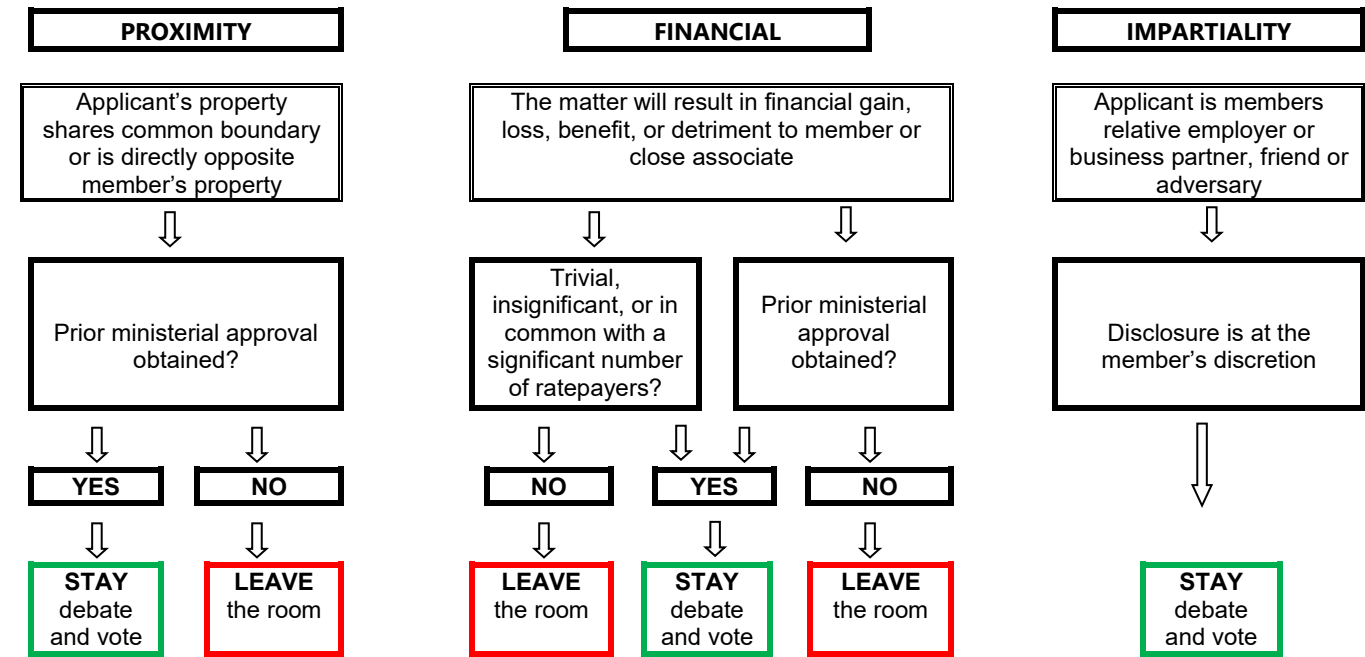
CEO: _____ Signed: _____ Date: _____

OFFICE USE ONLY

☐ Particulars recorded in Minutes

☐ 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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AGENDA

Mission Statement	<i>To grow our community through the provision of leadership, services and infrastructure.</i>
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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President to declare the meeting open.

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

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

Elected Members:

Cr Rachel Gibson	(Shire President)
Cr Mark Mudie	(Deputy Shire President)
Cr Sue Leighton	
Cr Robert Miloseski	
Cr Bill Auburn	
Cr Benno Sutherland	

Staff:

Matthew Bird	(Chief Executive Officer)
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MEMBERS OF THE PUBLIC

APOLOGIES

LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTIONS TIME

In accordance with section 5.24 of the *Local Government Act 1995*, a 15-minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the Shire President's discretion, the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

5. DECLARATIONS OF INTEREST

Cr Miloskeski Item 12.3.1

6. APPLICATIONS FOR LEAVE OF ABSENCE

The Local Government Act 1995 (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council. Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil.

8. ANNOUNCEMENTS / REPORTS BY ELECTED MEMBERS

Nil.

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil.

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil.

12.3 PROJECT AND REGULATORY SERVICES

12.3.1 BUILDING ENVELOPE VARIATION TO SUPPORT DEVELOPMENT APPLICATION FOR OUTBUILDING (SHED) – LOT 27 (15) WHALE BAY DRIVE, HOPETOUN

File Reference:	P25-38
Location:	LOT 27 (15) Whale Bay Drive, Hopetoun
Applicant:	R and T Miloseski
Author:	Planning Officer
Authorising Officer	Chief Executive Officer
Date:	29 October 2025
Disclosure of Interest:	Cr Robert Miloseski
Attachments: 12.3.1	Plans of Proposal
Previous Reference:	N/A

PURPOSE

For Council to consider a variation to a Building Envelope to support Development Application P25-38 for an Outbuilding (Shed) at Lot 27 (15) Whale Bay Drive, Hopetoun, which is located within the Whale Bay Rural Residential development.

BACKGROUND

The Shire of Ravensthorpe received Development Application P25-38 for an Outbuilding (Shed) at Lot 27(15) Whale Bay Drive, Hopetoun on 15 October 2025.

Due to the proposed outbuilding being located outside the current identified building envelope for the property, the applicant seeks approval to vary the building envelope to accommodate the outbuilding.

The proposed outbuilding is compliant with the criteria and requirements of the Local Planning Scheme and Local Planning Policies and associated legislation.

As per the relevant Local Planning Scheme provisions at the time the land was rezoned from Rural to Rural Conservation- now referred to as Rural Residential under Local Planning Scheme No.6 (LPS6), prescribed Building Envelopes were identified. The Local Planning Scheme also made allowance for a Building Envelope to be varied by the local government, if the proposed Building Envelope location is not detrimental to the landscape or the environment.

COMMENT

Lot 27 (15) Whale Bay Drive, Hopetoun is zoned Rural Residential with a lot size of 2 hectares. The property has been developed with a single house and associated infrastructure.

The proposal, through the siting of the outbuilding calls for variation to the current Building Envelope.

As part of the development of the existing single house, the Building Envelope initially prescribed was varied. An additional variation to the current Building Envelope is sought.

The LPS6 setback requirements for Rural Residential development, where a Building Envelope is not identified in LPS 6 require the following:

- Front setback 20m.
- Side and Rear setback 10m.

The original Building Envelope has been modified and there are no specific Scheme Provisions for the Whale Bay Rural Residential Development under LPS6. This variation is being assessed under the current setback requirements for Rural Residential Development.

As per the site plan (refer attachment 12.3.1), the varied Building Envelope seeks a front setback of 50.8m, a 10m side setback to the north, approximately 45m side boundary setback from the south and 90m setback from the rear boundary.

Within the building envelope, the outbuilding will be 52m from the front property boundary and 10m from the northern side boundary.

The outbuilding will be 9m x 9m, with a wall height of 3m and a ridge height of 3.793m. It will be steel construction with the colour matching the existing residence (i.e., "Monument Grey"). As per Local Planning Policy 3 Outbuildings (LPP3), an Outbuilding on Rural Residential Zoned land with a land area greater than 2ha is permitted with a wall height of up to 4.5m, ridge height 6m and maximum floor area of 250m². The setback requirements are as per the LPS 6. This proposal complies with LPS 6 and LPP 3, and a variation to LPP3 is not sought for approval of the outbuilding.

The Building Envelope variation and subsequent outbuilding location is setback 52.3m from the front boundary and a minimum of 10m from the side boundary to the north. It is the opinion of the Planning Officer, the proposed building envelope will not have a detrimental impact on the existing remnant vegetation, which was significantly impacted by a recent bushfire. The siting of the outbuilding 52.3m from the front property boundary and 10m from the side boundary will not impact on visual amenity in the locality.

In summary, the proposal seeks the following:

- Council's support for a minor variation to the Building Envelope, which is in accordance with the setback provisions of LPS 6.
- Approval for the outbuilding within the identified Building Envelope.

It is the position of Planning Officer; the Building Envelope variation and outbuilding should be approved subject to conditions.

CONSULTATION

Adjoining owner comment has not been sought, as the proposed variation to the Building Envelope reflects the setback provisions of LPS 6 and no concession to LPS6 and LPP3 are sought for the approval of the outbuilding.

STATUTORY ENVIRONMENT

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

Local Planning Policy No.3 - Outbuildings

FINANCIAL IMPLICATIONS

Application fees totalling \$147.00 were received as part of this application.

RISK MANAGEMENT

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational	Rare	Insignificant	Very Low	Use of Outbuilding to be for domestic purposes only.
Environmental	Rare	Insignificant	Very Low	Consistency with decision making.

ALTERNATE OPTIONS

Council does not approve the variation.

STRATEGIC ALIGNMENT

This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2020 - 2030. Specifically, with respect to the Corporate Business Plan- Outcome 3: Built Environment, the proposal meets this as the development will be of high quality and contribute positively to the appearance of the town.

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

Simple Majority

OFFICER RECOMMENDATION

That Council APPROVE Development Application P25-38 for a Variation to a Building Envelope and Outbuilding (Shed) at Lot 27 (15) Whale Bay Drive, Hopetoun subject to the following conditions:

- 1. Development shall be carried out in full and fully implemented within the identified Building Envelope 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. **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.**

Moved:_____

Seconded:_____

Carried:___ / ___

13. MATTERS BEHIND CLOSED DOORS

13.1 CEO RECRUITMENT Confidential Report and Attachments

14. MEETING CLOSURE

The Presiding Member to declare the meeting closed.