AGENDA – ORDINARY MEETING OF COUNCIL
18 August 2009

SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

AGENDA

Meeting Room,
Community Recreation Centre

TOM PRICE
18 August 2009
Dear Councillor,

Notice is hereby given that an Ordinary Meeting of the Council of the Shire of Ashburton will be held on Tuesday 18 August 2009 at the Meeting Room, Community Recreation Centre, Tom Price, commencing at 9.00am.

The business to be transacted is shown in the Agenda.

Keith Pearson
CHIEF EXECUTIVE OFFICER

12 August 2009

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Ashburton warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ashburton for any act, omission or statement or intimation occurring during a Council meeting.
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1.08.0 DECLARATION OF OPENING

2.08.0 ANNOUNCEMENT OF VISITORS

3.08.0 ATTENDANCE

3.08.01 PRESENT
Cr L Corker Shire President, Ashburton Ward
Cr L Rumble Deputy Shire President, Paraburdoo Ward
Cr I Dias Paraburdoo Ward
Cr L Thomas Tableland Ward
Cr K White Onslow Ward
Cr T Bloem Tom Price Ward
Cr C Fernandez Tom Price Ward
Cr G Musgrave Tom Price Ward

Mr K Pearson Chief Executive Officer
Mr J Breen Executive Manager Engineering Services
Ms A O’Halloran Executive Manager Western Operations
Mr L Softley Executive Manager Community & Economic Services
Mrs P Hanson Executive Assistant CEO

3.08.02 APOLOGIES
Cr S Dann Pannawonica Ward

3.08.03 APPROVED LEAVE OF ABSENCE

4.08.0 PUBLIC QUESTION TIME

4.08.01 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.08.02 PUBLIC QUESTION TIME

5.08.0 APPLICATIONS FOR LEAVE OF ABSENCE
6.08.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

6.08.01 PETITIONS

6.08.02 DEPUTATIONS

6.08.03 PRESENTATIONS
Richard Ellis from ESSO will be presenting an update on the Scarbourgh LNG Project

7.08.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.08.01 ORDINARY MEETING OF COUNCIL HELD ON 16 June 2009

Officers Recommendation

That the Minutes of the Ordinary Meeting of Council held on 21 July 2009, as previously circulated on 31 July 2009, be confirmed as a true and accurate record.

8.08.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9.08.0 DECLARATION BY MEMBERS

That Councillors have given due consideration to all matters contained in the Agenda presently before the meeting.
Summary

Council, at its April 2009 meeting resolved to consider the cost of work necessary to bring Yampire Gorge Road up to the standard of a 4 x 4 road in the Shire Budget for the Financial Year 2009/10.

Council wished to explore the viability of opening up Yampire Gorge Road in the long term.

An assessment and estimate of costs have been prepared for Council’s consideration.

Background

Yampire Gorge Road has been closed on a temporary basis for a number of years. The road was damaged by flood waters and Council Policy EMP02 (Prohibited Areas Wittenoom and Yampire Gorge) has prevented Shire employees accessing the area.

The latest temporary road closure has expired and it was for this reason that Council considered a report proposing to extend the temporary closure at its April 2009 meeting.

During the course of Council’s discussions the possibility of reopening the road to 4WD vehicles was considered. It was on that basis Council resolved, in part.

“That Council
4. Consider the cost of the work necessary to bring Yampire Gorge Road up to the standard of a 4 x 4 Road in the Shire Budget for the Financial Year 2009/10”.

Comment

Yampire Gorge Road is identified as a strategic road in the Roads 2020 Regional Road Development Strategy. The development of this strategy occurred some time ago and enquiry has not revealed reasons for this road being identified as strategic. The road did however, reportedly provide a scenic tourist drive and a shorter access route between Karijini National Park and Youngeleena community.

Discussions with the Department of Environment and Conservation reveal that the Department does not support the opening of the road.

Detailed assessment of the road has not been possible due to staff access restrictions as per Council Policy EMP02 – (Prohibited Areas – Wittenoom and Yampire Gorge), however using aerial photographs and rates for work in other locations within the Shire, a “ball park” estimate is possible.

The road is, according to Shire records, 27.47 km long. There are approximately 24 water way crossings and a substantial part of the road is in close proximity to or in the river bed.

These topographical issues coupled with environmental constraints result in higher than normal construction rates and potentially high maintenance costs which will be weather sensitive.

Assuming gravel and water are available reasonably close to the work (cart distance of no more than 15km) the estimated cost is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Camp Cost (operation, mob/demob)</td>
<td>$ 25,000</td>
</tr>
<tr>
<td>Project Management (80 hours)</td>
<td>$ 6,400</td>
</tr>
<tr>
<td>Drainage works ($2/m allow 50%)</td>
<td>$ 55,000</td>
</tr>
<tr>
<td>Resheeting (allow 6m wide at 150mm deep average @$5.25/m2)</td>
<td>$865,305</td>
</tr>
<tr>
<td>Signs/guide posts</td>
<td>$ 23,000</td>
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</tbody>
</table>

**TOTAL** (without contingency) $974,705

Normal maintenance would be $20,000 per annum with a spot re-sheet after 8 years at an estimated cost of $270,000. Annualized maintenance cost in today’s dollars is estimated at $53,750. This does not allow for wash outs or major reconstruction following storm events. Given the location of the road extra works could be expected on a regular basis.

Whilst it is technically possible to carry out this work the desirability of doing it is questionable. It is unlikely that, as an employer, the Shire could provide a demonstrably safe work site as required by the OSH Act. Irrespective of that, however, the cost of undertaking the proposed works is difficult to justify on the basis of a cost benefit analysis.
The State Government commissioned consulting engineers GHD to carry out a risk assessment of the area which assesses risk based on proximity to hazardous material and activity. The detail contained in the report is currently being assessed, as a part of a review of Council’s policies in relation to Wittenoom.

It is noted, however that an initial review suggests that there are health risks associated with exposure to asbestos. This risk to employees and contractors who would be required to work on the road is considered unacceptable, until proven otherwise.

Consultation

Chief Executive Officer
Department Environment & Conservation
Contract Project Manager
GHD Report “The Management of Asbestos Contamination in Wittenoom”

Statutory Environment

Occupational Safety and Health Act 1984

Policy Implications

Council Policy EMP02 – Prohibited Areas – Wittenoom and Yampire Gorge is relevant to this issue.

Financial Implications

The initial cost of the upgrade would be approximately $975,000 with normal ongoing annualized costs of approximately $53,750.

Strategic Implications

Yampire Gorge Road is identified as a strategic road in the Roads 2020 Regional Road Development Strategy.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council
  1. Notes the contents of the report
  2. Resolves not to include the cost of upgrading Yampire Gorge Road in the Shire’s 2009/10 Financial year Budget.
<table>
<thead>
<tr>
<th>Author:</th>
<th>Jeff Breen</th>
<th>Signature:</th>
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</thead>
<tbody>
<tr>
<td>Manager:</td>
<td>Keith Pearson</td>
<td>Signature:</td>
</tr>
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</table>

10.08.22 TEMPORARY ROAD CLOSURE – YAMPIRE GORGE ROAD

FILE REFERENCE: ES.RM7

AUTHOR’S NAME AND POSITION: Kardeen Black
 Engineering Services Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 23 June 2009

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE:
- Agenda item 10.04.06 Ordinary Meeting of Council 21 April 2009
- Agenda item 10.06.16 Ordinary Meeting of Council 19 June 2007
- Agenda item 10.12.29 Ordinary Meeting of council 18 December 2007

Summary

Council at its April 2009 meeting resolved to publically advertise the temporary closure of the entire length of Yampire Gorge Road, for an additional period of eighteen months, in accordance with the provisions of the Local Government Act sections 3.50, 3.50 (A) and 3.51.

Council also directed that the cost of the work necessary to bring Yampire Gorge Road up to 4 x 4 road standard to be determined in order that it can be considered for inclusion in the 2009/10 Financial year budget.

Background

Council previously resolved to temporarily close Yampire Gorge Road for a period of 18 months due to flood damage rendering the road unsafe to traffic.

That period of the earlier road closure has now expired.

It was recommended at the Ordinary Meeting of Council held on the 21 April 2009 to extend the temporary closure of Yampire Gorge Road for a further 18 months.

In order to comply with the Local Government Act 1995 sections 3.50, 3.50 (A) and 3.5, Council resolved to advertise the extension of the temporary road closure for a further 18 months.
While considering the April 2009 agenda item Council also resolved that the cost of reinstating the road to 4WD standard be investigated in order that the works can be considered for inclusion in the 2009/10 Financial Year Budget. That investigation is the subject of a separate report in this Council agenda (Agenda Item 10.08.21) It is noted that report recommends that the reinstatement works not be undertaken due to the cost of the work, as well as the occupational health and safety issues associated with the Council Policy EMP02 “Prohibited Areas – Wittenoom and Yampire Gorge”.

**Comment**

Notification of the temporary road closure was published in the West Australian on Saturday 16\(^{th}\) May and the Pilbara News on Wednesday 20\(^{th}\) May 2009. The closing date for submissions was Friday, 19\(^{th}\) June 2009. Public notices were placed on Shire notice boards.

No submissions were received.

It is recommended that Council proceed with the temporary closure.

**Statutory Environment**

Sections 3.50, 3.50(A) and 3.51 of the Local Government Act 1995.

**Policy Implications**

Council Policy EMP02 – Prohibited Areas – Wittenoom and Yampire gorge is relevant to this issue.

**Financial Implications**

There are no financial implications relative to this issue.

**Strategic Implications**

Yampire Gorge Road is identified as a strategic road in the Roads 2020 Regional Road Development Strategy.

**Voting Requirement**

Simple Majority Required
Officers Recommendation

That Council

1. Proceed with the closure to vehicular traffic of Yampire Gorge Road, all sections for a further period of eighteen (18) months.

2. Instruct the Chief Executive Officer to place signage to this effect

3. Instruct the Chief Executive Officer to notify relevant authorities and stakeholders as to the continued closure of the road.

<table>
<thead>
<tr>
<th>Author:</th>
<th>Kardeen Black</th>
<th>Signature:</th>
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<tbody>
<tr>
<td>Manager:</td>
<td>Jeff Breen</td>
<td>Signature:</td>
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10.08.23 SEVERANCE AND REDUNDANCY PAY POLICY EMP12

FILE REFERENCE: PE:RM

AUTHOR’S NAME AND POSITION: Felicia McDonald
Human Resources and Safety Coordinator

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 05 August 2009

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: Agenda Item 12.07.1045

Ordinary Meeting of Council held 11 February 2003

Summary

A review is currently being undertaken of all employment related policies to ensure compliance with current Industrial Relations, and Local Government legislation.

The purpose of the Severance and Redundancy Pay Policy is to establish guidelines for carrying out redundancies within the workplace and to outline processes for reducing the significant effect such redundancies can have upon employees.

Background

Section 5.50(1) of the Local Government Act requires Council to develop a policy in relation to employees whose employment with Council is concluding. The policy is required to set out the circumstances in which Council will pay an employee an amount greater than that identified by their terms of employment.

The Act states, in part

“5.50 Payments to employee in addition to contract or award

(1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out –

(a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
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(b) the manner of assessment of the additional amount,

and cause local public notice to be given in relation to the policy.

(1a) A local government must not make any payment of the kind described in subsection (1)(a) unless the local government has adopted a policy prepared under subsection (1).

(2) A local government may make a payment –

(a) to an employee whose employment with the local government is finishing; and

(b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government,

But local public notice is to be given in relation to the payment made.”

Comment

Attached to the Agenda is a copy of the existing as well as the proposed Severance and Redundancy Pay policies for Council’s consideration.

ATTACHMENT 10.08.23

The current Award provisions provide a maximum of 12 weeks’ severance pay for employees with 10 years or more service.

A search of a selection of Local Governments reveals a higher level of compensation offering 3 weeks per year of service over 5 years up to a maximum of 52 weeks pay. Examples are

The City of Geraldton–Greenough and City of Armadale

It is considered that the proposed draft policy more appropriately addresses the issues faced by a redundant employee such as relocation costs, remote isolation offering limited redeployment opportunities and accommodation shortages.

The proposed policy is also based on a model policy developed by the Local Government Workplace Solutions and is generally consistent with industry standards relevant to local government.

Consultation
Local Government Act 1995  
Industrial Relations Commission  
City of Armadale EBA 2006  
City of Geraldton-Greenough CUCA 2008  
Shire of Broome AWA 07-09  
Shire of Derby AWA  
Executive Manager Engineering Services

**Statutory Environment**

Local Government Act 1995, Section 5.50  
Relevant Industrial Relation legislation and Award conditions apply.

**Policy Implications**

This is a review of an existing policy.

**Financial Implications**

The amended policy will increase financial liabilities if redundancies are offered. Whilst this is not readily quantifiable it will approximately double payments for redundancy compared to the Award.

**Strategic Implications**

Strategic Plan 2007-11 Key Result Area 6 – A Well Managed and Contemporary Corporation

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That Council Adopts the proposed Council Policy EMP12 Severance and Redundancy Pay Policy

**ATTACHMENT 10.08.23a**

<table>
<thead>
<tr>
<th>Author:</th>
<th>Felicia McDonald</th>
<th>Signature:</th>
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<tbody>
<tr>
<td>Manager:</td>
<td>Jeff Breen</td>
<td>Signature:</td>
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### 10.08.xx ENGINEERING SERVICES DECISION STATUS REPORT

<table>
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<th>Council Meeting (mm/yy)</th>
<th>Agenda Ref.</th>
<th>Report Title</th>
<th>Council Decision</th>
<th>Current Status</th>
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</thead>
</table>
| 1  | 07/09                   | 10.07.16    | Duck Creek Road- Road Closure | That Council,  
1. Having noted that no submissions were received in response to public notice of the proposed closure, proceed with the closure to vehicular traffic of Duck Creek Road to vehicular traffic in accordance with Section 3.50 of the Local Government Act 1995.  
2. Instruct the Chief Executive Officer, to place signage to this effect, and advise Main Roads Pilbara Region of Council’s decision. | MRWA notified, signage being prepared. |
| 2  | 07/09                   | 10.07.17    | Tom Price Primary School – Conversion of Creek Road into One Way Thoroughfare | That Council  
1. Resolve to support the proposal to convert Creek Road into a one-way thoroughfare, in an anti clockwise direction.  
2. Direct the Chief Executive Officer to advise the Minister for Transport of Council’s decision and request that Creek Road be formally made one-way. | Letter sent to Minister for Transport. |
| 3  | 07/09                   | 10.07.18    | Shire Administration Building Temporary Office | That Council;  
1. Approves the immediate installation of a 12metre by 3metre relocatable office building at the rear of the existing Tom Price Office.  
2. Allocates $180,000 plus GST in the 09/10 budget to complete the work. | Quotes being sought |
| 4  | 07/09                   | 10.07.19    | Submissions for Major Business Undertaking – Nanutarra Munjina Road Reconstruction | That Council;  
1. Approve the Business Plan for the Munjina – Nanutarra Rd Reconstruction  
2. Approve the commencement of the project. | Design and agreement being finalized with Hamersley Iron. Application to MRWA to work in road reserve lodged. |
## AGENDA – ORDINARY MEETING OF COUNCIL
18 August 2009

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| 5 | 04/09                  | 10.04.06    | Temporary Road Closure – Yampire Gorge Road | 1. That Council approves the advertising of the temporary closure of Yampire Gorge Road (all sections) for an additional period of eighteen months, in accordance with the provisions of the Local Government Act.  
2. Review Council Policy EMP02  
3. Include in next budget review the cost of required work for road maintenance of Yampire Gorge Road. | Ongoing  
Advertising ends 19th June 2009.  
Subject to a report August 09 meeting. |
| 6 | 04/09                  | 10.04.07    | Warara Street – Major Land Transaction and Shire Development | That Council:-  
1. Advise the Department of Planning and Infrastructure that the Council of the Shire of Shire of Ashburton accepts the offer of purchase price of $230,000.00 (including GST) as outline in its letter of 27 January 2009 for Lot 327 Warara Street, Tom Price.  
2. Allocate funding including of up to $240,000 for the purchase of Lot 327 Warara Street, including legal and transfer costs, from general revenue.  
3. Instructs the CEO to prepare a Business Plan for the development of Lot 327 Warara Street Tom Price, in accordance with the provisions of Clause 3.59 of the Local Government Act | Ongoing  
Contract of Sale forwarded to DPI for finalisation.  
Meeting held with DH&W regarding purchase of land or land house package.  
Formal response required to finalise Business Plan.  
Business Plan subject of report to Council August meeting.  
Legal advice being sought regarding contract |
| 8 | 07/07                  | 10.07.19    | Residential Land Development – Tom Price | That Council approves the staged development and sale of residential land in Tom Price as generally outlined in the report, subject to the costing of the project being incorporated into the Shire’s budget for the 2007/08 financial year. | Ongoing  
Business Plan being prepared.  
Valuation being undertaken by Landgate but not yet |
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<tr>
<th>#</th>
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<th>Council Decision</th>
<th>Current Status</th>
</tr>
</thead>
</table>
| 9  | 05/07                   | 10.05.13    | Proposed Sale of Land – Lot 308 Boonderoo Road, Tom Price | That Council;  
1. Directs the EMES to carry out a preliminary subdivision design for the vacant Lot 308 Boonderoo Rd land owned by the Shire.  
2. Directs the EMES to seek a valuation of the proposed subdivision and prepare a detailed cost estimate for all works including survey, design and construction.  
3. Subject to financial viability, directs the CEO to call tenders for the subject land subject to the provisio that subdivision of the land, availability of title and provision of services be completed within 6 months of the sale, and the tender be on the basis that there is no requirement to accept any tender. | Ongoing  
Business Plan and Development plan in process of preparation.  
Valuations by Landgate in progress.  
Proposed plan of subdivision being reconfigured to allow improved yield.  
Awaiting re-design to enable report to Council. |
| 10 | 04/07                   | 10.04.07    | Relocation of Onslow Landfill | 1. That the new Onslow Landfill Site be located adjacent to Onslow Road, 17km from Onslow as identified as Site 3 by the consultant, Sinclair Knight Mertz in its report titled ‘Onslow Landfill Options’ subject to environmental approvals being forthcoming.  
2. That following relevant approvals being obtained for Site 3, the site be used as the new Onslow Landfill Site. A Further transfer station be established on the existing landfill site in Eagle Nest Rd following closure and rehabilitation of that site.  
3. That funds amounting to $100,000 be transferred from the Urban Road Maintenance Account No E121045 (Spent to Date $135,000 from budget $410,000) and that a new account be | Ongoing  
Monitoring bores completed.  
Geotechnical report received early August.  
Land lease of new site being processed by DPI. Change of DPI personnel has delayed progress.  
Consultants (SKM) seeking DEC approvals. |
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<th>#</th>
<th>Council Meeting (mm/yy)</th>
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<th>Current Status</th>
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<td>established to carry out further investigative works on Site 3 prior to seeking approvals and final design.</td>
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</table>

**Officers Recommendation**

That Council note the contents of this report
11.08.0 COMMUNITY & ECONOMIC SERVICES REPORTS

11.08.15 AUTHORISED OFFICERS – DOG ACT 1976

FILE REFERENCE: LE.AC.3

AUTHOR’S NAME AND POSITION: Donna Reid Administration Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 29 July 2009

DISCLOSURE OF FINANCIAL INTEREST: The Author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: Not Applicable

<table>
<thead>
<tr>
<th>Summary</th>
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<tbody>
<tr>
<td>This report is to authorise Hayley McLean and Fiona Dent as Dog Registration Officers.</td>
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<table>
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<tr>
<th>Background</th>
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<tr>
<td>Due to recent staff changes this report is to ensure that all staff dealing with dog registrations are correctly authorised as Dog Registration Officers under the provisions of the Dog Act 1976.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Comments</th>
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<tbody>
<tr>
<td>Authorisations are required to enable Hayley McLean and Fiona Dent, Onslow Staff members to act as Dog Registration Officers under the provisions of the Dog Act 1976.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policy Implications</th>
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<tbody>
<tr>
<td>This is required to maintain agreed levels of services and service delivery. Council Policy REC04, “Dog Exercise Areas” is relative to this issue.</td>
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<tr>
<th>Financial Implications</th>
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<tbody>
<tr>
<td>There are no financial implications relative to this issue.</td>
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</tbody>
</table>

| Statutory Environment |
Acts of Parliament:
Dog Act 1976 and associated regulations.

Shire of Ashburton Local Laws:
Local Law relating to Dogs 1998
Local Law relating to the Control of Cats 1998

**Strategic Implications**

There are no strategic implications relative to this issue.

**Voting Requirement**

Simple majority vote.

**Officers Recommendation**


<table>
<thead>
<tr>
<th>Author : Donna Reid</th>
<th>Signature :</th>
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<tbody>
<tr>
<td>Manager : Larry Softley</td>
<td>Signature :</td>
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</table>
## 11.08.16 COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT

<table>
<thead>
<tr>
<th>#</th>
<th>Council Meeting (mm/yy)</th>
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<tbody>
<tr>
<td>1</td>
<td>07/09</td>
<td>11.07.12</td>
<td>Location of Entry Statement – Tom Price</td>
<td>Council appoint Crs Fernandez, Musgrave and Bloem, the Executive Manager, Community &amp; Economic Services Larry Softley and the Executive Manager, Engineering Services, Jeff Breen to a working group for the purpose of looking at all the options for the establishment of the Tom Price Town Entry Statement.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>2</td>
<td>07/09</td>
<td>11.07.13</td>
<td>Community Cultural &amp; Sports Grants &amp; Sponsorship</td>
<td>That Council adopts the amended Council Policy REC08 “Community Donations, Sponsorships &amp; Funding”, including the Recreation &amp; Culture Grant Scheme Guidelines</td>
<td>Finalised Policy incorporated into Policy Register</td>
</tr>
</tbody>
</table>
| 3  | 05/09                  | 11.05.09    | Appointment of Bush Fire Control Officers | That Council 1. Request the BFAC carry out a review of all Fire Control Officers (FCO) Positions within the Shire of Ashburton.  
2. Request the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer (CBFCO’s) approach members of the Onslow ESU and the Private VFRS brigades in Tom Price and Paraburdoo to obtain a list of interested parties.  
3. Increase the number of FCO’s appointed for the Paraburdoo Area from two (2) to three (3)  
4. Increase the number of FCO’s in the Western Sector of the Shire from two (2) to three (3) | Ongoing Process begun, nominations to be called at BFAC meeting in September & recommendations tabled at Council meeting in October. |
<p>| 4  | 11/08                  | 15.11.01    | Proposed Paraburdoo Mechanical Shovel Tourist Project | That Council a) Support the installation of a “mechanical shovel” to be gifted by Rio Tinto Ltd on the Paraburdoo Caravan Park site, subject to a satisfactory investigation into the impact of the proposal on the proposed Paraburdoo Caravan Park and Public safety. | Ongoing Rio Tinto has advised that the shovel will not be available until the second half of this calendar year. |</p>
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<td>5.</td>
<td>06/08</td>
<td>11.06.14</td>
<td>Proposal to Combine the Paraburdoo Shire Office and Paraburdoo Library</td>
<td>That Council: 1. Approve renovation costs estimated at $45,000 to move the existing Paraburdoo Office, jointly occupied by United Credit Union (UCU) in the main shopping walkway, to a location next to the Paraburdoo Library with provision being made in the 2008/09 Budget; 2. Instruct the Chief Executive Officer to arrange a new five year lease agreement between the Shire of Ashburton and UCU for occupying the whole premises incorporating the following: • Rental value of $400.00 per week • UCU are to be responsible for their own utilities (i.e. Power and Water) and cleaning costs; 3. If negotiations are unsuccessful with UCU, instruct the Chief Executive Officer to call for Expressions of Interest for the lease of the building and report back to Council.</td>
<td>Ongoing Office now operational. Negotiations for new lease arrangements with UCU ongoing.</td>
</tr>
<tr>
<td>6.</td>
<td>05/08</td>
<td>11.05.08</td>
<td>Review of Council Policies – Recreation &amp; Culture</td>
<td>Requests the Chief Executive Officer to conduct a further review in relation to Council Policies REC05 &amp; REC07 and report back to Council.</td>
<td>Ongoing Administration Manager has reviewed a number of policies that have been adopted by Council and remaining policy reviews are awaiting legal advice.</td>
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<tr>
<td>7.</td>
<td>05/08</td>
<td>11.05.09</td>
<td>Proposed Tom Price Structure Plan &amp; Town Centre Revitalisation Plans</td>
<td>That Council; 1. Form a Tom Price Structure Plan and Town Centre Revitalisation Working Group, consisting of Cr Bloem, Cr Martin &amp; Cr Fernandez, Chief Executive Officer, Executive Manager Community and Economic Services, Executive Manager Engineering Services, representative of Department for Planning &amp; Infrastructure, representative of Department of Industry and Resources, representative of</td>
<td>Ongoing Subject to State Government Statement 14 May 2009</td>
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b) Delegation to the Chief Executive Officer the authority to make a final decision in relation to this matter after having regard to (a) and (ii) above and after consultation with Cr Linton Rumble and Cr Ivan Dias.
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| 8  | 10/08                   | 11.10.26    | Reconstruction of Vic Hayden Memorial Swimming Pool | 1. Resolves to bring forward funding of $400,000 this fiscal year 2008/2009 for the construction of the smaller pool at the Vic Hayden Memorial Pool Tom Price.  
2. Resolves to endorse the early start of construction (pending confirmation of RIFP funding) by ACS Pty Ltd for the construction of the smaller pool at the Vic Hayden Memorial Pool Tom Price |
|    | 02/08                   | 11.02.01    |                                                  | Council decision as at February 2008  
That Council;  
1. Directs the CEO to secure the necessary funding to refurbish the Vic Hayton Memorial Pool;  
2. Providing that the necessary funds are available, resolves to refurbish the Vic Hayton Memorial Pool generally in the following manner;  
   o Refurbishment of the existing pool, retaining it as a 50metre, six lane facility including removal of the surrounding upstand, increase in return water gutter capacity, installation of a semi-wet deck, installation of new waterstop joints, tiling and provision of new hardware  
   o Upgrade of balance tank and plant room including new pumps and filtration system and extension of plant room  
   o Demolition of existing toddler’s pool and construction of new toddler’s of semi – circular shape with radius 3.81m and depth 230mm to 300mm connected to a children’s pool, being a rectangular pool with curved sides 6.1m x 12.8m and depth 760mm to 910mm.  
   o Demolition and construction of concrete concourse including new drainage |
|    |                         |             |                                                  | Ongoing  
Works currently in progress.  
Concrete work on children's pool completed.  
Tiling of main pool to be completed in September |
### AGENDA – ORDINARY MEETING OF COUNCIL

**18 August 2009**

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<td>9.</td>
<td>08/07</td>
<td>11.08.09</td>
<td>Expressions of interest reserve 39204 Tom Price (Archery Site)</td>
<td>That Council a) Invite expressions of interest from persons or community groups interested in entering into a License Agreement to occupy Reserve 39204 b) That any proponent be required to seek necessary approvals and site clearance as part of their expressions of interest.</td>
<td>Ongoing Awaiting comment from DPI in regards to Management of Reserve and restrictions.</td>
</tr>
</tbody>
</table>

**Officers Recommendation**

**That Council note the contents of this report**
AGENDA – ORDINARY MEETING OF COUNCIL  
18 August 2009

12.08.0 CORPORATE SERVICES REPORTS

12.08.44 USE OF COMMON SEAL UNDER DELEGATED AUTHORITY

FILE REFERENCE: AS.AS

AUTHOR’S NAME AND POSITION: Pam Hanson  
Executive Assistant CEO

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 11 August 2009

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

This report details the use of the Common Seal of the Shire of Ashburton under Delegated Authority.

Background

At the 11 April 2006 Council Meeting, Council noted the contents of a report which outlined a proposal to regularly inform Council of details relating to the use of the Common Seal.

Comment

The Common Seal has been affixed to the following documents since 21 July 2009.

Seal 298 Deed of Mutual Release, Stewart v CSR Limited & Ors- Wittenoom Litigation

Consultation

Chief Executive Officer

Statutory Environment


Policy Implications
There are no policy implications relevant to this issue.

**Financial Implications**

There are no specific financial implications related to this issue.

**Strategic Implications**

Strategic Plan 2007-2011 (Incorporating Plan for the Future)
6 – Well Managed and Contemporary Corporation

*Statutory Compliance, compliance with Shire of Ashburton procedures and policies*

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That Council note the contents of this report

<table>
<thead>
<tr>
<th>Author:</th>
<th>Pam Hanson</th>
<th>Signature:</th>
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<tbody>
<tr>
<td>Manager:</td>
<td>Keith Pearson</td>
<td>Signature:</td>
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</tbody>
</table>
12.08.45 STAFF ACCOMMODATION AND UTILITIES POLICY REVISION

FILE REFERENCE: PE.RM.1

AUTHOR’S NAME AND POSITION: Amanda O’Halloran
Executive Manager Western Operations

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 10 August 2009

DISCLOSURE OF FINANCIAL INTEREST: The Author has declared a financial interest in that the proposed restructure will impact on her terms of employment.

PREVIOUS MEETING REFERENCE: Agenda Item 12.12.71 Ordinary Meeting of Council 18 December 2008

Summary

In December 2008 Council resolved to cease rental payments for employees, cease utility subsidies and stop the “bank like practice” of the sundry debtor accounts system. In working through the process for implementation, further amendments to the policy and the December decision of Council are recommended.

Background

At the December 2008 Ordinary Meeting of Council – Council Resolved to –

a) Cease the payment of rents and include the cost in the individual package of the employee’s position.
b) Instruct staff to take on the direct payment of utilities with no subsidy from the Shire.
c) Amend the lease agreement to include the payment of $500.00 bond from the final pay of the employee and the further charging of maintenance expenses as deemed appropriate from the final inspection of the Shire property. All funds not required will be repaid to the employee.
d) Cease the sundry debtor “bank like” practice and refund the employees funds on reconciliation of the accounts.

1. Instruct the CEO with assistance of the Executive Manager Western Operations and Finance in conjunction with Human Resources to review the relevant policies to reflect the directives above.

Extensive consultation with Management and Staff has been undertaken, and whilst change is always regarded with caution research and employee feedback had led to the following proposed amendments to the initial resolution of Council.
Comment

It is still the primary purpose of the amendments to the Housing and Utility Policy EMP 19 to support streamlined financial management and decrease the Fringe Benefit impost on the Council. Following employee consultation and extensive research the following changes to the December 2008 resolution of Council are proposed –

- **Rental Allowance** – It is proposed that the $90.00 rental allowance continue for full time staff of the Shire where the employee is in a rental situation and no other subsidy/allowance is received. This will be paid as an allowance each fortnight. (Total yearly allowance $4680)

- **Utility Allowance** – It is proposed that an allowance of $30.00 a week is paid to full time staff of the Shire. The allowance will be pro rata for all other employees per hours worked. Proof that no other subsidy is received by the household is required prior to payment of the allowance. (Total yearly allowance $1560.00)

_Therefore – Full time employees renting privately in the Shire will receive a weekly combined rental and utilities subsidy of $120.00 a week._

- **Utility subsidies**
  - It is proposed that electricity and gas be on charged as per the December 2008 resolution of Council. It is further proposed that water be removed from the equation and continue with the status quo and further research goes into recognising an appropriate usage level for the region and perhaps some strategies for “water wiseing” are supported. There are complexities related to the on charging of water, most significantly the very large discrepancy in cost per unit between Onslow and Tom Price/Paraburdoo, with Onslow paying up to 10 times the cost per unit. Therefore the Policy will outline the following –
  - **Electricity and gas** become the responsibility of the employee
  - **Water** Council will subsidise water usage costs of employees who occupy Shire owned residences, or employees occupying leased premises where housing is provided as part of their employment package. The subsidy is provided on the condition the surrounds and gardens of such residences are kept to a satisfactory standard. Council will pay costs incurred in utilising 1500KL per year for all towns. Any units above these amounts shall be the responsibility of the tenant and will be charged through the Debtors system.

_Ongoing Benefits_

The streamlining of processes and reduction in day to day tracking of funds through both the debtors and payroll systems will have considerable positive impacts on the resourcing in the finance department and allow staff to concentrate on compliance priorities.

The above mentioned initiatives have been benchmarked against surrounding Shires. The proposed conditions will make the Shire of Ashburton leaders in terms of housing incentives with the Shire of Roebourne and The Shire of Derby/West Kimberly not far behind. In recent times with high levels of staff turnover it is prudent to ensure retention of staff is supported.
Consultation

Executive Management Team
Shire of Ashburton Consultative Committee
Individual Staff Members
Shire of Ashburton Staff
Survey of Regional Local Governments
WALGA

Statutory Environment

Local Government Act 1995
Local Government Finance Regulations.

Policy Implications

As per Attached – Staff Housing Policy EMP 19

Financial Implications

Water costs for the Shire will remain unchanged in the short term. All other previously documented benefits as per December 2008 resolution of Council remain.

Strategic Implications

Strategic Plan 2007-2011 (Incorporating Plan for the Future)
  6 – Well Managed and Contemporary Corporation
      1. Implement Strategy to optimise Leadership, performance and staff retention
      5. Increase business prowess
      6. Implement a transparent, equitable and financially sustainable finance and rates strategy.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council -

That Council approves the Staff Housing Policy EMP 19 as amended attachment

ATTACHMENT 12.08.45

<table>
<thead>
<tr>
<th>Author</th>
<th>Amanda O’Halloran</th>
<th>Signature</th>
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<tbody>
<tr>
<td>Manager</td>
<td>Keith Pearson</td>
<td>Signature</td>
</tr>
</tbody>
</table>
12.08.46 AMENDMENT TO COUNCIL POLICY FIN12 – PURCHASING & TENDER

FILE REFERENCE: OR.CR.2

AUTHOR’S NAME AND POSITION: Amanda O’Halloran
Project Officer, Western Operations

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5th August 2009

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE:
Agenda Item, 10.05.10, Ordinary Meeting of Council 21 April 2009
Agenda Item, 12.02.07, Ordinary Meeting of Council February 2008

Summary

This report recommends that Council amend Council Policy FIN12 “Purchasing and Tendering” to incorporate additional officers authorised to purchase goods.

The proposed additional officers are Projects Officer, Western Operations and Western Operations Coordinator.

Background

The Purchasing and Tender Policy was adopted by Council in September 2007 as a response to changes to the Local Government (Functions and General) Regulations 1996 (WA) which increased the tender threshold from $50,000 to $100,000. It also details the thresholds of officers of Council who are authorised to purchase goods to varying amounts.

The policy was subsequently reviewed at the April 2009 meeting of Council.
Comment

In order to increase the efficiencies and business workflow it is requested the roles of Project Officer, Western Operations and Western Operations Co-ordinator be granted purchasing authorisation up to the amount of $5,000. This is to increase purchasing efficiencies and to enable staff to actively coordinate their area of business.

A copy of the amended policy is attached for consideration

ATTACHMENT 12.08.46

Consultation

Chief Executive Officer
Executive Manager Engineering Services
Project Officer

Statutory Environment

Local Government Act 1995, Section 2.7(2)(a) and (b) and Section 6.5(a).
Local Government (Financial Management) Regulations 11(1)(a)
Local Government Act (Functions and General Regulations. 1996 (as amended in March 2007)

Policy Implications

Purchasing and Tender Policy FIN12

Financial Implications

There are no financial implications relative to this issue

Strategic Implications

Strategic Plan 2004-2009, Result Area Best Practice Local Government, "Develop sound financial management and reporting systems" and Result Area – Better Practice Local Government”, by reviewing and analysing all Council Services and functions for relevance, statutory compliance and reporting mechanisms.

Voting Requirement

Simple Majority Required

Officers Recommendation
AGENDA – ORDINARY MEETING OF COUNCIL  
18 August 2009

That Council approves the Purchasing and Tender policy FIN12 as amended (see attachment 12.08.46)

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<thead>
<tr>
<th>Author:</th>
<th>Amanda O’Halloran</th>
<th>Signature:</th>
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<tr>
<td>Manager:</td>
<td>Keith Pearson</td>
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</table>
Summary

For the last two and half years the Shire’s administration has had extensive discussions with various State Government agencies and Rio Tinto Iron Ore Pty Ltd (in its capacity as a lease holder of underdeveloped land and the main utility provider in Tom Price) in an endeavour to provide an urgently needed supply of serviced residential land in Tom Price.

This report details recent developments in relation to this matter, in general, and outlines a proposal to make further residential land available in the town.

Background

For the last two and half years the Shire’s administration has had extensive discussions with various State Government agencies and Rio Tinto Iron Ore Pty Ltd (RTIO), in its capacity as the leaseholder of underdeveloped land and the main utility provider in Tom Price, in an endeavour to provide an urgently needed supply of serviced, residential land in Tom Price.
The process commenced when Council at its October 2006 ordinary meeting considered a request form the Minister for State Development for Shire comment in relation to a proposed variation to the Iron Ore (Hammersley Ranges) State agreement whereby the life of the existing 400 person construction worker accommodation facility, at the entrance to the Tom Price Mine, be extended from July 2007 until the end of 2011 and the camp be used by mine operation staff.

Following its deliberations, Council resolved

“That Council

1. Advise the Minister for Industry and Resources that while Council does not support Fly-in fly-out resource projects it recognizes the specific circumstances of this case and it has no objection to the life of 400 beds of workers accommodation at the Tom Price Mine Site being extended until December 2011 and 120 beds of workers accommodation at the Paraburdoo Special Lease Site adjacent to the mine being extended until December 2008, pursuant to the Iron Ore (Hammersley Range) agreement subject to the Shire President, the Chief Executive Officer, Cr Martin and Cr Rumble finalising the terms of a (‘value proposition’) agreement with the company’.

Later, at its meeting held in February 2007 Council considered a report to development application for a workers accommodation facility in Paraburdoo. The use was, in fact, not permitted by the Shire’s planning scheme. Council, did, however, appreciate the problem of a lack for a range of the types of accommodation in both Tom Price and Paraburdoo. As a result Council resolved, in part

“Council initiate urgent and immediate discussions with Pilbara Iron and endeavour to identify solutions to an existing critical housing shortage within the towns of Tom Price and Paraburdoo”

The Minister for State Development, the Hon Eric Ripper, noted Council’s resolution and as a result, only extended the life of the Tom Price and Paraburdoo Mine workers accommodation facilities until 31 December 2007, with the undertaking it would be extended until the end of 2011, in the event of the Shire confirming, in writing, that it (the Shire) was of the opinion that satisfactory progress was being made in the release of company controlled land in Tom Price, for residential use by others.

In the period leading up to 31 December 2007 the Shire administration had numerous inconclusive meetings with RTIO, in relation to both the company relinquishing its leases over underdeveloped Crown Land in the town and the company’s ability to provide utility services (sewerage, water and electricity) to any new land releases in the town.

Specific issues of contention were the company’s inability to guarantee capacity in the utility systems for new subdivision and a failure to come to an agreement with regards to the company relinquishing its interest in undeveloped sites within the town boundaries.

It was in this context that Council at its November 2007 meeting passed the following resolution in relation to the Minister for State Developments request for the Shires opinion in relation to a further time extension to the life of the 400 person Tom Price Mine Camp and the 120 person Paraburdoo Mine Camp.
“That Council advise Rio Tinto Iron Ore P/L and the Minister for State Development that

1. on the basis of discussions to date, the Shire is unable to provide a letter confirming satisfactory progress has been made by the company in the release of company controlled land, but

2. the Shire is of the opinion that a time extension until 31 December 2008 is warranted subject to the company
   a. initiating and financing an independent review of existing power, water and sewer infrastructure in Tom Price. The purpose of the review being to assess the capacity and functionality of the current infrastructure to;
      • Ensure the existing facilities are capable of serving the infrastructure requirements of Tom Price as it is currently developed and zoned for development under the Town Planning Scheme No 7
      • Ensure the infrastructure complies with current Australian Standards
      • Estimate the useful remaining life of the existing infrastructure and the renewal gap cost
   b. implementing the recommendations contained in the Consultant’s report at the cost to the company.
   c. funding an independent Order of Magnitude study with regard to future capacity requirements based on long term Town Planning options. The company will seek to develop the Terms of Reference for the study in conjunction with the Shire of Ashburton. The study shall enable key stakeholders to understand what the future capacity requirements may be, however there is no commitment on behalf of the company in terms of developing the future capacity.
   d. agreeing to relinquish one of two Lots of residentially zoned land in Tom Price currently held under a special lease. These lots are known as:
      • Lot 2B “Golf Course subdivision” and;
      • Lot C “Karijini Special Use Zone”
   e. committing to review its potential requirement for further residential housing development in line with Operational needs by end of 2008. The company shall advise the Shire accordingly of any requirements with a view to entering into discussions around potential for the company to relinquish the second lot as per above.
   f. shall, in consultation with the Shire of Ashburton, establish a process to facilitate the development of land within Tom Price similar to a normal service provider.
g. participating and assisting with the development of a Structure Plan for Tom Price along with other stakeholders including Land Corp, DPI, DOIR and the Shire of Ashburton.

h. undertaking an urgent and realistic assessment of the infrastructure needs to support the development of the proposed tourist facility off Central Road. RTIO will provide the required facilities within reasonable proximity (30m max.) of the site (sewer to be at lowest point).

i. with the Shire establishing a process to progress the normalisation of water, electricity and sewer infrastructure.

j. with the Shire establishing a Memorandum of Understanding to articulate the aspirations of both parties and to establish a framework to work cooperatively to achieve those aspirations.”

This resolution came to be known as the Shire’s “Ten Point Plan”

The then Minister for State Development accepted Council’s comments and on that basis extended the life of the workers camps until 31 December 2008.

Discussions continued with RTIO throughout 2008 however little, if any, progress was made with regard to either the release of land or the status of the town’s utilities.

In late 2008 the company approached the new Minister for State Development (there had been a change of government during this period of time) with a request to extend the life of the camps further and to increase the size of the Tom Price facility from 400 beds to 700 beds.

Council considered the matter again in November 2008 and, after having regard to the lack of progress, resolved

“That Council advise the Minister for State Development and RioTinto Iron Ore Pty Ltd that the Shire of Ashburton does not support the company’s proposal to extend the life of the Tom Price and Paraburdoo Mine site accommodation camps by three years and two years respectively, nor does it support the expansion of the Tom Price camp from 400 to 700 beds, for the following reasons;

a) the conditions attached to Council’s conditional agreement to extending the life of the camps (Council resolution 20 November 2007) have not been satisfactorily addressed by the company; and

b) no assessment of the potential adverse social and other impacts of the expanded Tom Price camp on the town of Tom Price has been undertaken.”

The Minister chose to ignore Council’s comments and extended the life and size of the mines, in the manner requested by the company.
Comment
The Minister for State Development’s decision in late 2008 not to include in the approval to extend the life of the mine camps a requirement that the company negotiate the issues of concern to Council had the potential to be a serious impediment to Council’s endeavours to achieve its goal of achieving land releases in the town. Events have, however, proven that to be incorrect.

Throughout the 2009 Calendar year RTIO and Shire representatives have met regularly and have progressed the items identified in the “Ten Point Plan” to the point where the objectives upon which they are based have, in practical terms, been addressed.

Most significantly independent engineering studies have now been undertaken of the town’s utility services and these have indicated to the Shire administrations satisfaction that, although there are localised constraints in the systems, there is sufficient capacity in all services to accommodate, at least the requirements of the land which is more immediately able to be developed.

Further, the company has established procedures to handle requests from private developers, who are seeking advice in relation to the provision of utilities to land which is about to be developed.

A further significant development has been the company’s offer to relinquish its lease over the underdeveloped “Golf Links” site (Lot 2B), thus enabling the Shire to gain tenure over the site which is capable of supporting approximately 25 residences, without there being significant servicing issues.

It is recommended that Council accepts RTIO’s offer to relinquish its lease over the “Golf Course” site and that Council request that the State Government make the land available to the Shire for residential development.

Consultation
Rio Tinto Ltd
Department for State Development
Executive Manager Engineering Services
Executive Manager Community & Economic Services

Statutory Environment
Iron Ore (Hammersley Ranges) Act

Policy Implications
There are no known policy implications relative to this issue.

Financial Implications
AGENDA – ORDINARY MEETING OF COUNCIL  
18 August 2009

There are no immediate financial implications for the Shire in relation to this matter. In the event of the Shire considering the possible development of the Golf Course Subdivision, itself, the project would be the subject of a detailed costing prior to any commitment to proceed, with the subdivision.

Strategic Implications

There are no strategic implications relative to this issue

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council:-

1. Accept Rio Tinto Ore Pty Ltd’s proposal to relinquish its lease of the Golf Course site (Lot 2B) Tom Price, in order that the Shire may facilitate its development for private residential use, and

2. Request the State Government grant the Shire tenure over Lot 2B in a manner suitable for developing the site for residential purposes.

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<tr>
<th>Author: Keith Pearson</th>
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<td>Manager: Keith Pearson</td>
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12.08.48 LOCAL GOVERNMENT REFORM

FILE REFERENCE: OR.IG.2.17

AUTHOR’S NAME AND POSITION: Keith Pearson
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 11 August 2009

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: Agenda Item 12.03.12, Ordinary Meeting of Council 17 March 2009
Agenda Item 12.04.17 Ordinary Meeting of Council 21 April 2009

Summary

In February 2009 the Minister for Local Government announced a local government structural reform process based upon “voluntary” amalgamations.

The process has progressed to the point that responses have been received by all Local Governments, to the Reform Checklists submitted to the Local Government Reform Steering committee by individual Councils.

It is now necessary to progress the Shire’s final response to the reform process. This has to be achieved by the amended deadline of 30 September 2009.

Background

Council at its March 2009 meeting considered a report in relation to the Minister for Local Government’s proposal for local government structural reform through the state.

The agenda report detailed the process that the Minister proposed to follow. It noted that an initial step to be completed by each local government was the completion of a reform checklist which was to be used to assess individual Local Government’s sustainability.

The March agenda report noted that the deadline for submitting the reform checklist to the local Government Reform Steering Committee was 30th April 2009. It also noted the whole process must be completed by 31 August 2009 (the Minister for Local Government has just extended this deadline to 30 September 2009).
Following its deliberations Council resolved:

“That the Council:

1. Direct the CEO to prepare the reform checklist for adoption at the April Council meeting.

2. Determine that it is of the belief that any amalgamation that increased the area of the existing Shire of Ashburton district may be detrimental to the Shire and its residents.

3. Enter into discussions with the neighboring local governments to determine their attitudes and proposals in relation to the Minister’s proposals at the April Council meeting.

4. Considers that the Pilbara Regional Council model could be further developed with an expanded role and increased service delivery potential and provide a better outcome in the Pilbara than any amalgamation.

5. Suggest to the relevant neighboring local governments that the Pilbara Regional Council may be suitable body to provide the framework for the regional project team.

6. Consider the skill sets required to establish the project team for determination at the April meeting of Council.

7. Believes that the current number of nine elected members needs to be assessed.

8. Commences a media campaign to inform the public of the progress in relation to this matter”.

A second report was submitted to Council, at its April 2009 meeting. That report included a draft “Reform Checklist” and detailed the outcome of discussions with adjacent Local Governments.

Following its deliberations Council resolved:

“That the Council:

a. Endorse a Reform Checklist, generally in accordance with the attached document, (Attachments 12.04.17) for forwarding to the Local Government Reform Steering Committee.

b. Nominate the Shire President and the Chief Executive Officer as the Shire of Ashburton’s representatives on any Local Government Reform Process Project Team formed by the four Pilbara Local Governments to investigate regional sharing opportunities.
c. Proposes the retention of a Council consisting of nine Councillors”.

The Shire subsequently submitted its “Reform Checklist” to the Local Government Reform Steering Committee by the 30th of April 2009 deadline.

The Steering Committee has now completed its review of all the checklists it received and has provided a response to individual Local Governments. In that response the Steering Committee noted:

“The Steering Committee has developed a standardized methodology for assessing the information provided in the checklists against objective criteria. The purpose of this methodology is to assess the current operations of each local government and to identify capacity gaps which might impact on its ability to meet current and future community needs.

This assessment identifies particular strengths and weaknesses and includes recommendations relating to structural reform where this might address the capacity gaps identified to assist local governments with progressing reform”.

It went on to state that it made a determination as to which of three categories individual Local Governments fitted into, these being:

**Category One:** evidence indicates that there is existing organisationl and financial capacity to meet current and future community needs. Local Governments should still consider reform opportunities which enhance service position to local and regional communities.

**Category Two:** structural reform including amalgamation/boundary adjustments and formalization of regional groupings should be considered to enhance organisational and financial capacity to meet current and future community needs.

**Category Three:** significant structural reform including amalgamation and formalization of regional groupings is required to ensure long term community and organisational benefit in order that the needs of the current and future generations are met.”

The Committee assigned a Category 3 classification to the Shire of Ashburton, the same as it assigned to the Town of Port Hedland and the Shires of Roebourne and Port Hedland.

A copy of the Steering Committee’s assessment is attached.  

ATTACHMENT 12.08.48

**Comment**

Throughout the reform agenda process there has been a significant level of uncertainty as to the precise nature of the State Government’s intentions. More significantly, it has been very difficult
to establish the extent to which regional Councils are an acceptable model compared with amalgamations.

Throughout the review process the four Pilbara Local Governments have received general advice that, for practical reasons, a strong and active Regional Council represents the most viable alternative for the Pilbara Region. In the last week, however, there have been a number of statements from the Premier and relevant Ministers which have clouded the issue. These include:

- **The Minister for Local Government – Hon. John Castrilli**: During the WALGA Local Government Week Conference the Minister strongly emphasized the need for amalgamation. He also made it clear that reform was expected to be more than simple “sharing” arrangement through Regional Councils. Rather, the expected decision making was to be made at the regional level and not by referral back to individual Local Governments.

- **The Minister for Regional Development – Hon Brendan Grylls**: The Minister relayed a consistent message during this “Local Government Week” speech and during a meeting in Tom Price a few days earlier. He reiterated that he did not support “forced amalgamation” however he saw a need for, and expected genuine reform. Further he stated that those Local Governments which undertook meaningful reform would be given preference in the distribution of the Royalties for Regions funding. At a more specific level, he advised that he believed that the four Pilbara Councils could achieve the reform objectives through the Pilbara Regional Council.

- **The Premier – Hon. Colin Barnett**: The Premier’s speech mirrored the Minister for Local Governments’ in its emphasis on the need for strong reform across the whole Local Government scene.

The speeches, in combination, highlighted an apparent higher level of commitment to local government reform amongst State Politicians than had seen in the past. It is unfortunate, however, that this clarification of objectives has only come at the end of the review process.

It is in this context that Council needs to review the path it proposes to commit to. There are three options open to Council, these being:

- A strengthened Regional Council
- Amalgamation
- Boundary Redistribution

**Regional Council Model**

Council, at its March 2009 Council Meeting, when considering Local Government Reform, passed a resolution, which stated, in part:
“Council considers that the Pilbara Regional Council model could be further developed with an expanded role and increased service delivery potential and (would) provide a better outcome in the Pilbara than an amalgamation”.

The other three Pilbara Local Governments have come to a similar conclusion and it is on this basis that the Regional Council is presently planning its future strategic direction. The Regional Council’s current review is based on the following considerations:

- The PRC will remain a “formal Regional Council” regulated by the provisions of the *Local Government Act* and will not become a “voluntary Regional Council”.
- The PRC should remain the size that it is and should support the member Councils by focusing on advocacy and process improvement work.
- Any regional service delivery model should be based on one member Council providing the service on behalf of all four Councils.
- The PRC should retain a focus on resource sharing, however there will be less emphasis on joint procurement because of WALGA’s and the State Government’s efforts in this area.

**Amalgamation**

As a starting point it is noted that the Local Government Reform Steering Committee has proposed that the Shire of Ashburton’s path to the future (like that of the three other Pilbara Local Governments) is best served by amalgamation.

The Committee’s amalgamation suggestion has been arrived at after a “desk top” assessment based on checklist which has been universally condemned (even the Minister for Regional Development agreed the checklist was flawed). This has occurred due to it being very questionable whether some of the parameters tested did, in fact, measure a Local Government’s sustainability.

The Shire of Ashburton abuts seven Local Governments and could, in theory amalgamate with any one of them. It is clear however, that there is little common purpose with the four entities to the South and therefore consideration should only be given to the three remaining Local Governments, none of which have identified benefits arising from amalgamating with Ashburton. In each case, size and distance negates possible service delivery and operational benefits. That does not however, mean that there may not be benefits in terms of strategic planning and policy making within an expanded Local Government. These benefits can, however, be achieved through other means, that being through the activities of the Regional Council.

**Boundary Redistribution**

An alternative to amalgamation and the Regional Council approach is to undertake boundary redistribution.
A possible (and significant) boundary redistribution would involve the western portion of the Shire (including Onslow and Pannawonica) being incorporated into the Shire of Roebourne while the eastern portion (including Tom Price and Paraburdoo) be incorporated into the Shire of East Pilbara.

Any apparent benefits arising from Onslow and Pannawonica being closer to the Administrative Head Office (i.e. Karratha instead of Tom Price) would be far outweighed by the disadvantages which include:

- The Shire of East Pilbara, which is already the largest Local Government in the World, would become even larger, with even greater functional issues impeding service delivery because of increased distances;

- The Shire of East Pilbara is unlikely to find an amalgamation with the eastern portion of the Shire of Ashburton attractive as it would “inherit” the financial and legal liabilities associated with Wittenoom.

- “Councillor Representation” would be reduced for most members of the “Ashburton” community, especially those in the west where the existing “three Councillor representation” would possibly be reduced to one due to the number and size of existing towns in the Shire of Roebourne.

**Number and Distribution of Councillors**

Council, in its April 2009 resolution, proposed that it retain nine Councillors.

It is of significance that the response to the reform checklist has highlighted this as a “weakness” in terms of the Shire’s sustainability. While it is difficult to follow the logic leading to this conclusion, the committee does make a valid point when it observes that numerous Councillor positions are filled unopposed.

It is for this reason Council may wish to give further consideration on the distribution of wards throughout the Shire.

**Conclusion**

Councils approach to the reform process very much mirrors that of the other Pilbara Local Governments with which it has common interests. It is apparent however, that the reform process may require a stronger commitment to the future role of the Pilbara Regional Council, than any of the four Councils have shown to date.

This has been highlighted by both the comments of State Ministers and by the Local Government Reform Steering Committee review of the Reform Checklist submitted by the four Pilbara Local Governments.

Practically, the “Amalgamation” and “Boundary Redistribution” options appear to have disadvantages which outweigh their advantages.
In summary, the “Pilbara Regional Council” model has the potential to provide a better outcome for the Pilbara Region. It does come with, however, a greater political risk, if there is not a strong commitment to the preferred option.

Consultation

Discussions have been held with representatives of the seven local governments which abut the Shire of Ashburton.

Pilbara Regional Council

Statutory Environment

The Minister’s local government reform process currently has no statutory standing; however there is a considerable risk involved if the Shire does not comply with the directives and timelines set out.

The actual amalgamation process will need to comply with the current provisions of the Local Government Act 1995 s2.1 and schedule 2.1.

There have been “mixed messages” coming for the State Government in relation to whether new legislation will be introduced if the outcome of the “voluntary reform process” does not satisfy the State Government.

Policy Implications

This issue has significant policy implications for the short and long term governance of the Shire.

Financial Implications

There are significant financial implications relative to this issue, they are, however not able to be quantified at this time.

Strategic Implications

There are significant strategic implications relative to this issue. The proposal challenges the existence of the current Shire and creates uncertainty for current and future development and progress of forward planning on a wide range of fronts. The full implications are not readily known.

Voting Requirement

Simple majority required.

Officers Recommendation

That Council:-
1. Endorse its commitment to a strong “Pilbara Regional Council” model as its preferred method of participating in the Local Government reform process.

2. Include a commitment to review its Ward systems in its final submission to the Local Government Reform Steering Committee.

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<th>Author:</th>
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<tr>
<td>Manager:</td>
<td>Keith Pearson</td>
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### 12.08.49 CORPORATE SERVICES STATUS REPORT

<table>
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<tr>
<th>#</th>
<th>Council Meeting</th>
<th>Agenda Ref.</th>
<th>Report Title</th>
<th>Council Decision</th>
<th>Current Status</th>
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| 1  | 07/09          | 12.07.36    | Delegated Authority Review | That Council adopt the proposed Delegations in relation to  
• Certificates of Local Planning Authority – pursuant to the Liquor Control Act 1988  
• Certificates of Local Government – pursuant to the Liquor Control Act 1988  
• Authority to enter upon and inspect land and/or buildings pursuant to Section 420 of the Local Government (Miscellaneous Provisions) Act 1960, as per attachment 12.07.36 | Finalised  
Delegations added to register |
| 2  | 07/09          | 12.07.37    | October 2009 Ordinary Elections – Appointment of Electoral Commissioner | That Council:  
1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2009 Ordinary Elections together with any other elections or polls which may also be required; and  
2. Decide, in accordance with section 4.61 (2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.  
3. Make provision for the expenditure of $15,000 on costs associated with 2009 Ordinary Elections. | Finalised  
State Electoral Commission advised in writing of Council decision |
| 3  | 07/09          | 12.07.38    | Request for Write Off of Miscellaneous Debtors | That Council:  
1. Write off the amount outstanding of $7,048.53 relating to Tom Price Tourist Park – Kaussie Holdings Pty Ltd (Invoice 874 & 875)  
2. Write off the amount of $2,582.50 relating to Nicki D School of Performing Arts. (Invoice 61) | Finalised  
Write offs have been processed |
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<th>Council Meeting</th>
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<td>Unknown Credit amount of -$1,736.53 (Invoice 938)</td>
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<td>4</td>
<td>07/09</td>
<td>12.07.39</td>
<td>Native Title Applications</td>
<td>That Council:-</td>
<td>Finalised Federal Court of Australia advised in writing of Council’s decision</td>
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<td></td>
<td>1. Note the contents of this report;</td>
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<td>2. Continue not to be a party to the following claims by the</td>
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<td>- Yaburara and Mardudhunera People</td>
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<td>3. Advise the National Native Title Tribunal that it no longer wishes to be a party to the following claims by the</td>
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<td>- Gobawarrah Minduarra Yinhawoanga People</td>
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<td>- Kariyarra People</td>
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<td>5</td>
<td>07/09</td>
<td>12.07.41</td>
<td>State Government – Royalties for Regions Grant Program</td>
<td>That Council allocate the following Royalties for Regions grant funds in the following manner.</td>
<td>Finalised Works are being progressed</td>
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<td>1. Footpaths/lighting all towns (Total $300,000)</td>
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<td>Stage1 Camp Road Lighting and Footpath Onslow Footpaths</td>
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<td>2. Sports Facilities upgrades (Total $350,000)</td>
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<td>Clem Thompson Oval $175,000</td>
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<td>Paraburdo Aquatic Centre Shade &amp; Assoc. items</td>
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<td>$90,000</td>
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<td>Paraburdo Cricket Nets &amp; Assoc. - $45,000</td>
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<td>Paraburdo Tennis Courts - $40,000</td>
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<td>3. Community Facility Upgrades (Total $350,000)</td>
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<td>Lions Park Extensions &amp; Upgrade - $100,000</td>
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<td>Tom Price Community Centre - $100,000</td>
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<td>Information Board Paraburdoo - $30,000</td>
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<td>Area W Civic Centre - $80,000</td>
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<td>Gazebo Park Paraburdoo - $40,000</td>
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<td>Tom Price Waterwise Projects - $34,000</td>
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<td>Onslow Waterwise Projects - $33,000</td>
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<td>Paraburdoo Waterwise Projects - $33,000</td>
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<td>Waterwise gardens, verges (Total $100,000)</td>
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<td>Tom Price Waterwise Projects - $34,000</td>
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<td>Onslow Waterwise Projects - $33,000</td>
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<td>Paraburdoo Waterwise Projects - $33,000</td>
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<td>Subject to confirmation by the Department of Regional Development, the $500,000 originally assigned to the Tom Price Town Centre Revitalisation now be assigned to</td>
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<td>Pannawonica Playground - $50,000</td>
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<td>Paraburdoo Town Centre &amp; Recreational precinct Update $450,000</td>
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<td>6</td>
<td>07/09</td>
<td>16.07.10</td>
<td>Shire of Ashburton Corporate Structure</td>
<td>That Council:-</td>
<td>Finalised</td>
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<td>1. Adopt the proposed administration corporate structure as set out in Attachments 16.07.10, 16.07.10a, 16.07.10b, 16.07.10c, 16.07.10d and 16.07.10e</td>
<td>New Corporate Structure being acted upon</td>
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<td>2. Endorse the inclusion of the payroll schedule set out in Attachment 16.07.10f, into the Shires draft budget for the 2009/10 Financial Year.</td>
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<td>7</td>
<td>06/09</td>
<td>12.06.32</td>
<td>Fees &amp; Charges 2009/2010</td>
<td>That the Fees and Charges schedule as per the attachment 12.06.32 be adopted for the year ended 30th June 2010.</td>
<td>Finalised</td>
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<td>Public Advertising of new Fees and Charges Schedule has been completed</td>
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| 8 | 05/09          | 12.05.23   | Strategic Plan Two Yearly Review | That Council 1. instruct the Chief Executive Officer to undertake a review of the Shire’s Strategic Plan 2007 – 2011 (Incorporating the Shire’s Plan for the Future). The review is to incorporate a community consultation process which is to include, but not be limited to:  
- A community survey;  
- A series of facilitated community focus group meetings.  
2. Allocate $9,000 to meet consultant costs associated with the strategic plan review | Ongoing  
Public consultation process presently being undertaken  
Comments received are being reviewed.  
Subject of report to September 2009 meeting |
| 9 | 04/09          | 12.04.16   | Selection Panel – Executive Manager Corporate Services | That Council endorse the following membership of a selection panel, in order to assist the Chief Executive Officer in selecting a preferred candidate for the position of Executive Manager Corporate Services  
- Cr Corker  
- Cr Rumble  
- Executive Manager  
- Chief Executive Officer | Time for application has closed. Applications being assessed..  
Ongoing |
| 10| 04/09          | 12.04.17   | Local Government Reform | That the Council:  
(a) Endorse the Reform Checklist (Attachment 12.04.17) for forwarding to the Local Government Reform Steering Committee  
(b) Nominate the Shire President and the Chief Executive Officer as the Shire of Ashburton’s representatives on any Local Government Reform Process Project Team formed by the four Pilbara Local Governments to investigate regional sharing opportunities.  
(c) Proposes the retention of a Council consisting of nine Councillors | Subject of Report to August 2009 meeting. |
| 11| 12/08          | 12.12.71   | Housing, Utilities, Bonds and Sundry Debtors Review | That Council 2. Endorse the proposal to – | Ongoing  
Detailed investigation |
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<th>Council Meeting</th>
<th>Agenda Ref.</th>
<th>Report Title</th>
<th>Council Decision</th>
<th>Current Status</th>
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</table>
|  12 | 11/08          | 16.11.15    | Update Report - Wittenoom Asbestos Litigation | That Council  
1. Note the contents of this report, and;  
2. Instruct the Chief Executive Officer to seek a meeting with the State Premier, as a matter of urgency, in order to discuss the matters raised in this report. | Shire President and CEO attended meeting with Director General of Premiers Department on 17 June 2009. Matter is to be the subject of an agenda item at August 2009 Council meeting. |
|  13 | 11/08          | 16.11.16    | Tom Price Tourist Park Reserve 38762 | That Council:  
(a) Issue a Notice of Default on Kaussie Holdings Pty Ltd, lessees of the Tom Price Tourist Park (Reserve 38762 Tom Price), in accordance with the provisions of Clause 6.2 of the lease, for various breaches of the current lease including but not limited to,Clauses 4.5, 4.6 and 4.7 of the lease. Such notice shall provide a 28 day period to remedy all outstanding breaches, to the satisfaction of the Shire.  
(b) Delegate to the Shire Chief Executive Officer the authority to take all steps necessary to enforce the Notice of Default, | Ongoing. Notice of Default served on 28 November 2008  
Lessee notified of Council decision not to support retention of illegal structures for workers |
<table>
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<th>#</th>
<th>Council Meeting</th>
<th>Agenda Ref.</th>
<th>Report Title</th>
<th>Council Decision</th>
<th>Current Status</th>
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<tr>
<td>14</td>
<td>08/07</td>
<td>12.08.54</td>
<td>Local Laws</td>
<td>That Council 1. Having considered any submissions received, approves the minor amendments to the Shire’s Cats Local Law, Dogs Local Law, Extractive Industries Local Law, Health Local Law and Parking Local Law, as set out in Attachments 12.08.54, pursuant to the provisions of Section 3.16 of the Local Government Act 1995. Instructs the CEO to research the possibility of the adoption of a Property Local Law which would encompass the following local laws – Aerodromes, Cemeteries with the possibility of Seashore Management, Caravan/Camping and Park Management, Reserve Management and Signage also being included.</td>
<td>Ongoing</td>
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<tr>
<td>15</td>
<td>07/07</td>
<td>12.07.45</td>
<td>Offer from Department of Local Government – Outstanding Rates – Wittenoom</td>
<td>That Council advise the Department of Local Government and Regional Development that it accepts the Department’s proposal, as set out in its advice received 20 June 2007 (Attachment 12.07.45), in return for the Shire exercising the provisions of Section 6.74 of the Local Government Act, in relation to vacant land within the former town site of Wittenoom, where the rates outstanding are for three or more years.</td>
<td>Ongoing</td>
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</table>

identified in (a) above, in accordance with the provisions of the lease. accommodation. The Lessee has appealed the refusal of the relevant planning application to the State Administration Tribunal. A Direction Hearing was held on 13 July 2009. Written submissions have been submitted to SAT. DL Consulting has been engaged to review local laws. Meeting held between consultant and Executive Management Team. Report to be submitted to September meeting. Council decision being implemented. 30 Day Public Advertising Period completed. Matter referred to Shire Solicitor for finalisation.
Officers Recommendation

That Council note the contents of the report
13.08.0 DEVELOPMENT SERVICES REPORTS

13.08.39 DRAFT LOCAL PLANNING POLICY - CONSULTATION FOR PLANNING PROPOSALS FOR ADOPTION

FILE REFERENCE: PS.DV.21.3

AUTHOR’S NAME AND POSITION: Rob Paull
Shire’s Town Planning Consultant

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 4 August 2009

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: Agenda Item 13.06.22 Ordinary Meeting of Council, 16 June 2009

Summary

At its Ordinary meeting of June 2009 Council adopted a draft Local Planning Policy - Consultation for Planning Proposals and resolved that it be advertised in accordance with the provisions of the Shire’s Town Planning Scheme No. 7 (‘Scheme’).

This draft Local Planning Policy provides guidance as to carrying out consultation in a manner that acknowledges the different levels of consultation that needs to be undertaken and advice that will be provided in respect of a range of land use and development proposals.

The advertised period is complete and no submissions were received.

It is recommended that the draft Local Planning Policy - Consultation for Planning Proposals be adopted without modification.

Background

At its Ordinary meeting of June 2009 Council adopted a draft Local Planning Policy - Consultation for Planning Proposals and resolved that it be advertised in accordance with the provisions of the Shire’s Town Planning Scheme No. 7 (‘Scheme’).

The Shire is obliged to carefully consider the means by which community consultation is carried out for Planning Applications, draft Scheme Amendments and draft Development Plans. In most
cases, the Shire of Ashburton Town Planning Scheme No. 7 and the Planning and Development Act provide the direction for consultation. The draft *Local Planning Policy* seeks to ensure consistency of approach.

**Comment**

Advertising of the *draft Local Planning Policy* - *Consultation for Planning Proposals* has been undertaken in accordance with the Scheme and no submissions were received.

The objective of the policy is to provide the community with adequate and appropriate opportunities to be kept informed and comment on and respond to issues and proposals. The new *Local Planning Policy* is sought in order to ensure that clear, concise and structured process is established to deal with the community consultation process for planning proposals.

A copy of the policy is attached

ATTACHMENT 13.08.39

**Consultation**

Chief Executive Officer
Executive Manager Development Services

The public consultation provisions of Town Planning Scheme No.7 have been observed.

**Statutory Environment**

Shire of Ashburton Town Planning Scheme No. 7

**Policy Implications**

Adoption of the Policy will reaffirm Council’s desire to establish strong communication links with the community.

**Financial Implications**

There are no financial implications that relate to this matter.

**Strategic Implications**

There are no strategic implications that relate to this matter.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**
That Council

1. Adopt the *Local Planning Policy - Consultation for Planning Proposals* as a Local Planning Policy (attachment 13.08.39) as a Local Planning Policy under the provisions of the Shire of Ashburton Town Planning Scheme No. 7.

2. Give public notice of Council’s decision as is required by the Shire of Ashburton Town Planning Scheme No. 7.

<table>
<thead>
<tr>
<th>Author:</th>
<th>Rob Paull</th>
<th>Signature:</th>
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<tr>
<td>Manager:</td>
<td>Keith Pearson</td>
<td>Signature:</td>
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</table>
13.08.40  DRAFT LOCAL PLANNING POLICY - CONVERSION OF DWELLINGS TO RESIDENTIAL BUILDING'S POLICY FOR ADOPTION

FILE REFERENCE: PS.DV.21.2

AUTHOR’S NAME AND POSITION: Rob Paull
Shire’s Town Planning Consultant

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 4 August 2009

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: Agenda Item 13.06.21 Ordinary Meeting of Council 16 June 2009

Summary

At its Ordinary meeting of June 2009 Council adopted a draft ‘Local Planning Policy - Conversion of Dwellings to Residential Buildings’ and resolved that it be advertised in accordance with the provisions of the Shire’s Town Planning Scheme No. 7 (‘Scheme’).

The of the draft Local Planning Policy desire is to ensure that a rigorous assessment of such applications is undertaken to ensure that such uses do not impact upon the residential amenity of the locality.

The advertised period is complete and no submissions were received.

It is recommended that the draft ‘Local Planning Policy - Conversion of Dwellings to Residential Buildings’ be adopted without modification.

Background

At its Ordinary meeting of June 2009 Council adopted a draft Local Planning Policy – Outbuilding Assessment Policy and resolved that it be advertised in accordance with the provisions of the Scheme.

The Shire is aware of some significant pressures on the community and the infrastructure in areas of high demand for accommodation. In particular, this has recently been observed in
Onslow where Chevron Australia Pty Ltd and others are undertaking a feasibility assessment of the Wheatstone LNG project.

Some landowners have sought to capitalize on the influx of consultants and the like to convert dwellings into lodging houses or residential buildings. Land owners pursuing such arrangements have indicated that the need for such accommodation is short term.

**Comment**

Advertising of the *draft Local Planning Policy – Outbuilding Assessment Policy* has been undertaken in accordance with the Scheme and no submissions were received.

The draft Policy includes the following objectives:

“3.1 *To establish clear guidelines for the consideration of Applications for the conversion of dwellings and outbuildings to residential buildings.*

3.2 *To describe the conditions applicable to applications for the conversion of dwellings to residential buildings.*

3.3 *To ensure that the conversion of dwellings to residential buildings does not create land use conflicts and protects the environmental, social and residential amenity*.”

It is recommended that the Shire advertise applications for the conversion of dwellings and outbuildings to residential buildings due to the fact that the amenity of the surrounding locality could be adversely affected by such use of land and dwellings.

The draft *Policy* seeks to provide guidance in relation to assessing Applications for ‘residential buildings’ and to provide the anticipated conditions for any approval. For any Application the following matters are recommended to be considered by Council:

i) potential for increased levels of noise, disturbance and car parking and the likely greater impact on the residential amenity of neighbouring or nearby dwellings;

ii) car parking provision of one car for each bedroom within the facility shall be provided on the site two of which may be in tandem formation. Where a greater number of cars is required these will be examined in each case as to the position of the bays and their likely impact on the street and neighbouring properties; and

iii) residences must be connected to the Water Authority’s reticulated water supply.

Should Council consider favourably consider granting Approval, the following is recommended:

i) Approval is a particular approval, and is not transferable without prior written approval of Council;

ii) where the existing standard of a dwelling is considered by Council to be inappropriate, consent may not be granted until the dwelling is upgraded to a satisfactory standard. If, after inspection, the dwelling is considered to be unsafe or inadequate for Residential Building use, the application will be refused;
iii) smoke alarms along with emergency response plans (i.e. fire escape route maps, cyclone evacuation contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling;

iv) any approval be for a limited period of one (1) year such that the Council may be assured that the use will not result in any unreasonable impact on adjoining properties;

v) car parking spaces shall be well constructed, kerbed and drained to the satisfaction and specifications of the Shire;

vi) in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date.

A copy of the draft Policy is attached

ATTACHMENT 13.08.40

Consultation

Chief Executive Officer
Executive Manager Development Services

The public consultation provisions of Town Planning Scheme No.7 have been observed.

Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7

Policy Implications

Adoption of the Policy will establish the Council direction for the conversion of dwellings to residential buildings in the Shire.

Financial Implications

There are no financial implications that relate to this matter.

Strategic Implications

There are no strategic implications that relate to this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council
1. Adopt the draft *Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings*’ as a Local Planning Policy (attachment 13.08.40) as a Local Planning Policy under the provisions of the Shire of Ashburton Town Planning Scheme No. 7.

2. Give public notice of Council’s decision as is required by the Shire of Ashburton Town Planning Scheme No. 7.

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<tr>
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<td>Keith Pearson</td>
<td>Signature:</td>
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</table>
13.08.41 DRAFT TOWN PLANNING SCHEME AMENDMENT NO. 5 –
COMPRISING MODIFICATIONS TO THE SCHEME TO REZONE LOT
327 WARARA STREET TO RESIDENTIAL R30, TO CLARIFY THE
LAND IN SPECIAL USE 1 ZONE AND TO PROHIBIT SEA
CONTAINERS AS CARETAKER DWELLINGS (CONSIDERATION OF
ADOPTION FOR FINAL APPROVAL)

FILE REFERENCE: PS.TP.7.3

AUTHOR’S NAME AND POSITION: Rob Paull
Shire’s Town Planning Consultant

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: August 1, 2009

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: Agenda Item 13.06.22 Ordinary Meeting of Council, 16 June 2009

Summary

Council at its June 2009 meeting initiated draft Local Planning Scheme Amendment No. 5 to the Shire of Ashburton Local Planning Scheme No. 7 (‘Scheme’). This draft Scheme amendment relates to two separate areas in Tom Price and includes a provision in the Scheme to prohibit the use of sea containers as a residence for a caretaker.

One area which is the subject of the amendments is Lots 3010 to 3015 (inclusive) and Lot 3017 Central Avenue and Jacaranda Drive, Tom Price where the Amendment seeks to clarify the land description and mapping arrangements for the existing Special Use zone No. 1’.

The other area of the Amendment is land where it is proposed to rezone the Lot 327 from Reserve for “Public Purposes – Telecommunications’ to ‘Residential’, with an R Code of ‘R30’.

Amendment No. 5 was advertised and at the time of this Report, seven (7) submissions were received – four (4) from Government Agencies and three (3) ‘private’ submissions from residents in Warara Street. The submissions are addressed in the attached Schedule. The three (3) private submissions do not support the Amendment for reasons relating to amenity, visual impact and servicing grounds.
After considering the submissions, it is recommended that Council adopt draft Amendment No. 5 for final approval without modification and refer it to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.

Background

The Shires Town Planning No 7 Scheme was Gazetted on 24 December, 2004 and has not been reviewed since that date.

The areas of land and issues subject to the proposed amendment are:-

1. Lot 327 Warara Street, Tom Price was formally reserved under the Land Administration Act (1997) for ‘Staff Housing’ on 24 September 2008.

2. Reference to the land under the ‘Special Use’ provisions in the Scheme incorrectly refers to: “Unallocated Crown Land Tom Price Town Site generally to the North and East of Lot 851 Jacaranda Drive”.

3. Clause 6.18 (c) of the Scheme states:

   “(c)A caravan or park home is not permitted as a caretaker’s dwelling for either permanent or temporary occupation;”

It is likely that when the Scheme was drafted, it was not considered that sea containers would be used as a caretaker’s dwelling, hence Clause 6.18 (c) only included reference to caravan and park homes.

The Amendment was advertised for a period of 42 days and seven (7) submissions were received and are addressed in the Schedule of Submissions (Note Attachment 1 - Schedule of Submissions).

Comment

Lot 327 Warara Street, Tom Price

This land is occupied by a defunct radio tower and is now reserved for ‘Staff Accommodation’ under the Land Administration Act (1997). The vesting of Lot 327 is with the Shire. Previously, the land was reserved as ‘Radio Base Station’. The Shire has purchased the land however the ‘Reserve’ vesting status has not changed (note Attachment 2 - copy of Title and vesting order – sourced from Landgate on 3 August 2009), along with location map and existing and proposed zoning map

ATTACHMENT 13.08.41a

Under the Scheme, Lot 327 is Reserved for “Public Purposes – Telecommunications’. It is intended that the Shire residential accommodation on Lot 327. The vesting order does not define the density of buildings or setbacks for development of the land. The planning process is the means by which density, setbacks and development is assessed and determined. The most
appropriate means to define the development provisions is the 'Residential Planning Codes' which are generally used to assess private development in the State.

Lot 327 has an area of 5560m2. In order to achieve densities similar to the RTIO development in North Road, Tom Price, the Amendment proposes that Lot 327 be rezoned to Residential, with an R Code of R30. This will also ensure that the Shire undertakes a public planning process on the same basis as a private developer.

An informal meeting with three residents of Warara Street (the same submitters) was held on 4 June 2009 (during the advertising period) and the Amendment along with the 'process' was explained to those attending. They expressed concern as to the perceived negative impact the Amendment to rezone Lot 327 to R30 would have on their amenity and the appropriateness of other sites for residential development. It was explained that irrespective of the zoning, Lot 327 could be developed for 'staff housing' residential purposes on a similar (or potentially greater) density than R30 pursuant to the vesting.

Lot 327 is one of the few 'developable' lots available in Tom Price that can be easily serviced and constructed. The issue of the lack of developable land has been a significant matter for the Council and the Government for some time. In the Legislative Assembly on 21 May 2009, Mr. T.G. Stephens asked to the Hon J.H.D. Day, Minister for Planning as follows:

(1) What initiatives is the Minister taking through his Planning portfolio to bring about rapid relief to the acute housing crisis in Tom Price?
(2) What additional land has been identified for immediate release for residential use in Tom Price in the immediate future?

In response, the Minister advised on 18 June 2009 referred to Lot 327 and the urgent need for housing sites in Tom Price as follows:

(1) The recent 'mining boom' resulted in a significant shortage of housing in Tom Price and notwithstanding the current economic downturn I expect demand for residential, industrial, commercial and recreational land will continue in the medium term. In recent times the Shire of Ashburton with the support of Department of Planning and Infrastructure has initiated the preparation of the Tom Price Structure Plan and Town Centre Revitalisation Strategy, as a first step to implementing practical solutions to these issues. The draft structure plan has identified two major potential development directions for Tom Price:

- Urban consolidation within the Tom Price townsite; and
- Urban expansion to the north of the Tom Price townsite.

Six sites have been identified as potentially suitable for urban consolidation within the Tom Price townsite and will be further investigated. The area to the north of the townsite has an area of around 90 hectares but environmental, native title and infrastructure servicing constraints will need to be addressed.
The development of land in Tom Price has been inhibited by aging infrastructure but these issues are now being resolved as a result of ongoing discussions between the Shire and the service provider.

(2) To address the immediate shortage of residential land the Shire of Ashburton is seeking to develop two parcels of land within the townsite which could potentially yield 37 residential lots and 16 residential strata lots respectively.

Unvested Crown Land on the north side of Warara Street and Pilkina Street and west of Yaruga Street is zoned Residential R20. The Shire has approached DPI (State Land Services) to purchase the land and to assist the Shire DPI is undertaking the native title assessment, in accordance with its processes and legislation.

The second parcel of land, a disused telecommunications site in Warara Street, is also being purchased by the Shire. This land is the subject of a local planning scheme amendment which will be advertised for public comment this month”.

The use of Lot 327 for residential purposes was defined when the land was accepted by the State Government for ‘staff housing’ and vested as such. The reality for the Shire and for the State Government is that within Tom Price, the availability of vacant land that can be developed and readily serviced for residential purposes is in very short supply.

The location of Lot 327 is approximately 1200m (direct) to the centre of the Tom Price shopping area and approximately 550m (direct) to the Tom Price Senior School). This distance is further than the WAPC’s Livable Neighbourhoods ‘sustainable residential design’ initiative which generally recommends seeking an 800m walkable radius of residential development to a town centre. The linear design and approach to Tom Price and the ‘satellite’ nature of ‘Area W’ makes this radius difficult for the town to achieve, including Lot 327.

However, the following comparisons can be made for other R30 sites in the Shire that indicate the extended distance from town centres and schools is not unique nor a hindrance to use and development in the Shire:

Extended distance of R30 land to town centers in Tom Price and Onslow:

- land (2 sites) Kanberra Drive, Area W – Tom Price approximately 2,200m (direct).
- land North Road, Tom Price - approximately 870m (direct).
- land Watson Drive, Onslow - approximately 1250m (direct).

Extended distance of R30 land to Senior Schools in Tom Price and Onslow:

- land (2 sites) Kanberra Drive, Area W – Tom Price approximately 1,500m (direct).
- land North Road, Tom Price - approximately 500m (direct).
- land Watson Drive, Onslow - approximately 1000m (direct).

The inclusion of Lot 327 within a ‘Residential’ zone reflects the adjoining and opposite zoning of land. The inclusion of the land at ‘R30’ will facilitate the development of a purpose built residential
complex, comprising one and two bedroom units to meet demand for this type of accommodation in Tom Price.

**‘Special Use’ No. 1’**

Lots 3010 to 3015 (inclusive) and Lot 3017 are zoned ‘Special Use’ No. 1’ under the Scheme. The Scheme makes reference to ‘Lot 851’ which Shire records indicate is the Tom Price Hotel. In addition, the land subject of ‘Special Use zone 1’ is no longer ‘unallocated Crown Land’. Further, the Scheme map does not correctly depict the land being ‘Special Use No. 1’ – as the number ‘1’ is not shown on the Scheme map.

The Amendment simply modifies the Scheme Map in relation to Lots 3010, 3011, 3012, 3013 and 3015 without changing the purpose or intent of the zone. One direct submission was received (Education Department) in regard to this component of Amendment No. 5 and no objection was offered.

The attached plan shows the location of the subject land.  

**ATTACHMENT 13.08.41b**

**Sea containers as a caretaker’s residence**

The Administration considers that the use of sea containers for permanent occupation is not acceptable due to their small size (potentially 13.5m² internal area) and their adverse impact on the amenity of the locality. The Amendment modifies Clause 6.18 (c) of the Scheme as follows:

“(c) A movable dwelling, sea container and the like is not permitted as a caretaker’s dwelling for either permanent or temporary occupation;”

No direct submissions were received in regard to this component of Amendment No. 5.

**Conclusions**

The substantive issues raised during the community consultation period are not considered to be of a nature that should lead to the Amendment not being supported. It is recommended that the Council adopt draft Amendment No. 5 for final approval without modification.

**Consultation**

Chief Executive Officer

Subsequent to the amendment being initiated by the Council the relevant documentation was referred to the Environmental Protection Authority (EPA) for consideration of the need for formal assessment under Part IV of the *Environmental Protection Act 1986*. The EPA resolved that the draft amendment did not require formal assessment, and it was advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*.

During the advertising period seven (7) submissions were received and are addressed in the Schedule of Submissions.
Statutory Environment

Town Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and Town Planning Regulations. After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications (the current position in the Amendment ‘process’).

The final decision on whether to grant final approval to an amendment rests with the Minister for Planning & Infrastructure, acting upon recommendation from the Western Australian Planning Commission.

Shire of Ashburton Town Planning Scheme No. 7
Environmental Protection Act 1986

Policy Implications

None anticipated

Financial Implications

The Shire is unable recoup costs associated with this process as it is initiated by Council.

Strategic Implications

The modifications to the Scheme as sought will assist in achieving the focus as stated in the Shire’s Strategic Plan 2007-2011:

“Strengthen and diversify opportunities and experiences for people living, visiting, working and learning in the Shire”.

The provision of housing in the Shire is an important operational and strategic need.

Voting Requirement

Simple Majority Required

Officers Recommendation

1. That the Council, in pursuance of Part V of the Planning and Development Act 2005, adopt draft Amendment No. 5 (“draft Amendment”) to Shire of Ashburton Town Planning Scheme No. 7 (“Scheme”) for final approval for the purposes of:

1. Modifying Clause 6.18 (c) of the Scheme to read as follows:

“6.18 (c) A movable dwelling, sea container and the like is not permitted as a caretaker’s dwelling for either permanent or temporary occupation;”
2. Modifying Appendix 3 of the Scheme ‘Special Use Zones’ to read as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description of Land</th>
<th>Special Use</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lots 3010 to 3015 (inclusive) and Lot 3017 Central Avenue and Jacaranda Drive, Tom Price</td>
<td>Residential, Transient Workers Accommodation, Tourist Accommodation, Tourist related uses and ancillary uses.</td>
<td>The use of the land shall be in accordance with a Local Government approved management plan which shall address, but not be limited to urban design, carparking, landscaping and environmental issues.</td>
</tr>
</tbody>
</table>

3. Modifying the Scheme Map to include ‘1’ over land referred to in 2. above and designated ‘Special Use Zone’.


2. That the Council endorse the schedule of submissions prepared in response to the community consultation undertaken in relation to the draft Amendment.

3. That the Council refer the draft Amendment so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.

4. That, where notification is received from the Western Australian Planning Commission that a modification of the amendment is required prior to approval of the amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless it is considered by the Shire that the modification affects the intent of the amendment in which case it shall be referred to the Council for consideration.

Author: Rob Paull
Signature:

Manager: Bernie Smith
Signature:
13.08.42 PUBLIC HOUSING – PLANNING PROCESS

FILE REFERENCE: PS DV 15

AUTHOR’S NAME AND POSITION: Rob Paull
Shire’s Town Planning Consultant

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 August, 2009

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The definition of ‘public work’ under the Public Works Act 1902 has been amended to include ‘public housing’. Under the Planning and Development Act 2005, ‘public works’ are exempt from local government Planning Approval. Accordingly, the Department of Housing (DOH) does not require Planning Approval for State housing projects in this Shire.

The DoH has advised that it will consult with Local Government on proposals and allow 42 days for local government to provide a response. It would not be possible for a local government to refuse or condition such proposals. The role will be advisory only and local government will receive no income for the assessment. No appeal will be open to local government should its advice be ignored by DoH.

The purpose of this Report is to inform Council of the amendment to the definition of ‘public work’ under the Public Works Act 1902 and the implications for Council where the DoH and other agencies seek to pursue development proposals.

Background

The definition of ‘public work’ under the Public Works Act 1902 has been amended to include ‘public housing’. Under the Planning and Development Act 2005, ‘public works’ are exempt from Planning Approval. Accordingly, the Department of Housing (DOH) does not require Planning Approval for State housing projects. DoH has advised that it will consult with local government on its projects. (Note Attachment 13.08.42)
Previous to the current definition, DoH and many other Government Agencies (that weren’t undertaking ‘public works’) were required to comply with the Planning and Development Act 2005 and the relevant local planning scheme. In this regard, where consent was required (for group housing for example), DoH would have sought Planning Approval along with any other Applicant. A fee would have been charged pursuant to the Regulations.

Comment

The DoH has advised that it will consult with Local Government on its proposals and allow 42 days for local government to respond. On the face of it, given the inclusion of ‘public housing’ in the definition of ‘public work’ and the resultant exemption from Planning Approval, the DoH’s position could be considered to be a reasonable exercise of its power.

However, it would not be possible for a local government to refuse or condition such projects. Its role will be advisory only and the position of Council in relation to its advice to DoH will not be binding on DoH. No appeal process will be open to local government should its advice be ignored.

Local government will receive no income from this advisory assessment. In many respects, the process implemented by DoH is similar to the consideration of subdivision applications and advice to the WAPC.

The purpose of this Report is to inform Council of the amendment to the definition of ‘public work’ under the Public Works Act 1902 and the implications for Council.

The most significant impact is that Council will not be in a position to implement its Planning Scheme in relation to applications from the DoH. This is due to the relevant Section of the Planning and Development Act 2005 stating

6. Act does not interfere with public works

(1) Subject to section 5(2) and subsections (2) and (3) of this section, nothing in this Act interferes with the right of the Crown, or the Governor, or the Government of the State, or a local government —
   (a) to undertake, construct or provide any public work; and
   (b) to take land for the purposes of that public work.

(2) Rights referred to in subsection (1) are to be exercised having regard to —
   (a) the purpose and intent of any planning scheme that has effect in the locality where, and at the time when, the right is exercised; and
   (b) the orderly and proper planning, and the preservation of the amenity, of that locality at that time.

Essentially, DoH is required to have regard to the purpose and intent of any planning scheme and the orderly and proper planning, and the preservation of the amenity. The DoH will determine the appropriateness or otherwise of their proposals.
There is little opportunity for local government to influence the changes to the definition of ‘public work’ under the Public Works Act 1902. However, it is reasonable for the Shire (or any local government) to charge for the assessment of the referral for cost recovery purposes.

Under the Planning and Development Regulations 2009 (Part 7 Local Government Planning Charges), the maximum charge appears to be $66 for “providing written planning advice”. This would not represent cost recovery for the Shire.

It is recommended that the Council advise the DoH that should it refer a proposal to Council for consultation, it will charge in accordance with the Planning and Development Regulations 2009 (Part 7 Local Government Planning Charges), for “providing written planning advice”.

It would appear that the above Regulations do not specifically account for referrals by the DoH or any government department. In this regard, it would be appropriate to refer this matter to WALGA for its view as to whether there should be a specific charge for DoH and similar referrals.

Consultation

The Shire is not aware of any direct consultation undertaken with respect to modifying the definition of ‘public work’ under the Public Works Act 1902.

Chief Executive Officer

Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7

Policy Implications

There are no policy implications that relate to this matter.

Financial Implications

There are indirect financial implications that relate to this matter as discussed in this Report.

Strategic Implications

There are no strategic implications that relate to this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council:
i) Request the Chief Executive Officer to:

ii) write to the Department of Housing (‘DoH’) advising that should it refer a proposal to Council for consultation, it will charge in accordance with the Planning and Development Regulations 2009 (Part 7 Local Government Planning Charges), for “providing written planning advice”. The fee is an attempt for Council to reflect the fee for service although the charge will in no way represent the total cost for Council.

iii) refer the matter of charging Government agencies in relation to providing planning advice for ‘public works’ to WALGA for its view as to whether there should be a specific charge for DoH and similar referrals.

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13.08.43 PROPOSED SUBDIVISION – LOT 500 PILKENA STREET/YARUGA STREET, TOM PRICE (WAPC Ref: 140350)

FILE REFERENCE: TP.PL. 500

AUTHOR’S NAME AND POSITION: Rob Paull  
Shire’s Town Planning Consultant

NAME OF APPLICANT/RESPONDENT: Whelans (on behalf of the Shire of Ashburton)

DATE REPORT WRITTEN: 5 August 2009

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter

PREVIOUS MEETING REFERENCE: Not applicable

Summary

An application to subdivide land at Lot 500 Pilkena Street/Yaruga Street, Tom Price, has been lodged with the Western Australian Planning Commission (WAPC) by Whelans on behalf of the Shire. The WAPC has referred the Application to the Council for comment and for the recommendation of possible conditions.

The proposal involves the subdivision of the land into 24 lots, one of which is intended to be a (separate) group housing (duplex) lot, thus resulting in it being possible to construct 25 dwellings from the subdivision. The north-west corner of Pilkena Street/Yaruga Street is reserved for Public Recreation.

It is recommended that Council advise the WAPC that it has no objection to the subdivision but that it requests that the conditions set out in the report recommendation be included in any Approval.

Background

Whelans, land surveyors, have lodged an application to subdivide land at Lot 500 Pilkena Street/Yaruga Street, Tom Price, with the Western Australian Planning Commission (WAPC). The WAPC has referred the Application to the Council for comment and for the recommendation of possible conditions. The area of Lot 500 totals 18,000m2.

The WAPC referral of the Application to the Shire is a requirement of the Planning & Development Act.
The subdivision will yield 24 lots, one of which is intended to be a group housing (duplex) lot, thus resulting in it being possible to construct 25 dwellings in the subdivision. The subject land is zoned Residential with an R20 density provision (pursuant to the Residential Design Codes) under the Shire’s Town Planning Scheme No. 7 (‘Scheme’).

The layout of the proposed subdivision and aerial photograph are included are Attached

ATTACHMENT 13.08.43

Comment

The layout and density of the proposed subdivision is consistent with the provisions of the Scheme. The average lot size of approximately 750m² which is significantly greater than that required by the R20 Code (minimum of 500m²).

The subdivider (whether it is the State or Council) would be required to set aside public open space of 10% of the subdivision area (i.e. POS area of 1800m²). Public open space for the area is serviced through the provision of a ‘pocket park’ on the north-west corner of Pilkena Street/Yaruga Street and reserved for ‘Public Recreation’. A larger developed public open space for the locality is provided at the corner of North Road and Central Road, some 400m -500m away (by road). On this basis, additional open space is not regarded as being necessary for the provision of recreational purposes for the immediate neighbourhood.

It is considered that there is a greater community need (as reflected in the Minister’s response to Parliament [below]) for housing sites in Tom Price. Accordingly, it is recommended that a ‘cash-in-lieu’ contribution for POS be sought as a condition of subdivision.

The subdivision and development will ease the lack of residential lots in Tom Price. Council will note that the issue of developable land has been a significant matter for the Council and the Government for some time. In the Legislative Assembly on 21 May 2009, Mr T.G. Stephens asked to the Hon J.H.D. Day, Minister for Planning as follows:

(3) What initiatives is the Minister taking through his Planning portfolio to bring about rapid relief to the acute housing crisis in Tom Price?

(4) What additional land has been identified for immediate release for residential use in Tom Price in the immediate future?

In response, the Minister advised on 18 June 2009 referred to Lot 327 and the urgent need for housing sites in Tom Price as follows:

(2) The recent 'mining boom' resulted in a significant shortage of housing in Tom Price and notwithstanding the current economic downturn I expect demand for residential, industrial, commercial and recreational land will continue in the medium term.

In recent times the Shire of Ashburton with the support of Department of Planning and Infrastructure has initiated the preparation of the Tom Price Structure Plan and Town Centre Revitalisation Strategy, as a first step to implementing practical solutions to these
issues. The draft structure plan has identified two major potential development directions for Tom Price:

- Urban consolidation within the Tom Price townsite; and
- Urban expansion to the north of the Tom Price townsite.

Six sites have been identified as potentially suitable for urban consolidation within the Tom Price townsite and will be further investigated. The area to the north of the townsite has an area of around 90 hectares but environmental, native title and infrastructure servicing constraints will need to be addressed.

The development of land in Tom Price has been inhibited by aging infrastructure but these issues are now being resolved as a result of ongoing discussions between the Shire and the service provider.

(2) To address the immediate shortage of residential land the Shire of Ashburton is seeking to develop two parcels of land within the townsite which could potentially yield 37 residential lots and 16 residential strata lots respectively.

Unvested Crown Land on the north side of Warara Street and Pilkina Street and west of Yaruga Street is zoned Residential R20. The Shire has approached DPI (State Land Services) to purchase the land and to assist the Shire DPI is undertaking the native title assessment, in accordance with its processes and legislation.

The second parcel of land, a disused telecommunications site in Warara Street, is also being purchased by the Shire. This land is the subject of a local planning scheme amendment which will be advertised for public comment this month”.

This subdivision is the land referred by the Minister in paragraphs one and two of response No. 2.

Lot 500 represents an ‘infill’ development and a finalisation of the ‘residentially’ zoned land in this area of Tom Price. Importantly, from discussions and correspondence with Hamersley Iron (service provider for water, sewer and power) it can be serviced and constructed.

It is recommended that Council provide conditional support for the proposed subdivision and advise the WAPC accordingly

Statutory Environment
Planning and Development Act 2005
Shire of Ashburton Town Planning Scheme No. 7
Residential Design Codes

Policy Implications
Council Policy PLA 3 – Standard Subdivision Conditions
Financial Implications

There are no financial implications in relation to this matter as it relates to the future subdivision of the land and not ownership. Any proposal to purchase and development the land by Council would be subject to a further Report to Council.

Strategic Implications

The subdivision as sought will assist in achieving the focus as stated in the Shire’s Strategic Plan 2007-2011:

“Strengthen and diversify opportunities and experiences for people living, visiting, working and learning in the Shire”.

The provision of housing in the Shire is an important operational and strategic need.

Voting Requirement

Simple majority required.

Officers Recommendation

That Council advise the Western Australian Planning Commission that:

1. The WAPC Subdivision Application Ref 140350 was lodged by Whelans on behalf of the Shire of Ashburton.

2. Council offers no objection to WAPC Subdivision Application Ref 140350 by Whelans to subdivide land at Lot 500 Pilkena Street/Yaruga Street, Tom Price into twenty four (24) lots, subject to the following conditions being included in the subdivision approval:

   1. Satisfactory arrangements being made with the Shire of Ashburton for the upgrading of Pilkena Street/Yaruga Street, prior to the issue of clearance(s). In this regard, the upgrading would involve kerbing and general road construction works.

   2. Street corners within the subdivision being truncated to a standard truncation of 8.5 metres.

   3. The land being filled and/or drained at the subdividers cost, to the specifications and satisfaction of the Shire of Ashburton.

   4. The land being connected to a comprehensive drainage system at the subdivider’s cost to the specifications and satisfaction of the Shire of Ashburton.

   5. The land being graded and stabilised at the subdivider’s cost to the specifications and satisfaction of the Shire of Ashburton.
6. The applicant providing the Shire of Ashburton with information relating to existing contours and natural features, location of existing vegetation, the extent of earthworks and final contours for the land prior to any site clearance or subdivisional construction work being commenced.

7. All lots within the subdivision being connected to reticulated sewerage.

8. The provision of underground power to all lots within the subdivision.

9. "Recreation" Reserve 43617 being fenced at the subdivider's cost to the satisfaction of the Shire of Ashburton.

10. The Shire of Ashburton is prepared to accept cash-in-lieu of Public Open Space as a condition of subdivision in accordance with Section 153 of the Planning and Development Act, and hereby requests the approval of the WA Planning Commission concurrent with subdivision approval so that a cash-in-lieu contribution can be made.

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Summary

The owner of No. 62 (Lot 401) Third Avenue, Onslow, has submitted a development application to operate a “residential building” use within the existing dwelling on the subject site.

The Shire’s Local Planning Scheme No. 7 (“Scheme”) zones the land Residential with a R Code of 12.5 and lists the proposed use “residential building” as a land use which Council may permit after public notice of the application. Advertising has taken place in accordance with the Scheme provisions and eight (8) submissions were received – comprising six (6) objections and two (2) letters of no objection.

The Application reflects the provisions of the draft ‘Local Planning Policy - Conversion of Dwellings to Residential Buildings’.

It is recommended that the “residential building” use within the existing dwelling be approved subject to a number of conditions (including a requirement that operation of the use to be reviewed after a period of twelve months).

Background

The owner of No 64 (Lot 401) Third Avenue, Onslow has submitted a development application to use the existing dwelling on the site as a residential building. The subject site has an area of 1012m2 and is occupied by a 3 bedroom dwelling and garage/outbuilding (that serves the dwelling).
A copy of the Application and plans are attached.

Council resolved at its June 2009 meeting that draft ‘Local Planning Policy - Conversion of Dwellings to Residential Buildings’ would be advertised (for 21 days) for public comment.

Advertising has commenced and closed on 29 July. A Report to Council in relation to the adoption of the draft Policy is referred separately in this Agenda. The intent of the Policy is to ensure that a rigorous assessment of such applications is undertaken to ensure that such uses do not adversely impact upon the residential amenity of the locality.

Proposal

Application has been submitted by the owner of No. 62 (Lot 401) Third Avenue, Onslow to operate a “residential building” use within the existing dwelling on the subject site.

The applicant has also lodged an application to use the existing dwelling on the adjacent lot (Lot 402) as a residential building and to convert an existing outbuilding at the rear of the property to a “Managers Residence”.

Comment

The proposed use fits within the definition of a ‘Residential Building’ which is defined in the Shire’s Local Planning Scheme No. 7 (‘Scheme’) as:

“... a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:

- a single person,
- a single family,
- no more than six (6) persons who do not comprise a single family”.

Residential building means: “...a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary the to; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

a) temporarily by two or more persons, or

b) permanently by seven or more persons,

who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, residential school, hotel, motel or holiday accommodation”.

ATTACHMENT 13.08.44
The subject land is zoned Residential in the Local Planning Scheme No. 7 (‘Scheme’) with an R Coding of 12.5. Within such a zone a Residential Building is a ‘D’ use which is a use that Council may, at its discretion, permit after public notice of application has been given. Advertising has taken place in accordance with the Scheme provisions and seven (7) submissions have been received (6 objections and one ‘no objection’) have been received.

Objections
The Objections have been prepared for Council in the form of a Schedule. Three (3) of the submissions (objections) are of a standard format and which have been signed but with no return address.

All objections raised in all submissions related to the socio-economic issue of using a dwelling for ‘residential building’ and the likelihood that the cost of accommodation will increase. One objection was more specific stating that the approval would impact upon the operation of his commercial operations. Two other objections were specific to their issue of renting.

Although the Administration is sympathetic with the substantive issues raised in the objections, as the following indicates, it is considered that the more general social and commercial reasons expressed in the objections are not matters that can be easily considered in determining the Application. In reaching this view, the Administration examined a number of planning decisions from the State Administrative Tribunal in relation to the social impact of similar uses. One case appeared to be similar in relation to the one before Council and addressed the matter of ‘social cohesion’.

In Hope and City of Joondalup (2007), a property owner sought development approval for a change of use in a low density residential area from single house to short stay accommodation for families of up to eight members for periods of seven to 60 days. In that case, the Tribunal determined that the proposed use was not relevantly residential development, as it did not involve human habitation on a permanent basis. The proposed use was, therefore, not considered to be consistent with the objectives and purposes of the subject residential zone, with the consequence that it is not permitted.

The Tribunal also determined that, if the proposed use were capable of approval, the application would warrant refusal in the exercise of discretion, because of its likely adverse impacts in terms of social cohesion and noise and because it would set an adverse planning precedent in the circumstances.

In that case, the Tribunal noted that:

“The Tribunal considers that the proposed use is likely to have an adverse impact in terms of social cohesion. Although it is correct that the composition of a neighbourhood will change over time, it is extremely unlikely that the occupants of a single residential property in a low density residential area will change every seven to 60 days. Although it is also correct that one cannot choose one’s neighbours and that there is always a prospect of neighbours not getting along, there is common sense in Ms Williams’ response during cross-examination that, even if one does not get along with one's neighbour, "at least you know".
There are some similarities but significant differences with the Application before Council and the above Appeal decision. Firstly, unlike the City of Joondalup Planning Scheme, the Shire’s Scheme does not have zone objectives.

Also, the uses proposed were different in that the Joondalup Appeal sought a ‘tourist’ use, where as the Application before Council is for ‘Residential Building. There is however a similarity in that in the Joondalup Appeal, the objections expressed concern about the “... adverse impact in terms of social cohesion” based on not knowing your neighbours due to them changing every seven to 60 days.

A significant difference between the Joondalup case and the subject applicant is that the objectors in this Application came from ‘renters’ and a commercial operator in Onslow and not from neighbors. It is not known where the ‘renters’ live as no return address was provided. A search of the Shire’s rate system and discussions with Western Area staff could not determine where the objectors live. The Applicant owns the adjoining land to the west (Lt 402) no objections was lodged by the adjoining and nearby land owners.

For Council to give ‘social cohesion’ or similar consideration, it is reasonable to conclude that concerns would have been raised from adjoining neighbours. No such objections were received. It is likely that the wider issue ‘social cohesion’ from higher rents will arise from the wider implications from nearby energy and mineral developments that are being considered in the Onslow area. In this regard, the Council is not in a position to influence this outcome, except perhaps by pursuing the release of more residential land.

Accordingly, it is recommended that Council give due consideration on the objections but that it does not base a decision on the objections received.

Planning Policy
The proposal is also subject to the provisions of Council Policy PLA10 – Non-Residential Land Users in Residential Areas. While not binding on Council, it should give consideration to the contents of the policy when considering the subject development application. The policy states that any application is to be considered on its individual merits, having regard to the following criteria.

- Location
- Residential Amenity
- Noise generation
- Essential Services and Waste Disposal
- Traffic implications
- Building modifications

More specific to the Application is draft Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings’.

Clause 4.5 of the draft Policy states:
Applications will be examined with regard to the following:

i) potential for increased levels of noise, disturbance and car parking and the likely greater impact on the residential amenity of neighbouring or nearby dwellings;

ii) to ensure that any such uses will not adversely impact on residential amenity values currently enjoyed by those in surrounding properties;

iii) car parking provision of one car for each bedroom within the facility shall be provided on the site two of which may be in tandem formation. Where a greater number of cars is required these will be examined in each case as to the position of the bays and their likely impact on the street and neighbouring properties; and

iv) residences must be connected to the Water Authority’s reticulated water supply.

Should Council consider Approval of an Application, the following will apply:

i) approval is a particular approval, and is not transferable without prior written approval of Council;

ii) where the existing standard of a dwelling is considered by Council to be inappropriate, consent may not be granted until the dwelling is upgraded to a satisfactory standard. If, after inspection, the dwelling is considered to be unsafe or inadequate for Residential Building use, the application will be refused;

iii) smoke alarms along with emergency response plans (i.e. fire escape route maps, cyclone evacuation contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling;

iv) any approval granted will be for a limited period of one (1) year such that the Council may be assured that the use will not result in any unreasonable impact on adjoining properties;

v) car parking spaces shall be well constructed, kerbed and drained to the satisfaction and specifications of the Shire; and

vi) in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date.

The draft Policy is still to be considered by Council. Should it be adopted by Council at this current Meeting, then Council should consider the Application in light of the adopted Policy. Accordingly, considering the current proposal against both PLA10 – Non-Residential Land Users in Residential Areas and draft Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings, the following comments are made.

Location
The location of the proposed use has no particular significance and all parking generated to be accommodated on site.

Residential Amenity
The proposal’s greatest potential for an adverse impact on the residential amenity of the surrounding area is noise generation and car parking. It is considered that both these issues can be adequately addressed in the manner set out below. As further protection against inappropriate activity on the site, however, it is recommended that Council, if it decides to grant approval, should initially limit any approval it may issue to a period of twelve months after which time the use could be reviewed.

Noise Generation
Noise made by guests has the greatest potential to impact on the amenity of the local area. This is the case if the establishment is not well managed. In the event of Council deciding to issue a development approval it would be appropriate to include a condition that ensures the manager of the business to live sufficiently close so as to ensure close practical overseeing of the use.

Essential Services and Waste Disposal
The proposed use will have a minimal impact on water sewerage and power supplies, as well as other essential services.

Traffic Implications
While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site. For this reason a requirement that adequate on-site parking spaces be provided and that all parking generated is accommodated on-site should be included in any development approval Council may decide to issue.

Parking Implications
While the proposal will not be significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site. For this reason a requirement that adequate on-site parking spaces be provided and that all parking generated is accommodated on-site should be included in any development approval Council may decide to issue.

Emergency Escape Plan
The Applicant has provided a ‘fire escape plan’ that shows an assembly area within the front yard of the dwelling. It is suggested that if Approval is granted, a condition should be included that requires residents to be advised of procedures to be followed during times of cyclone evacuation.

Building Modifications
The policy requires that the appearance of the proposed non residential use should not impact on the residential character of the surrounding area. It is not proposed to make any external modifications to the existing dwelling which would result in this occurring.

Statutory Environment
• Planning and Development Act; and
• Shire of Ashburton Local Planning Scheme No.7

Policy Implications

Council Policy PLA10, *Non-Residential Land Uses in Residential Areas* and *draft Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings*’ are relative to this issue.

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Simple majority required.

Officers Recommendation

That Council:

1. Approve the development application made by William Young to use the existing dwelling at No. 62, Lot 401 Third Avenue, Onslow, for the purposes of a residential building subject to the following conditions:

   a. The development shall comply with the Shire of Ashburton’s Local Planning Scheme No 7, the Health Act, the Building Code of Australia, the West Australian Fire Board Regulations and any other relevant Acts, Regulations and Local Laws.

   b. Not more than six guests shall be accommodated within the premises at any one time.

   c. Prior to the use commencing, a plan showing (3) onsite parking spaces in accordance with Appendix 9 of the Scheme shall be submitted to and approved in writing by the Shire of Ashburton.

   d. Prior to the use commencing, an Emergency Escape Plan shall be prepared providing information and the method of advising residents of cyclone evacuation contingency should be required and approved in writing by the Shire of Ashburton.

   e. All car parking generated by the use shall occur within the boundaries of the property.
f. Vehicle parking, manoeuvring and circulation areas are to be suitably constructed, drained and maintained to the satisfaction of the Shire of Ashburton.

g. Car parking and vehicle circulation areas shall be available for these purposes at all times and shall not be used for any other purposes.

h. The use shall not continue beyond twelve calendar months of the date of granting this approval, without the written approval of Council. When assessing whether the use is to be approved for a period beyond twelve calendar months, Council shall have regard to whether the use has had any adverse impact on the amenity of the surrounding area.

i. The use shall be managed to the satisfaction of council at all times. A condition of this approval is that the person/s with management responsibility shall be responsible for the operation of Lot 402 Third Avenue, Onslow.

j. The name or names of those persons with management responsibility for the use are to be provided in writing to council prior to the use commencing. Council shall be advised in writing of any change in manager prior to the event occurring.

2. Note

A. In relation to Condition a, all residential development is assessed against the Residential Design Codes (R Codes) where the land is included in a density area of R12.5. As the following indicates, the proposed ‘conversion’ is deficient in that Table 1 to the R Codes defines that only an outbuilding can be established within 6 metres of the rear setback in R12.5. As the outbuilding is located within the 6 metre setback, the Application to convert it to a ‘dwelling’ (irrespective if it is a caretakers dwelling) cannot be supported.

B. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

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13.08.45  PLANNING APPLICATION – PROPOSED RESIDENTIAL BUILDING AND CONVERSION OF OUTBUILDING TO MANAGER’S RESIDENCE AT LOT 402 THIRD AVENUE, ONSLOW

FILE REFERENCE:  20090735

AUTHOR’S NAME AND POSITION:  Rob Paull  
Shire’s Town Planning Consultant

NAME OF APPLICANT/RESPONDENT:  William Young (Applicant and Owner)

DATE REPORT WRITTEN:  August 3, 2009

DISCLOSURE OF FINANCIAL INTEREST:  The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE:  Not Applicable

Summary

The owner of No. 64 (Lot 402) Third Avenue, Onslow has submitted a development application to operate a “residential building” within the existing dwelling on the subject site. The Application also seeks to convert an existing outbuilding at the rear of the property into a ‘Manager’s Residence’.

The Shire’s Local Planning Scheme No. 7 (‘Scheme’) zones the land Residential with a R Code of 12.5 and lists the proposed use “residential building” as a land use which Council may permit after public notice of the application. Advertising has taken place in accordance with the Scheme provisions and six (6) objections have been received.

The Application reflects the provisions of the draft ‘Local Planning Policy - Conversion of Dwellings to Residential Buildings’ however the proposed ‘conversion’ is deficient in that Table 1 to the R Codes defines that only an outbuilding can be established within 6 metres of the rear setback of land in R12.5. As the outbuilding is located within the rear 6 metre setback, the Application to convert it to a ‘dwelling’ (irrespective if it is a caretaker’s dwelling) cannot be supported.

It is recommended that the “residential building” use within the existing dwelling be approved subject to a number of conditions (including a requirement that operation of the use to be reviewed after a period of twelve months) and for the ‘managers residence’ to be removed from the endorsed plan.
Background

The owner of No 64 (Lt 402) Third Avenue Onslow has submitted a development application to use the existing dwelling on the site as a residential building and to convert an existing outbuilding at the rear of the site to a caretakers residence.

A copy of the Application and plans are attached.

ATTACHMENT 13.08.45

The site has an area of 1012m2 and is occupied by a 3 bedroom dwelling and garage/outbuilding (that serves the dwelling).

Council resolved at its June 2009 meeting that draft ‘Local Planning Policy - Conversion of Dwellings to Residential Buildings’ would be advertised (for 21 days) for public comment. Advertising has commenced and closed on 29 July. A Report to Council in relation to the adoption of the draft Policy is referred separately in this Agenda. The intent of the Policy is to ensure that a rigorous assessment of such applications is undertaken to ensure that such uses do not adversely impact upon the residential amenity of the locality.

The applicant has also lodged a separate application to use the existing dwelling on the adjacent property (Lt 401) as a residential building.

Comment

The proposed use fits within the definition of a ‘Residential Building’ which is defined in the Shire’s Local Planning Scheme No. 7 (‘Scheme) as:

“... a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:

- a single person,
- a single family,
- no more than six (6) persons who do not comprise a single family”.

Residential building means: “... a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

a) temporarily by two or more persons, or

b) permanently by seven or more persons,

who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, residential school, hotel, motel or holiday accommodation”.


AGENDA – ORDINARY MEETING OF COUNCIL
18 August 2009

The subject land is zoned Residential in the Local Planning Scheme No. 7 (‘Scheme’) with an R Coding of 12.5. Within such a zone a Residential Building is a ‘D’ use which is a use that Council may, at its discretion, permit after public notice of application has been given. Advertising has taken place in accordance with the Scheme provisions and eight (8) submissions have been received. (6 objections and two ‘no objection’s’ have been received.

Submissions
The submissions have been prepared for Council in the form of a Schedule. Three (3) of the submissions are of a standard format and which have been signed but with no return address.

Two letters of no objections have been received from the adjoining owner and the tenant (Lot 400) Two other objections were specific to their issue of renting and one objection was specific stating that the approval would impact upon the operation of his commercial operations.

A schedule of the objections received is attached

ATTACHMENT 13.08.45a

All objections raise the issue of the perceived the socio-economic impact on Onslow of using a dwelling for ‘residential building’ and the likelihood that the cost of accommodation will increase as a result.

Although the Administration is sympathetic with the substantive issues raised in the objections, as the following indicates, it is considered that the more general social and commercial reasons expressed in the objections are not matters that can be easily considered in determining the Application. In reaching this view, the Administration examined a number of planning decisions from the State Administrative Tribunal in relation to the social impact of similar uses. One case appeared to be similar in relation to the one before Council and addressed the matter of ‘social cohesion’.

In *Hope and City of Joondalup (2007)*, a property owner sought development approval for a change of use in a low density residential area from single house to short stay accommodation for families of up to eight members for periods of seven to 60 days. In this case, the Tribunal determined that the proposed use is not relevantly residential development, as it does not involve human habitation on a permanent basis. The proposed use was, therefore, not considered to be consistent with the objectives and purposes of the subject residential zone, with the consequence that it is not permitted.

The Tribunal also determined that, if the proposed use were capable of approval, the application would warrant refusal in the exercise of discretion, because of its likely adverse impacts in terms of social cohesion and noise and because it would set an adverse planning precedent in the circumstances.

In this case, the Tribunal noted that:

“The Tribunal considers that the proposed use is likely to have an adverse impact in terms of social cohesion. Although it is correct that the composition of a neighbourhood will change over time, it is extremely unlikely that the occupants of a single residential property in a low density
residential area will change every seven to 60 days. Although it is also correct that one cannot choose one's neighbours and that there is always a prospect of neighbours not getting along, there is common sense in Ms Williams' response during cross-examination that, even if one does not get along with one's neighbour, "at least you know".

There are some similarities but significant differences with the Application before Council and the above Appeal decision. Firstly, unlike the City of Joondalup Planning Scheme, the Shire's Scheme does not have zone objectives. Also, the uses proposed were different in that the Joondalup Appeal sought a 'tourist' use, whereas the Application before Council is for 'Residential Building'.

There is however a similarity in that in the Joondalup Appeal, the objections expressed concern about the “... adverse impact in terms of social cohesion” based on not knowing your neighbours due to them changing every seven to 60 days.

A significant difference between the Joondalup case and the subject application is that the objectors in this Application are not from adjoining neighbours but are from the wider area of Onslow. One objector is a commercial accommodation operator in Onslow. It is not known where some of the submitters live as no return addresses were provided. A search of the Shire's rate system and discussions with Western Area staff could not determine where these objectors lived. Those submitters with their address are approximately 150 metres away from Lot 401 whilst the submission from the commercial operator is approximately 2km away.

The adjoining land owner and tenant to the west (Lot 400) have both lodged letters of no objection (the Applicant owns the adjoining land to the east Lot 402)

For Council to give 'social cohesion' or similar consideration, it is reasonable to conclude that concerns would have been raised from adjoining or close neighbours. No such objections were received. Importantly, it is likely that the wider issue 'social cohesion' from higher rents will arise from the wider implications from nearby energy and mineral developments. In this regard, the Council is not in a position to influence the issue of cost of housing, except perhaps to pursue the release of more land for residential development purposes.

Accordingly, it is recommended that Council give due consideration on the objections but that it does not base a decision on the objections received.

Planning Policy
The proposal is also subject to the provisions of Council Policy PLA10 – Non-Residential Land Users in Residential Areas. While not binding on Council, Council should give consideration to the contents of the policy when considering the subject development application. The policy states that any application is to be considered on its individual merits, having regard to the following criteria.

- Location
- Residential Amenity
- Noise generation
AGENDA – ORDINARY MEETING OF COUNCIL
18 August 2009

- Essential Services and Waste Disposal
- Traffic implications
- Building modifications

More specific to the Application is draft Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings’.

Clause 4.5 of the draft Policy states:

a) Applications will be examined with regard to the following:

i) potential for increased levels of noise, disturbance and car parking and the likely greater impact on the residential amenity of neighbouring or nearby dwellings;

ii) to ensure that any such uses will not adversely impact on residential amenity values currently enjoyed by those in surrounding properties;

iii) car parking provision of one car for each bedroom within the facility shall be provided on the site two of which may be in tandem formation. Where a greater number of cars is required these will be examined in each case as to the position of the bays and their likely impact on the street and neighbouring properties; and

iv) residences must be connected to the Water Authority’s reticulated water supply.

b) Should Council consider Approval of an Application, the following will apply:

i) approval is a particular approval, and is not transferable without prior written approval of Council;

ii) where the existing standard of a dwelling is considered by Council to be inappropriate, consent may not be granted until the dwelling is upgraded to a satisfactory standard. If, after inspection, the dwelling is considered to be unsafe or inadequate for Residential Building use, the application will be refused;

iii) smoke alarms along with emergency response plans (i.e. fire escape route maps, cyclone evacuation contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling;

iv) any approval granted will be for a limited period of one (1) year such that the Council may be assured that the use will not result in any unreasonable impact on adjoining properties;

v) car parking spaces shall be well constructed, kerbed and drained to the satisfaction and specifications of the Shire; and
vi) in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date.

The draft Policy is still to be considered by Council. Accordingly, it cannot be regarded as a substantially considered document of the Shire and its relevance to this current application if limited. However, should it be adopted by Council at this current Meeting, then Council should consider the Application in light of the adopted Policy.

Accordingly, considering the current proposal against both PLA10 – Non-Residential Land Users in Residential Areas and draft Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings; the following comments are made.

Location
The location of the proposed use has no particular significance and all parking generated to be accommodated on site.

Residential Amenity
The proposal’s greatest potential for an adverse impact on the residential amenity of the surrounding area is noise generation and car parking. It is considered that both these issues can be adequately addressed in the manner set out below. As further protection against inappropriate activity on the site, however, it is recommended that Council, if it decides to grant approval, should initially limit any approval it may issue to a period of twelve months after which time the use could be reviewed.

Noise Generation
Noise made by guests has the greatest potential to impact on the amenity of the local area. This is the case if the establishment is not well managed. In the event of Council deciding to issue a development approval it would be appropriate to include a condition that ensures the manager of the business to live sufficiently close so as to ensure close practical overseeing of the use.

Essential Services and Waste Disposal
The proposed use will have a minimal impact on water sewerage and power supplies, as well as other essential services.

Traffic Implications
While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site. For this reason a requirement that adequate on-site parking spaces be provided and that all parking generated is accommodated on-site should be included in any development approval Council may decide to issue.

Emergency Escape Plan
The Applicant has provided a ‘fire escape plan’ that shows an assembly area within the front yard of the dwelling. It is suggested that Approval be granted, a condition should be included that provides information to residents on cyclone evacuation contingency should be required.
Building Modifications
The policy requires that the appearance of the proposed non residential use should not impact on
the residential character of the surrounding area.

It is not proposed to make any external modifications to the existing dwelling which would result in
this occurring.

Managers Residence
The Manager's Residence is defined as a 'caretaker's dwelling' under the Scheme and is an
'incidental' use in the Residential zone. All residential development is assessed against the
Residential Design Codes ('R Codes') where the land is included in a density area of R12.5. As
the following indicates, the proposed 'conversion' is deficient in that Table 1 to the R Codes
define that only an outbuilding can be established within 6 metres of the rear setback in R12.5.
The outbuilding is located within the 6 metre setback.

Accordingly, the 'Managers Residence' cannot be supported. It should be noted that the
appropriateness or otherwise of converting a garage/outbuilding for human habitation has not
been discussed due to the non compliance with the R Codes.

Plans submitted with the Application indicate existing office and storeroom'. It is assumed that the
office component 'relates to a home office or similar. In this regard, the office use would be
ancillary to the use of the land as a dwelling. Should approval be issued for the 'Residential
Building', it is considered that such use would need to cease as it is no longer associated with a
dwelling use. However, should the 'manager' reside in the dwelling, the office use could continue.

Statutory Environment

- Planning and Development Act; and
- Shire of Ashburton Local Planning Scheme No.7

Policy Implications

Council Policy PLA10, Non-Residential Land Uses in Residential Areas and draft Local Planning
Policy - Conversion of Dwellings and Outbuildings to Residential Buildings' are relative to this
issue.

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement
Simple majority required.

Officers Recommendation

That Council:

3. Approve the development application made by William Young to use the existing dwelling at Lot 402 Third Avenue, Onslow, for the purposes of a residential building subject to the following conditions:

   a. Prior to the use of the building as ‘Residential Building, the plan be modified to remove reference to the ‘proposed Managers Residence and shall be submitted to and approved in writing by the Shire of Ashburton.

   b. The development shall comply with the Shire of Ashburton’s Local Planning Scheme No. 7, the Health Act, the Building Code of Australia, the West Australian Fire Board Regulations and any other relevant Acts, Regulations and Local Laws.

   c. Not more than six guests shall be accommodated within the premises at any one time.

   d. Prior to the use commencing, a plan showing three (3) onsite parking spaces in accordance with Appendix 9 of the Scheme shall be submitted to and approved in writing by the Shire of Ashburton.

   e. Prior to the use commencing, an Emergency Escape Plan shall be prepared providing information and the method of advising residents of cyclone evacuation contingency should be required and approved in writing by the Shire of Ashburton.

   f. All car parking generated by the use shall occur within the boundaries of the property.

   g. Vehicle parking, manoeuvring and circulation areas are to be suitably constructed, drained and maintained to the satisfaction of the Shire of Ashburton.

   h. Car parking and vehicle circulation areas shall be available for these purposes at all times and shall not be used for any other purpose.

   i. The use shall not continue beyond twelve calendar months of the date of granting this approval, without the written approval of Council. When assessing whether the use is to be approved for a period beyond twelve calendar months, Council shall have regard to whether the use has had any adverse impact on the amenity of the surrounding area.

   j. The use shall be managed to the satisfaction of Council at all times. A condition of this approval is that the person/s with management responsibility shall be responsible for the operation of Lot 402 Third Avenue, Onslow.
k. The name or names of those persons with management responsibility for the use are to be provided in writing to Council prior to the use commencing. Council shall be advised in writing of any change in manager prior to the event occurring.

4. Note

C. In relation to Condition a, all residential development is assessed against the Residential Design Codes (‘R Codes’) where the land is included in a density area of R12.5. As the following indicates, the proposed ‘conversion’ is deficient in that Table 1 to the R Codes define that only an outbuilding can be established within 6 metres of the rear setback in R12.5. As the outbuilding is located within the 6 metre setback, the Application to convert it to a ‘dwelling’ (irrespective if it is a caretaker’s dwelling) cannot be supported.

D. Plans submitted with the Application indicate existing office and storeroom’. It is assumed that the office component ‘relates to a home office or similar. In this regard, the office use would be ancillary to the use of the land as a dwelling. Should approval be issued for the ‘Residential Building’, it is considered that such use would need to cease as it is no longer associated with a dwelling use. However, should the ‘manager’ reside in the dwelling, the office use could continue.

E. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

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13.08.46 APPLICATION FOR PLANNING APPROVAL FOR THE UPGRADE OF WAPET LANDING AND SUPPORTING UTILITIES, BARROW ISLAND

FILE REFERENCE: IS.BARW

AUTHOR’S NAME AND POSITION: Rob Paull
Town Planning Consultant

NAME OF APPLICANT/RESPONDENT: Chevron Australia Pty Ltd.

DATE REPORT WRITTEN: 6 August 2009

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire is in receipt of an Application for Planning Approval for the upgrade of the West Australian Petroleum Pty Ltd (WAPET) landing and supporting utilities on Barrow Island, Shire of Ashburton.

Barrow Island is Reserved “Conservation, Recreation and Natural Landscapes”, under the Shire of Ashburton Town Planning Scheme No. 7 (‘Scheme’). The application was referred to the Department of Environment and Conservation (DEC) to ensure that the necessary standards and assessment of the project was undertaken.

It is recommended that the application is appropriate to the land and subject to conditions, should be supported.

Background

Barrow Island (BWI) is an ‘A’ Class Reserve with WA Oil Pty Ltd holding petroleum leases (L 10, EP/61 and EP/62) as per the Petroleum Act 1936, administered by the Department of Mines and Petroleum. The island is situated approximately 85km offshore from Onslow.

Chevron Pty Ltd is currently directing the development phase of the Gorgon liquefied natural gas (LNG) Project on Barrow Island off the North West coast of Western Australia, for the Gorgon Joint Venture. This Project will ultimately comprise the construction of LNG process facilities on BWI and associated subsea wells and pipeline.
The Gorgon Gas Development is located on a ‘greenfield’ site and includes offshore infrastructure, pipelines, an onshore gas processing facility consisting of domestic gas and LNG facilities, an LNG load-out jetty, materials off-loading facility, domestic gas export pipeline and associated accommodation and support infrastructure.

Chevron Pty Ltd advise that in order to support construction on the island, an existing facility known as West Australian Petroleum Pty Ltd (WAPET) landing will be utilised for all vessel and freight movement prior to the completion of the material offloading facility. This facility is the only available landing point on Barrow Island and requires upgrading as it is currently unsuitable for the large movements of freight proposed.

WAPET landing is located on the east coast of BWI, approximately 7kms north of the proposed Gas Treatment Plant site.

Proposal
The Planning Application encompasses upgrades to WAPET landing facility and all the associated utilities/infrastructure to support its operation.

This upgrade is required as all vessel and freight movements to and from Barrow Island will utilise WAPET landing prior to completion of an operational Material Offloading Facility scheduled for the third quarter of 2011. Transport of materials, equipment and personnel is an essential element in the development and operation of the proposed LNG facilities on Barrow Island and the facility requires improvement.

WAPET landing will continue to be used during peak periods of marine activities and will be maintained as a laydown and storage facility upon full operation of the Material Offloading Facility. Details of the proposal are shown in the enclosed attachment

Comment
Chevron Australia Pty Ltd advise:

“........ the proposed works include an increase of the Landing Craft landing capacity, upgrade of the groyne and construction of new barge berths. The works will involve the installation of the following supporting infrastructure; a small craft landing, marine and land based navigational aids, moorings, new and upgraded roads, temporary buildings and associated services and minor earthworks to existing laydown areas.

It is envisaged that minor clearing of vegetation may need to occur to support the proposed upgrades. The upgrades will meet environmental and quarantine requirements and all facilities and supporting structures will be designed to meet relevant requirements of the Shire of Ashburton and other regulatory authorities, such as the Building Code of Australia (BCA)”. 
The Shire does not have any specific policies applying to Barrow Island, however, the Shire's Planning Scheme stipulates the process by which the Council must consider any Planning Applications on land reserved “Conservation, Recreation and Natural Landscapes”.

In relation to the environmental assessment, Chevron Australia Pty Ltd has advised that:

*The Project was assessed at the Environmental Impact Statement/Environmental Review Management Programme (EIS/ERMP) level, which is the highest level of assessment the Environmental Protection Agency (EPA) can set. The EPA Bulletin, providing advice to the Minister for the Environment was released on 6 June 2006. Thereafter the Minister for the Environment accepted the project proposal according to statement 748. The Gorgon Gas Development is bound to meet the environmental conditions included in statement 748 and will exceed them where Chevron Australia Pty Ltd standards are more stringent.*

A revised proposal has been developed which incorporates alterations to the existing EIS/ERMP approval. The submission includes a third LNG train, adding a further five million tonnes per annum LNG. Other main changes to the proposal outlined in this document include the expansion of the carbon dioxide injection system and extension of the causeway and the (MOF) into deeper water. The assessment of this proposal was set at the level of public environmental review (PER). The PER document was approved for submission to government in September 2008 and is in the process of review. The EPA released its report and recommendations to the Minister for Environment in April 2009. The Minister for Environment statement regarding the revised proposal is expected to be released in July 2009.

In relation to land Reserved “Conservation, Recreation and Natural Landscapes”, the Scheme states as follows:

3.2.5 “The “Conservation, Recreation and Natural Landscapes” reserve is intended to accommodate a broad range of natural and modified land uses and development and may, subject to relevant approvals, include extractive or resource processing industry and infrastructure. Where Local Government considers applications for such development, it shall have regard for other legislation and/or the advice of the relevant land owner/manager.”

3.2.6 The Local Government may prepare or require to be prepared an assessment of environmental values of the “Conservation, Recreation and Natural Landscapes” reserves prior to considering a planning application of the reserve”.

In this respect, the environmental values of the Island have been established through extensive environmental management plans prepared by Chevron to the requirements of the DEC. The application was referred to the DEC to ensure that the necessary standards and assessment of the project was undertaken.

The DEC advised that (via Email):
“In view of the fact that environmental matters are being addressed under the Environmental Protection Act and the Barrow Island Act, the Department of Environment and Conservation (Pilbara Region) has no comments to offer on this proposal’s”.

Compliance with Clauses 3.2.5 and 3.2.6 of the Scheme has been provided.

Chevron Australia Pty Ltd has advised that the area in question is deemed by the Australian Cultural Materials Committee as being a site excluded from section 5 of the Aboriginal Heritage Act 1972 and classified as stored data. The proposed area has previously been developed and it is unlikely that cultural heritage material or sites will be discovered. As such the proposed WAPET landing upgrade does not pose a risk to cultural heritage material or sites. No Native Title claims extend over Barrow Island.

In view of the above and the response from the DEC, it is considered the application is appropriate to the land and subject to conditions, should be supported.

Consultation

Chief Executive Officer
Community consultation was not undertaken as the proposal is located in a remote part of the Shire within the land owner’s Lease Area and is directly associated with an existing Oil Field operations.

Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7 (‘Scheme’). The land is reserved “Conservation, Recreation and Natural Landscapes” under the Scheme. The Scheme requires that all land uses not associated with the maintenance and protection of the Island require the consent of Council. The Shire’s planning control extends to the High Water Mark.

Policy Implications

There are no policy implications, which relate to this matter.

Financial Implications

The Shire is able to recoup costs associated with this process from the proponent.

Strategic Implications

There are no strategic implications, which relate to this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation
1. Resolve that advertising of the Planning Application made by Chevron Australia Pty Ltd the use and buildings and works comprising the upgrade of WAPET landing and supporting utilities and associated works on land (to the high water mark) generally north east of Barrow Island, Shire of Ashburton is not required due to the facility being:

- located in a remote part of the Shire within the land owner’s Lease Area; and
- associated with an existing operations.

2. That Council Approve the construction and use of works comprising the upgrade of WAPET landing and supporting utilities and associated works on land (to the high water mark) generally north east of Barrow Island, Shire of Ashburton, subject, but not necessarily limited to, the following conditions:

a) A Building Licence for the development should be obtained prior to 17 March 2011. This Planning Consent lapses if a building licence for the development has not been obtained by 17 March 2011. Further to this, if the development is not substantially commenced in accordance with the Building Licence by 17 March 2011, then this Planning Consent lapses at that date.

b) The land use and development shall be undertaken generally in accordance with the approved plans, in a manner that is deemed to comply with the satisfaction of the Chief Executive Officer.

c) Prior to the development being occupied the “owner of the land” shall enter into a signed agreement with the Shire of Ashburton, pursuant to Clause 6.9.4 of the scheme. The agreement shall require the use of the structures to cease by 17 March 2029 or other period as agreed by the Chief Executive Officer and the structures be removed within 90 days.

d) A Fire Management Plan and Emergency Evacuation Plan shall be prepared by the applicant and adopted by Council and thereafter implemented to Council’s satisfaction prior to the issuing of a Building Licence.

e) A geotechnical report covering the development area being prepared by the applicant at the applicant’s cost and to the satisfaction of the Chief Executive Officer. The report to be lodged with the building licence application, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.

f) A comprehensive effluent plan and drainage plan shall be submitted to Council and such plan(s) approved prior to the issue of a Building Licence. All works to be constructed as per the approved plan.

g) The operator is solely responsible for the removal of all litter and rubbish and shall ensure that the Island is retained in pristine condition at all times.
Advice Notes

1. In relation to Condition (d), it is recommended that prior to the submission of the Fire Management Plan and Emergency Evacuation Plan, the Applicant discuss the proposal with FESA, Department of Commerce and SES.

2. Council has determined this application.

   Rights of appeal are available to the applicant under the Planning and Development Act 2005 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

3. In the “Conservation, Recreation and Natural Landscapes” Reserve, approval is required for most land uses and building construction. Council’s Planning Department should be contacted for further information.

4. A building licence application under the provisions of the Local Government Miscellaneous Provisions Act must be submitted to and approved by the Shire prior to the demolition of existing buildings and the commencement of any on-site works whatsoever.

5. The issuing of development approval for the development pursuant to Shire’s Planning Scheme does not constitute approval to use the Operation/Construction Facility unless all matters relating to Local Government (Miscellaneous Provisions) Act have been addressed.

6. Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) and the Health Act, 1911 (as amended) which are to be approved by the Shire’s Principal Building Surveyor and Principal Environmental Health Officer prior to the issue of the Building Licence.

7. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following website http://www.dia.wa.gov.au/Heritage/default.aspx.

8. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.

9. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the applicant may have in notifying Environment Australia of the proposal for

10. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the applicant may have in seeking consent from the Department of Commerce for fuel storage purposes.

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13.08.47 PLANNING APPLICATION – PROPOSED RESIDENTIAL BUILDING AT No. 11, LOT 909 MCGRATH AVENUE, ONSLOW

FILE REFERENCE: 20090705

AUTHOR’S NAME AND POSITION: Rob Paull
Shire’s Town Planning Consultant

NAME OF APPLICANT/RESPONDENT: U Glauch, C & D Thornley, H & A Lyche (Owners)
M Loader – Cane River Services (Applicant)

DATE REPORT WRITTEN: August 4, 2009

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The owners of No. 11 (Lot 909) McGrath Avenue, Onslow have submitted a development application to operate a “residential building” within the existing dwelling on the subject site.

The Shire’s Local Planning Scheme No. 7 (‘Scheme’) zones the land Residential with a R Code of 12.5/30 and lists the proposed use “residential building” as a land use which Council may permit after public notice of the application. Advertising has taken place in accordance with the Scheme provisions and six (6) submissions were received – comprising six (6) objections.

The Application reflects the provisions of the draft ‘Local Planning Policy - Conversion of Dwellings to Residential Buildings’.

It is recommended that the “residential building” use within the existing dwelling be approved subject to a number of conditions (including a requirement that operation of the use to be reviewed after a period of twelve months).

Background

The owners of No 11 (Lot 909) McGrath Avenue, Onslow, have submitted a development application to operate a ‘residential building’ use within the existing dwelling on the subject site. The site has an area of 878m2 and is occupied by a 2 bedroom dwelling and garage/outbuilding (that serves the dwelling).
Copies of the Application and plans are attached.

ATTACHMENT 13.08.47

Council resolved at the June 2009 meeting that draft ‘Local Planning Policy - Conversion of Dwellings to Residential Buildings’ would be advertised (for 21 days) for public comment.

Advertising has been undertaken and closed on 29 July. A Report to Council in relation to the adoption of the draft Policy is referred separately in this Agenda. The intent of the Policy is to ensure that a rigorous assessment of such applications is undertaken to ensure that such uses do not impact upon the residential amenity of the locality.

Comment

The proposed use fits within the definition of a ‘Residential Building’ which is defined in the Shire’s Local Planning Scheme No. 7 (‘Scheme’) as:

“... a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:

- a single person,
- a single family,
- no more than six (6) persons who do not comprise a single family”.

Residential building means: “...a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

a) temporarily by two or more persons, or
b) permanently by seven or more persons,

who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, residential school, hotel, motel or holiday accommodation”.

The subject land is zoned Residential in the Local Planning Scheme No. 7 (‘Scheme’) with an R Coding of 12.5/30. Within such a zone a Residential Building is a ‘D’ use which is a use that Council may, at its discretion, permit after public notice of application has been given. Advertising has taken place in accordance with the Scheme provisions and six (6) submissions (6 objections) have been received.

Submissions
The Submissions have been prepared for Council in the form of a Schedule. Three (3) of the submissions (objections) are of a standard format and which have been signed but with no return
address. Two other objections were specific to their issue of renting and one objection was specific stating that the approval would impact upon the operation of his commercial operations.

All objections raise the issue of the perceived the socio-economic impact on Onslow of using a dwelling for ‘residential building’ and the likelihood that the cost of accommodation will increase as a result.

A schedule detailing the objections received is attached

ATTACHMENT 13.08.47a

Although the Administration is sympathetic with the substantive issues raised in the objections, as the following indicates, it is considered that the more general social and commercial reasons expressed in the objections are not matters that can be easily considered in determining the Application. In reaching this view, the Administration examined a number of planning decisions from the State Administrative Tribunal in relation to the social impact of similar uses. One case appeared to be similar in relation to the one before Council and addressed the matter of “social cohesion”.

In Hope and City of Joondalup (2007), a property owner sought development approval for a change of use in a low density residential area from single house to short stay accommodation for families of up to eight members for periods of seven to 60 days. In that case, the Tribunal determined that the proposed use was not relevantly residential development, as it did not involve human habitation on a permanent basis. The proposed use was, therefore, not considered to be consistent with the objectives and purposes of the subject residential zone, with the consequence that it is not permitted.

The Tribunal also determined that, if the proposed use were capable of approval, the application would warrant refusal in the exercise of discretion, because of its likely adverse impacts in terms of social cohesion and noise and because it would set an adverse planning precedent in the circumstances.

In that case, the Tribunal noted that:

“The Tribunal considers that the proposed use is likely to have an adverse impact in terms of social cohesion. Although it is correct that the composition of a neighbourhood will change over time, it is extremely unlikely that the occupants of a single residential property in a low density residential area will change every seven to 60 days. Although it is also correct that one cannot choose one’s neighbours and that there is always a prospect of neighbours not getting along, there is common sense in Ms Williams’ response during cross-examination that, even if one does not get along with one’s neighbour, "at least you know".

There are some similarities but significant differences with the Application before Council and the above Appeal decision. Firstly, unlike the City of Joondalup Planning Scheme, the Shire’s Scheme does not have zone objectives.
Also, the uses proposed were different in that the Joondalup Appeal sought a ‘tourist’ use, whereas the Application before Council is for ‘Residential Building.

There is however a similarity in that in the Joondalup Appeal, the objections expressed concern about the “... adverse impact in terms of social cohesion” based on not knowing your neighbours due to them changing every seven to 60 days.

A significant difference between the Joondalup case and the subject application is that the objectors in this Application are not from adjoining neighbours but are from the wider area of Onslow. One objector is a commercial accommodation operator in Onslow. It is not known where some of the submitters live as no return addresses were provided. A search of the Shire’s rate system and discussions with Western Area staff could not determine where these objectors lived. Those submitters with their address are approximately 750 metres away from Lot 909 whilst the submission from the commercial operator is approximately 1.5km away.

For Council to give ‘social cohesion’ or similar consideration, it is reasonable to conclude that concerns would have been raised from adjoining neighbours. No such objections were received. It is likely that the wider issue ‘social cohesion’ from higher rents will arise in the community from the wider implications from energy and mineral developments that are being considered in the Onslow area. In this regard, the Council is not in a position to influence the issue of cost of housing, except by pursuing the release of more residential land for development purposes.

Accordingly, it is recommended that Council note the objections but that it does not base a decision on the objections received based on social or commercial issues.

Planning Policy

The proposal is also subject to the provisions of Council Policy PLA10 – Non-Residential Land Users in Residential Areas. While not binding on Council, it should give consideration to the contents of the policy when considering the subject development application. The policy states that any application is to be considered on its individual merits, having regard to the following criteria.

- Location
- Residential Amenity
- Noise generation
- Essential Services and Waste Disposal
- Traffic implications
- Building modifications

More specific to the Application is draft Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings’.

Clause 4.5 of the draft Policy states:

a) Applications will be examined with regard to the following:
i) potential for increased levels of noise, disturbance and car parking and the likely greater impact on the residential amenity of neighbouring or nearby dwellings;

ii) to ensure that any such uses will not adversely impact on residential amenity values currently enjoyed by those in surrounding properties;

iii) car parking provision of one car for each bedroom within the facility shall be provided on the site two of which may be in tandem formation. Where a greater number of cars is required these will be examined in each case as to the position of the bays and their likely impact on the street and neighbouring properties; and

iv) residences must be connected to the Water Authority’s reticulated water supply.

b) Should Council consider Approval of an Application, the following will apply:

i) approval is a particular approval, and is not transferable without prior written approval of Council;

ii) where the existing standard of a dwelling is considered by Council to be inappropriate, consent may not be granted until the dwelling is upgraded to a satisfactory standard. If, after inspection, the dwelling is considered to be unsafe or inadequate for Residential Building use, the application will be refused;

iii) smoke alarms along with emergency response plans (i.e. fire escape route maps, cyclone evacuation contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling;

iv) any approval granted will be for a limited period of one (1) year such that the Council may be assured that the use will not result in any unreasonable impact on adjoining properties;

v) car parking spaces shall be well constructed, kerbed and drained to the satisfaction and specifications of the Shire; and

vi) in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date.

The draft Policy is still to be considered by Council. Should it be adopted by Council at this current Meeting, then Council should consider the Application in light of the adopted Policy. Accordingly, considering the current proposal against both PLA10 – Non-Residential Land Users in Residential Areas and draft Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings’, the following comments are made.

Location
The location of the proposed use has no particular significance and all parking generated to be accommodated on site.
Residential Amenity
The proposal’s greatest potential for an adverse impact on the residential amenity of the surrounding area is noise generation and car parking. It is considered that both these issues can be adequately addressed in the manner set out below. As further protection against inappropriate activity on the site, however, it is recommended that Council, if it decides to grant approval, should initially limit any approval it may issue to a period of twelve months after which time the use could be reviewed.

Noise Generation
Noise made by guests has the greatest potential to impact on the amenity of the local area. This is the case if the establishment is not well managed. In the event of Council deciding to issue a development approval it would be appropriate to include a condition that ensures the manager of the business to live sufficiently close so as to ensure close practical overseeing of the use.

Essential Services and Waste Disposal
The proposed use will have a minimal impact on water sewerage and power supplies, as well as other essential services.

Traffic Implications
While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site. For this reason a requirement that adequate on-site parking spaces be provided and that all parking generated is accommodated on-site should be included in any development approval Council may decide to issue.

Emergency Escape Plan
The Applicant has provided a ‘fire escape plan’ that shows an assembly area within the front yard of the dwelling. It is suggested that Approval be granted, a condition should be included that requires residents to be advised of procedures to be followed during times of cyclonic evacuation.

Building Modifications
The policy requires that the appearance of the proposed non residential use should not impact on the residential character of the surrounding area. It is not proposed to make any external modifications to the existing dwelling which would result in this occurring.

Statutory Environment

- Planning and Development Act; and
- Shire of Ashburton Local Planning Scheme No.7

Policy Implications
Council Policy PLA10, *Non-Residential Land Uses in Residential Areas and draft Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings*’ are relative to this issue.
Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Simple majority required.

Officers Recommendation

That Council:

5. Approve the development application made by M Loader – Cane River Services to use the existing dwelling at No. 11 (Lot 909) McGrath Avenue, Onslow for the purposes of a residential building subject to the following conditions:

a. The development shall comply with the Shire of Ashburton’s Local Planning Scheme No. 7, the Health Act, the Building Code of Australia, the West Australian Fire Board Regulations and any other relevant Acts, Regulations and Local Laws.

b. Not more than four guests shall be accommodated within the premises at any one time.

c. Prior to the use commencing, a site plan draw to scale and showing three (3) onsite parking spaces in accordance with Appendix 9 of the Scheme shall be submitted to and approved in writing by the Shire of Ashburton.

d. Prior to the use commencing, an Emergency Escape Plan shall be prepared providing information and the method of advising residents of cyclone evacuation contingency should be required and approved in writing by the Shire of Ashburton.

e. All car parking generated by the use shall occur within the boundaries of the property.

f. Vehicle parking, manoeuvring and circulation areas are to be suitably constructed, drained and maintained to the satisfaction of the Shire of Ashburton.

g. Car parking and vehicle circulation areas shall be available for these purposes at all times and shall not be used for any other purpose.

h. The use shall not continue beyond twelve calendar months of the date of granting this approval, without the written approval of Council. When assessing whether the use is to be approved for a period beyond twelve calendar months, Council shall have regard to whether the use has had any adverse impact on the amenity of the surrounding area.
i. The use shall be managed to the satisfaction of Council at all times. A condition of this approval is that the person/s with management responsibility shall be responsible for the operation of No. 11 (Lot 909) McGrath Avenue, Onslow.

j. The name or names of those persons with management responsibility for the use are to be provided in writing to Council prior to the use commencing. The person/persons shall reside in Onslow. Council shall be advised in writing of any change in manager prior to the event occurring.

6. Note

F. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

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<th>Rob Paull</th>
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<tr>
<td>Manager:</td>
<td>Keith Pearson</td>
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Summary

An application to subdivide land at Lots 501 & 502 Warara Street, Tom Price, has been lodged with the Western Australian Planning Commission (WAPC) by Whelans on behalf of the Shire. The WAPC has referred the Application to the Council for comment and the recommendation of possible conditions.

The proposal involves the subdivision of the land into 13 lots, four of which are likely to be developed (separately) as group housing lots (two of these lots are intended to be ‘duplex’ and two ‘triplex’) thus resulting in it being possible to construct 19 dwellings in the subdivision.

It is recommended that Council advise the WAPC that it has no objection to the subdivision but that it requests that the conditions set out in the report recommendation be included in any Approval.

Background

Whelans, land surveyors, have lodged an application to subdivide land at Lots 501 & 502 Warara Street, Tom Price, with the Western Australian Planning Commission (WAPC). The WAPC has referred the Application to the Council for comment and the recommendation of possible conditions. The area of Lots 501 & 502 total 11,692m2.

The WAPC referral of the application to the Shire is a requirement of the Planning & Development Act.
The proposal involves the subdivision of land on the north side of Warara Street, excluding Lot 327 (subject to a Separate Report to this Council meeting).

The subdivision will yield 13 lots, four of which are likely to be developed (separately) as group housing 'lots (comprising two ‘duplex’ and two ‘triplex’ lots) thus resulting in it being possible to construct 19 dwellings in the subdivision. The subject land is zoned Residential with an R20 density provision (pursuant to the Residential Design Codes) under the Shire’s Town Planning Scheme No. 7 (‘Scheme’).

The layout of the proposed subdivision and aerial photograph are attached.

ATTACHMENT 13.08.48

Comment

The layout and density of the proposed subdivision is consistent with the provisions of the Scheme. The average lot size of approximately 899m² although this is distorted by the fact that four (4) lots are intended for ‘group housing’ (10 potential ‘group housing’ lots). The average area of the single house lots (i.e. excluding the ‘group housing’ sites) is 707m² which is significantly greater than that required by the R20 Code (minimum of 450m² and average of 500m²).

The subdivider (whether it is the State or Council) would be required to set aside public open space of 10% of the subdivision area (i.e. POS area of 1,166m²). Public open space for the area is serviced through land at the corner of North Road and Central Road, some 500m – 800m away (by road). The provision of a 1166m² ‘pocket park’ in the locality is not recommended and it is considered that there is a greater community need (as reflected in the Minister’s response to Parliament [below]) for housing sites in Tom Price. Accordingly, it is recommended that a ‘cash-in-lieu’ contribution for POS be sought as a condition of subdivision.

The subdivision and development will ease the shortage of residential lots in Tom Price. Council will note that the issue of developable residential land has been a significant matter for the Council and the Government for some time. In the Legislative Assembly on 21 May 2009, Mr T.G. Stephens asked to the Hon J.H.D. Day, Minister for Planning as follows:

(5) What initiatives is the Minister taking through his Planning portfolio to bring about rapid relief to the acute housing crisis in Tom Price?

(6) What additional land has been identified for immediate release for residential use in Tom Price in the immediate future?

In response, the Minister advised on 18 June 2009 referred to Lot 327 and the urgent need for housing sites in Tom Price as follows:

(3) The recent 'mining boom' resulted in a significant shortage of housing in Tom Price and notwithstanding the current economic downturn I expect demand for residential, industrial, commercial and recreational land will continue in the medium term. In recent times the Shire of Ashburton with the support of Department of Planning and Infrastructure has initiated the preparation of the Tom Price Structure Plan and Town
Centre Revitalisation Strategy, as a first step to implementing practical solutions to these issues. The draft structure plan has identified two major potential development directions for Tom Price:

- Urban consolidation within the Tom Price townsite; and
- Urban expansion to the north of the Tom Price townsite.

Six sites have been identified as potentially suitable for urban consolidation within the Tom Price townsite and will be further investigated. The area to the north of the townsite has an area of around 90 hectares but environmental, native title and infrastructure servicing constraints will need to be addressed.

The development of land in Tom Price has been inhibited by aging infrastructure but these issues are now being resolved as a result of ongoing discussions between the Shire and the service provider.

(2) To address the immediate shortage of residential land the Shire of Ashburton is seeking to develop two parcels of land within the townsite which could potentially yield 37 residential lots and 16 residential strata lots respectively.

Unvested Crown Land on the north side of Warara Street and Pilkina Street and west of Yaruga Street is zoned Residential R20. The Shire has approached DPI (State Land Services) to purchase the land and to assist the Shire DPI is undertaking the native title assessment, in accordance with its processes and legislation.

The second parcel of land, a disused telecommunications site in Warara Street, is also being purchased by the Shire. This land is the subject of a local planning scheme amendment which will be advertised for public comment this month”.

This subdivision is the land referred by the Minister in paragraphs one and two of response No. 2.

Lots 501 & 502 represent ‘infill’ development and the finalisation of the existing ‘Residential’ zoned land in this northern area of Tom Price. Importantly, from discussions and correspondence with Hamersley Iron (service provider for water, sewer and power) it can be serviced and constructed.

It’s noted that proposed lot 1 is intended to be a ‘group housing (‘duplex’ lot). This intent is supported as it provides the opportunity for housing variety in the town. However the lot size will need to be increased from 982m\(^2\) to a minimum area of 1000m\(^2\) in accordance with the Residential Design Codes (R Codes). The remaining lots will need to be adjusted accordingly.

It is recommended that Council provide conditional support for the proposed subdivision and advise the WAPC accordingly

**Statutory Environment**

Planning and Development Act 2005
Shire of Ashburton Town Planning Scheme No. 7
Residential Design Codes

Policy Implications

Council Policy PLA 3 – Standard Subdivision Conditions

Financial Implications

There are no financial implications in relation to this matter as it relates to the future subdivision of the land and not ownership. Any proposal to purchase and development the land by Council would be subject to a further Report to Council.

Strategic Implications

The subdivision as sought will assist in achieving the focus as stated in the Shire’s Strategic Plan 2007-2011:

“Strengthen and diversify opportunities and experiences for people living, visiting, working and learning in the Shire”.

The provision of housing in the Shire is an important operational and strategic need.

Voting Requirement

Simple majority required.

Officers Recommendation

That Council advise the Western Australian Planning Commission that:

3. The WAPC Subdivision Application Ref 140351 was lodged by Whelan’s P/L on behalf of the Shire of Ashburton.

4. Council offers no objection to WAPC Subdivision Application Ref 140351 by Whelans to subdivide land at Lots 501 & 502 Warara Street, Tom Price into thirteen (13) lots, subject to the following conditions being included in the subdivision approval:

11. Proposed lot 1 increased to a minimum area of 1000m2 in accordance with the Residential Design Codes (R Codes) in order to be eligible for ‘group housing’ (‘duplex’) purposes, with all lots reflecting the minimum frontage and area provisions for R20 Coding for the land.

12. Satisfactory arrangements being made with the Shire of Ashburton for the upgrading of Warara Road prior to the issue of clearance(s). In this regard, the upgrading would involve kerbing and general road construction works.
13. Street corners within the subdivision being truncated to a standard truncation of 8.5 metres.

14. The land being filled and/or drained at the subdividers cost, to the specifications and satisfaction of the Shire of Ashburton.

15. The land being connected to a comprehensive drainage system at the subdivider's cost to the specifications and satisfaction of the Shire of Ashburton.

16. The land being graded and stabilised at the subdivider’s cost to the specifications and satisfaction of the Shire of Ashburton.

17. The applicant providing the Shire of Ashburton with information relating to existing contours and natural features, location of existing vegetation, the extent of earthworks and final contours for the land prior to any site clearance or subdivisional construction work being commenced.

18. All lots within the subdivision being connected to reticulated sewerage.

19. The provision of underground power to all lots within the subdivision.

20. The Shire of Ashburton is prepared to accept cash-in-lieu of Public Open Space as a condition of subdivision in accordance with Section153 of the Planning and Development Act, and hereby requests the approval of the WA Planning Commission concurrent with subdivision approval so that a cash-in-lieu contribution can be made.

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Author : Rob Paull  
Signature : 

Manager : Keith Pearson  
Signature :
13.08.49 APPLICATION FOR PLANNING APPROVAL FOR A MULTI PURPOSE COMMUNITY COMPLEX, RESERVE 45561, NORTH WEST CORNER OF HOOLEY AVENUE AND MCGRATH ROAD, ONSLOW

FILE REFERENCE: CS.ES.3

AUTHOR’S NAME AND POSITION: Rob Paull
Town Planning Consultant

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 6 August 2009

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: Agenda Item 14.06.09 Ordinary Meeting of Council 16 June 2009

Summary

A development approval issued pursuant to the Shire’s Planning Scheme is required for the ‘multi-purpose community complex’ at Onslow. The proposed 1500m$^2$ complex will provide a facility for four (4) main purposes; these being
- emergency evacuation;
- indoor sport and recreation;
- function hire; and
- child care.

Council has previously authorised the expenditure to construct the facility. As the Shire is the proponent, it is appropriate to ensure transparency of process by separating the funding and planning issues.

The land is Reserved under the Scheme for “Public Purposes – Education”, even though the vesting of the land is with the Shire for ‘Community Care and Recreation’. The Department of Education WA (EDWA) has been contacted and offers no objection.

The Application has been assessed and found to comply with the relevant provisions of the Scheme. Accordingly, it is recommended that Planning Approval issue subject to conditions.
Background

Reserve 45561 is vacant land which is vested with the Shire for “community centre and recreation”. The site forms a ‘community services’ hub with Onslow with the FESA building abutting to the north.

Proposal

The high risk of cyclonic activity to the Onslow area means that an emergency evacuation facility is much needed for the local community. In order to optimise the use of the facility it is also proposed to provide community members with access to indoor sporting and recreational activities comprising:

1) Emergency Evacuation
2) Indoor Sport and Recreation (seating for up to 138 persons)
3) Function Hire
4) Child Care

The Complex will provide an alternative to outdoor sport and recreation activity for all community members. The Western Area Executive Manager has advised that the Complex will be used for productions, bands and other performances and give Onslow the capacity to utilise the Country Arts scheme and the like. It will also provide a hire out venue for functions such as dances, weddings, conferences and so on. The Complex is intended to contain a new Child Care Centre.

The aerial photograph, site plan and EDWA correspondence are attached.

ATTACHMENT 13.08.49

Comment

Council has previously authorised the expenditure to construct the facility. As the Shire is the proponent, it is appropriate to ensure transparency of process by separating the funding and planning issues.

The proposed use and development is in keeping with the vesting of the Reserve. At this stage, elevations have not been prepared however conceptual plans have been provided.

ATTACHMENT 13.08.49a

Car Parking

The Scheme does not define the carparking requirements for ‘community use’ beyond being “At the Local Government’s discretion’. In order to assess a reasonable car parking provision, a review of other rural Local government car parking provisions were undertaken. For example, the Shire of Busselton and the Shire of Port Hedland have the same parking requirement for community use of:

“1 bay for every 4 persons the facility is designed to accommodate”
In this regard 42 car spaces and one bus space have been provided on the plan reflecting potentially 168 persons. Additional ‘overflow’ parking would be available for out of hours use on the FESA land.

It is anticipated that the heaviest parking use would occur out of normal working hours. It is not as yet determined the anticipated number of community members to use the centre (not including for ‘emergency accommodation’ purposes), however, it would be appropriate to include the above parking ratio as a condition on any Planning Approval.

Parking is to be sealed and drained, reflecting the acceptable car parking standard.

**Landscaping**

Should Planning Approval issue, a condition should be included for landscaping to the street boundaries.

**Percent for Public Art Policy**

Council’s *Local Planning Policy – Percent for Public Art Policy* is applicable to the proposal. The principles of contemporary cultural planning and urban design support the incorporation of art in the public realm as an expression of community identity and values and promotion of a unique sense of place. It is generally accepted that public art contributes to the attractiveness of a place to residents, businesses and tourism, encouraging and underpinning sustainable economic, social and environment values. Public art can add to the marketability of developments through vibrant, diverse and interesting public spaces.

The development of the Complex is a significant building/operation which will be an asset to the community of Onslow and is a development of a value over $1,000,000. Accordingly, should an Approval be granted, it is appropriate to condition it as such in relation to the *Planning Policy – Percent for Public Art Policy*.

**Conclusions**

The use and development of the Complex will be a significant asset to the community for both ‘normal’ operational use and for cyclone/tsunami safety. The plans submitted to Council are conceptual however, it is appropriate to condition any Approval to require submission of finalised plans and elevations for endorsement.

The Conditions recommended reflect those that would be anticipated for any commercial development of a similar standard and scale.

**Consultation**

Chief Executive Officer
Executive Manager Western Operations

Community consultation was not undertaken as the proposal reflects the vesting of the land. Further, the proposal is a key element of the Shire’s Strategic Plan which has been through a significant public consultation process.
Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7 (‘Scheme’).
The land is reserved “Public Purposes - Education” under the Scheme.
The Education Department of Western Australia has provided a letter of no objection to the proposal.

Policy Implications

Local Planning Policy – Percent for Public Art Policy.

Financial Implications

The Shire is able to waive planning fees associated with this Application as it is for a community use.

Strategic Implications


Voting Requirement

Simple Majority Required

Officers Recommendation

3. Resolve that Council:

   i) That advertising of the development application made by the Shire of Ashburton for a Multi Purpose Community Complex, Reserve 45561, North West Corner of Hooley Avenue and McGrath Road, Onslow, Shire of Ashburton is not required due:

   • to the facility being located on a Reserve vested with the Shire for the purpose of Community Care and Recreation’;
   • the proposed development being in accordance with the Reserve vesting;
   • the Department of Education offering no objection; and
   • the proposed development being reflected in the Shire’s 2007-2011 Strategic Plan (Community Safety and Security – 1. Construction of Emergency Evacuation Centre in Onslow (Multi Purpose Complex)) and which was prepared and endorsed after extensive community consultation.

   ii) Waive the Planning Application fee of $13,700 due to the Application being for a community use and advertising is not necessary.
iii) Approve the development application made by the Shire of Ashburton to construct and use a Multi Purpose Community Complex, Reserve 45561, North West Corner of Hooley Avenue and McGrath Road, Onslow, Shire of Ashburton, generally in accordance with the submitted plans, subject to the following conditions:

(a) Prior to the commencement of any works, plans are to be submitted that are generally in accordance with plans submitted with the application, but showing final plans and elevations to the satisfaction of the Shire of Ashburton. Once endorsed, all development is to be in accordance with the approved Development Plans including any amendments placed thereon by the Shire of Ashburton subject to the following conditions.

(b) A building licence for the development should be obtained prior to 18 August 2011. This Planning Approval lapses if a building licence for the development has not been obtained by 18 August 2011. Further to this, if the development is not substantially commenced in accordance with the building licence by 18 August 2011, then this Planning Approval lapses at that date. With the permission of the Shire of Ashburton, this Planning Approval may be extended.

(c) Unless with the written consent of the Council, the car parking and landscaping shall be completed to the satisfaction of the Shire prior to the commencement and use.

(d) Plans submitted with the building licence are to be generally in accordance with plans submitted show finished ground levels and finished floor levels to the satisfaction of the Shire of Ashburton.

(e) The development being designed and constructed to allow easy access for people with disabilities to the satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.

(f) The external wall colours and materials for the development shall be to the satisfaction of the Shire of Ashburton with no zincalume or similar finish on any external wall. Details to be submitted with the building licence application.

(g) The Applicant shall contribute towards public art in accordance with the Shire’s ‘Percent for Public Art Local Planning Policy’ with contribution of not less than one percent of the value of the development (as defined in the Building licence Application) to the satisfaction of the Shire of Ashburton, in one of the following ways:

- provided on site; or
- cash-in-lieu payments; or
- a combination of onsite art or cash-in-lieu payments.

(h) A geotechnical report covering the development area being prepared by the Applicant at the Applicant’s cost and to the satisfaction of the Shire of Ashburton.
The report to be lodged with the building licence application, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.

(i) Prior to the use of the Complex or the issue of a building licence (whichever comes first), the minimum carpark shall be determined to the requirements and satisfaction of the Shire. In this regard, the ration of parking to persons (not including for ‘emergency’ purposes) shall be one bay for every 4 persons the facility is designed to accommodate.

(j) Not less than one percent of all car parking bays (or other percentage as agreed to in writing by the Shire) are to be designed and designated disabled parking bay(s) and located convenient to the building entrance and with a minimum width of 3.6 metres, to the satisfaction of the Shire of Ashburton.

(k) Plans submitted with the building licence application are to show details of stormwater and roof run-off disposal to the satisfaction of the Shire of Ashburton.

(l) Prior to the use of the Complex or the issue of a building licence (whichever comes first), the Applicant shall submit a landscape plan and a landscape assessment to the satisfaction of the Shire of Ashburton. The Plan should indicate the location of the location and type of:

- reticulation to be installed; and
- paving to be installed.

The Plan should also include a plant schedule nominating each species, the spacings of each species, the numbers of plants required; and the size of each plant to be used at the time of planting, together with the anticipated height of each plant at maturity. The Plan should identify and include any adjoining road verges. The Plan must be submitted and approved prior to the issue of a building licence.

(m) Landscaping and reticulation to be established in accordance with the approved plan(s) prior to occupation of the terminal building and thereafter maintained to the satisfaction of the Shire of Ashburton.

Advice Notes

11. A building licence application under the provisions of the Local Government Miscellaneous Provisions Act must be submitted to and approved by the Shire prior to the demolition of existing buildings and the commencement of any on-site works whatsoever.

12. Advise the applicant that the issuing of development approval for the development pursuant to Shire’s Planning Scheme does not constitute approval to use the Operation/Construction Facility unless all matters relating to Local Government (Miscellaneous Provisions) Act have been addressed.
13. Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) and the Health Act, 1911 (as amended) which are to be approved by the Shire’s Principal Building Surveyor and Principal Environmental Health Officer prior to the issue of the Building Licence.

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AGENDA – ORDINARY MEETING OF COUNCIL
18 August 2009

13.08.50 DEVELOPMENT APPROVALS ISSUED UNDER DELEGATION
SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO.7

FILE REFERENCE: PS.TP.7

AUTHOR’S NAME AND POSITION: Belinda Chambers
Executive Assistant Development Services

NAME OF APPLICANT/RESPONDENT: Not applicable

DATE REPORT WRITTEN: 10 August 2009

DISCLOSURE OF FINANCIAL INTEREST:
The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: Not applicable

Summary
Council has delegated to the Manager Building Services the authority to issue development approvals pursuant to the Shire’s Town Planning Scheme No.7, in certain circumstances.

Details of approvals issued by the Manager Building Services since the last Council Meeting are set out in this report.

Background
Council has delegated to the Manager Building Services the authority to issue development approvals, pursuant to the Shire’s Town Planning Scheme No.7, in certain circumstances.

Details of approvals issued by the Manager Building Services since the last Council Meeting are set out below.

Comment
Six (6) approvals have been issued under delegation up until the date of this report. These were for:

- Home Occupation Renewal
  Pilbara Refrigeration & Air Conditioning
  Mr. Phillip York

- Planning Application – 2 x Home Occupations
Mrs. Jodie Parker  
543 Algona Street, Tom Price

- Planning Application – Extension to Police Station  
  Robe River Mining Company  
  Pannawonica

- Planning Application – Construction Camp  
  LJN Consortium  
  Mulga Downs

- Planning Application – Family Day Care (maximum 7 children)  
  Ms. Melinda Kidd  
  135 Cedar Street

- Planning Application – Temporary Caretakers Accommodation  
  Graham Whitmore  
  PO Box 34, Onslow

Details of the approval may be obtained from the Manager Building Services.

**Statutory Environment**

Clause 9.3 of the Shire of Ashburton Town Planning Scheme No.7.  
Sections 5.45, 5.46, 5.70 and 5.71 of the Local Government Act 1995.  
Shire Code of Conduct.

**Policy Implications**

There are no policy implications relative to this matter.

**Financial Implications**

There are no financial implications relative to this matter.

**Strategic Implications**

Values:
- Professionalism
- Quality service delivery & services

Our Focus:
- Economic growth and diversity
- Quality lifestyle and social well being
- Ecological sustainability and best practice environmental management
- Improved services and infrastructure
- Best practice local government
Critical Success Factors:
- Sound management practices
- Determination and implementation of the agreed levels of services and service delivery

Action Plan, Improved Services & Infrastructure:
- Review & implement managerial policies and practices

Voting Requirement

Simple Majority Required

Officers Recommendation

That the contents of this report be noted.

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<tr>
<th>Author:</th>
<th>Belinda Chambers</th>
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<tr>
<td>Manager:</td>
<td>Bernie Smith</td>
<td>Signature:</td>
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13.08.51 DRAFT LOCAL PLANNING POLICY - SOCIAL IMPACT ASSESSMENT

FILE REFERENCE: DS.DV.23

AUTHOR’S NAME AND POSITION: Rob Paull
Shire’s Town Planning Consultant

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 6 August 2009

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

This draft Local Planning Policy introduces the process of Social Impact Assessment (‘SIA’) which provides the opportunity for the Council and community to analyse, monitor and manage the social consequences of development. Where land use proposals are subject to a requirement for community consultation, the preparation of a Social Impact Statement (‘SIS’) will be required that can serve to increase the flow of information to the community, Council and assist in resolving issues of concern.

The draft Local Planning Policy - Social Impact Assessment should be considered in light of the draft Local Planning Policy - Consultation for Planning Proposals (which was recently adopted by Council for advertising and subject to a further Report to Council in this Agenda for final approval). Both Local Planning Policies have the clear intent of ensuring the community is informed of development and rezoning proposals that are sought undertaken within the Shire.

Background

Social Impact Assessment (‘SIA’) is the process of analysing, monitoring and managing the social consequences of development. Where land use proposals are subject to a requirement for community consultation (including rezoning) the preparation of a SIS can serve to increase the flow of information to the community and Council and assist in resolving issues of concern.

The preparation of a SIS provides the community with an opportunity to identify, as part of the decision-making process, those local values that are worth protecting, the opportunities to maximise benefits and minimise negative impacts from a decision, and provide an avenue for
benefits of local knowledge to be made available to the proponent.

The successful implementation of the SIA process recognises that social, environmental and economic impacts are inextricably linked. The SIA process also requires consideration of likely flow on and cumulative impacts arising from decisions made.

The SIA process is also viewed as an opportunity for a proponent to identify how local community values have been taken into account, and generally to outline the potential costs and benefits of a proposal.

A copy of the proposed draft Local Planning Policy is attached.

ATTACHMENT 13.08.51

Comment

This Local Planning Policy requires a SIS to be prepared for all development proposals which are subject to a community consultation/advertising process, as well as rezoning and strategic planning proposals (such as reports accompanying Development Plans etc).

It would be clear intention of the Shire that the SIS provides the information necessary to inform the public fully on proposals and reduce the potential for misunderstanding. The extent of information required in any SIS and the method of engaging in community consultation will be directly proportionate to the extent of issues generated by the scale of the proposal.

Consultation

Chief Executive Officer

Should Council resolve to support the draft Policy for public comment, it would need to be advertised for public submissions for a period of not less than 21 days.

Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7

Policy Implications

Adoption of the Policy will reaffirm Council’s desire to establish strong communication links with the community.

Financial Implications

There are no strategic implications that relate to this matter.

Strategic Implications
There are no strategic implications that relate to this matter. However, it is noted that the Strategic Plan (2007 – 2011) states:

“The Council recognises that in the face of rapid change due to economic development and population growth as well as social and environmental challenges, it is important for residents to be given the opportunity to become involved in the development of projects, programs and services. Effective community involvement allows Council to tap into diverse perspectives and potential solutions thus improving the quality of its decisions”. (Page12)

This draft Local Planning Policy will enable the community to be aware and informed of development proposals and participate in the decision process.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That Council:

1. Council adopts the draft *Local Planning Policy - Social Impact Assessment* as a Draft Local Planning Policy under the provisions of clause. 2.3 of Town Planning Scheme No. 7 and it be advertised in accordance with clause 2.31 of the Scheme.
2. Upon completion of the advertising period the matter be referred back to Council for further consideration.

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<th>Author:</th>
<th>Rob Paull</th>
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<td>Manager:</td>
<td>Keith Pearson</td>
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## 13.08.52 DEVELOPMENT SERVICES DECISION STATUS REPORT

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| 1  | 07/09                   | 13.07.09    | Revocation of Approval for ‘Alfresco Dining’ Facilities granted to the Karijini Cafe Premises (Located at Lot 2 on Strata Plan 13318, Tom Price) | That Council:  
1. Advise the operator of the “Alfresco Dining facilities associated with the Karijini Cafe premises within the Tom Price Mall (located at Lot 2 on Strata Plan 13318 Tom Price) that  
i) Within 30 days of written notification of Councils decision, the operator shall install, locate and maintain alfresco dining furniture to the satisfaction of the Chief Executive Officer, and  
ii) That should i. above not occur, Council has delegated the Chief Executive Officer the authority to revoke the Approval issued pursuant to the Shires Town Planning Scheme No7 on 11 February 2009  
2. In the event of the operator of Karijini Cafe not satisfying 1 (i) above, delegate to the Chief Executive Officer the authority to revoke the Approval issued on 11 February 2009 for ‘Alfresco Dining’ facilities within the Tom Price Mall and associated with the Karijini Cafe premises (located at Lot 2 on Strata Plan 13318, Tom Price) pursuant to Clause 5.15.3 of the Shire of Ashburton Local Planning Scheme No. 7 for the following reasons:  
   i) Failure of the operator of the ‘Alfresco Dining’ to consistently comply with condition (k) associated with the Approval. | Ongoing |

Operator notified of Council decision
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| 2 | 07/09 | 13.07.30 | Draft Town Planning Scheme Amendment – Modifications to the Minimum lot size Provisions in ‘Industrial’ Zones | That Council In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 6 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes to:  

1. Modify Clause 6.18 (c) of the Scheme to read as follows:  

6.11.4 *"Local Government, in considering applications for subdivision/ amalgamation of land shall not recommend approval of lots in the Mixed Business, Industry or Industrial/Mixed Business Development Zones which are below..."* | Ongoing Amendment referred to Environment Protection Authority |

- ii) Causing undue risk and inconvenience to pedestrians and the like due to the failure to comply with condition (k) associated with the Approval, and

3. Instruct the Chief Executive Officer to inform the proprietor of the Karijini Cafe in writing of 1. above and advise:

i) that should tables and chairs or other furniture be placed within the ‘Mall Reserve’ the Shire will confiscate the furniture and seek to take the necessary legal action; and

ii) of rights of appeal available under the Planning and Development Act 2005 (as amended) against the decision of Council.
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<td>2 000 m² or include battleaxe access legs unless the subdivision/ amalgamation proposes connection to reticulated sewer, water, power and drainage and is land included in an approved Development Plan pursuant to Clause 6.4 of the Scheme.</td>
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<td>3</td>
<td>07/09</td>
<td>13.07.31</td>
<td>Planning Applications (2) – Conversions of Outbuildings to single bedroom dwellings (Group Housing) at Lot 418 Cameron Avenue, Onslow</td>
<td>That Council: 1. Application no. 20090681 to convert approximately 28.8 m² of an existing 86.4 m² outbuilding (shed) to a single roomed dwelling (comprising ‘group dwelling’ development) at Lot 418 Cameron Avenue, Onslow be refused for the following reasons: A. The proposed dwelling is not in keeping with the</td>
<td>Finalised</td>
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Applicant notified of Council decision |
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<td>General Objectives of the Residential Design Codes, namely Clause:</td>
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<td>• 1.3.1(b) To ensure appropriate standards of amenity for all dwellings.</td>
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<td>• 1.3.1(c) To ensure appropriate provision of on-site facilities for all dwellings</td>
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<td>• 1.3.1(e) To protect the amenity of adjoining residential development.</td>
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<td><strong>B.</strong> The proposed dwelling does not comply with the following requirements of the Residential Design Codes, namely Clause:</td>
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<td>• 6.3.1 The setback from the adjoining (northern) boundary as defined in Table 1 and Table 2b.</td>
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<td>• 6.4.2 The provision of outdoor living area.</td>
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<td>• 6.5.1 Onsite vehicle parking.</td>
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<td><strong>2. Application no. 20090682 to convert an existing outbuilding (garage) to a single roomed dwelling (comprising ‘group dwelling’ development) at Lot 418 Cameron Avenue, Onslow be refused for the following reasons:</strong></td>
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<td><strong>A. The proposed dwelling is not in keeping with the General Objectives of the Residential Design Codes, namely Clause:</strong></td>
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<td>• 1.3.1(b) To ensure appropriate standards of amenity for all dwellings.</td>
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- 1.3.1(c) To ensure appropriate provision of on-site facilities for all dwellings
- 1.3.1(e) To protect the amenity of adjoining residential development.

B. The proposed dwelling does not comply with the following requirements of the Residential Design Codes, namely Clause:

- 6.3.1 The setback from the adjoining (northern) boundary as defined in Table 1 and Table 2b.
- 6.4.2 The provision of outdoor living area.
- 6.5.1 Onsite vehicle parking.

3. Advise the applicants that rights of appeal are available to them under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Further any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017)
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<td>4.</td>
<td>07/09</td>
<td>13.07.32</td>
<td>Proposed Residential Building, No 66 (Lot 402) Cameron Avenue (Corner Third Avenue), Onslow</td>
<td>That Council: 1. Approve the development application made by Maxine Hambley and Eric Hambley to use the existing dwelling at Lot 403 Cameron Avenue (Corner Third Avenue), for the purposes of a residential building subject to the following conditions: b. The development shall comply with the Shire of Ashburton’s Local Planning Scheme No. 7, the Health Act, the Building Code of Australia, the West Australian Fire Board Regulations and any other relevant Acts, Regulations and Local Laws. c. Not more than six guests shall be accommodated within the premises at any one time. d. Prior to the use commencing, a plan showing three (3) onsite parking spaces in accordance with Appendix 9 of the Scheme shall be submitted to and approved in writing by the Shire of Ashburton. e. Prior to the use commencing, an Emergency Escape Plan shall be prepared providing information and the method of advising residents of cyclone evacuation contingency should be required and approved in writing by the Shire of Ashburton. f. All car parking generated by the use shall occur within the boundaries of the property. g. Vehicle parking, manoeuvring and circulation</td>
<td>Finalised Development Approval issued</td>
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areas are to be suitably constructed, drained and maintained to the satisfaction of the Shire of Ashburton.

h. Car parking and vehicle circulation areas shall be available for these purposes at all times and shall not be used for any other purpose.

i. The use shall not continue beyond twelve calendar months of the date of granting this approval, without the written approval of Council. When assessing whether the use is to be approved for a period beyond twelve calendar months, Council shall have regard to whether the use has had any adverse impact on the amenity of the surrounding area.

j. The use shall be managed to the satisfaction of Council at all times. A condition of this approval is that the person/s with management responsibility shall be responsible for the operation of Lot 403 Cameron Avenue (corner Third Avenue), Onslow.

k. The name or names of those persons with management responsibility for the use are to be provided in writing to Council prior to the use commencing. Council shall be advised in writing of any change in manager prior to the event occurring.

2. Council has determined this application. Rights of
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<td>appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017)</td>
<td>Ongoing</td>
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| 5  | 07/09                  | 13.07.33    | Town Planning Policies Review | That Council 1. Adopt the following (renumbered) as Council Policies:  
- PLA 1 Antennae, Radio Masts and Satellite Dishes in Residential Areas Policy  
- PLA 2 Energy Policy  
- PLA 3 Standard Development and Subdivision Conditions  
2. Delete Council Policy PLA 16 “Private Display/Sale of Motor Vehicles within a Public Place or on Private Land” and Council Policy PLA 17 “Control of Unsightly Land in Private Ownership/ Leasehold”.  
3. Request the Chief Executive Officer to review the issues of the private display/sale of motor vehicles within a public place or on private Land and the control of unsightly land in private ownership/ leasehold as part of any Local Law review. | Ongoing |
<p>|    |                        |             |              |                  | Public Advertising being undertaken |</p>
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<td>4.</td>
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<td>Adopt the following as a Local Planning Policy under the provisions of Clause 2.3 of Town Planning Scheme No.7 and be advertised in accordance with Clause 2.31 of the scheme.</td>
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<td>- LPP 1 Transportable Dwellings New and Secondhand</td>
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<td>- LPP 2 Home Occupancy/Home Business.</td>
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<td>- LPP 3 Advertising Signs</td>
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<td>- LPP 4 Retail Uses in the Industrial Zone</td>
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<td>- LPP 5 Alfresco Dining.</td>
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<td>- LPP 6 Caretaker Accommodation</td>
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<td>- LPP 7 Cat Pounds and Catteries</td>
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<td>- LPP 8 Dog Kennels</td>
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<td>- LPP 9 Non Residential Land Uses in Residential Areas</td>
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<td>- LPP10 Design Guidelines for the Tom Price Town Centre</td>
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<td>- LPP11 Cash-in-Lieu Parking Requirements</td>
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<td>- LPP12 Mineral Exploration.</td>
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<td>5.</td>
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<td>Directs that upon completion of the advertising period referred to in 2. above, the matter to be referred back to Council for further consideration.</td>
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<td>6.</td>
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<td>Notes that it has previously adopted the following as a Local Planning Policy under the provisions of Clause 2.3 of Local Planning Scheme No.7:</td>
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<td>- Transient Workforce Accommodation; and</td>
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<td>- Percent for Public Art.</td>
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<td>- Parking and Setbacks - First Avenue Onslow</td>
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<td>- Outbuildings Assessment</td>
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| 6. | 07/09                  | 13.07.34    | Planning Application – ‘Transient Workforce Accommodation’ use at Lots 15 & 16 Turee Way, Paraburdoo | That Council: 4. Refuse the Application for Planning Approval for the construction and use of ‘Transient workforce accommodation’ at Lots 15 & 16 Turee Way, Paraburdoo for the following reasons:  

a) Lot 15 & 16 Turee Way, Paraburdoo are zoned ‘Industrial’ Pursuant to the Shire of Ashburton Town Planning Scheme No. 7, ‘Transient workforce accommodation’ is an ‘x’ use within the Industrial Zone—not permitted by the Scheme.  

b) ‘Transient workforce accommodation’ is a use not appropriate to the ‘Industrial’ zone.  

2. Instruct the Chief Executive Officer to advise State Land Services (as land owner) and GLH Contractors (as lessees) that:  

a. the ‘dongas’ erected on Lot 15 & 16 Turee Way, Paraburdoo must be removed within 28 days of being advised by the Shire; and  

b. should the donga’s not be removed, the Council authorizes the CEO to initiate appropriate legal action to enforce removal of the ‘dongas’. | Finalised Notice of Refusal sent to applicant          |
<p>| 7. | 07/09                  | 13.07.35    | Planning and                                                                 | That Council                                                                                                                                                                                            | Finalised          |</p>
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|    |                        |             | Development Regulations 2009 – Enforcement and Legal Proceedings (Infringement Notices) | 1. Note this Report; and  
2. Amends the Delegation DA037 ‘Certain planning functions relating to Shire of Ashburton Town Planning Scheme No. 7’ to reflect reference to division 3 of part 13 of the Planning and Development Act 2005 and Part 5 of the Planning and Development Regulations 2009 as follows:  
   “B. Authorisation is given to issue an infringement notices pursuant to division 3 of part 13 of the Planning and Development Act 2005 and Part 5 of the Planning and Development Regulations 2009 and where deemed necessary, institute legal proceedings and on behalf of the Shire of Ashburton for breaches of the provisions of TPS. No.7”: | Council decision entered in Delegation Register |
| 8  | 07/09                  | 13.07.37    | Planning Application and State Administration Tribunal Mediation Outcomes – Over Sized Shed at Lot 221 Cogelup Way, tom Price | That Council:  
1. That the Council instruct the Chief Executive Officer to settle SAT Matter No. DR 183 of 2009 with respect to an over sized outbuilding (90m2) at Lot 221 Cogelup Way, Tom Price by way of a SAT consent determination approving the modified plan (‘Mediated Plan’) (ATTACHMENT 13.07.37) subject to the following conditions and advice note:  
   i. All development is to be in accordance with the approved Plan including any amendments placed thereon by the Shire of Ashburton and except as may be modified by the following conditions.  
   ii. A building licence application under the provisions | Finalised State Administrative Tribunal notified of Council decision |

### Council Decision

of the Local Government Miscellaneous Provisions Act must be submitted to and approved by the Shire of Ashburton prior to the commencement of any on-site works whatsoever.

iii. The design, materials and colours of both the existing and proposed development are to be matched to the satisfaction of the Shire of Ashburton. Details to be submitted prior to or with the building licence application.

### Advice to Applicant from Council

Council does not oppose the Application for the oversized shed on the basis of access to Killawarra Drive. However, Council will not agree to any formal sealing of access or the formation of a crossover from the subject land to Killawarra Drive. Should the existing curbing be damaged, Council may seek to undertake legal action to rectify the curbing and to have access closed.

Council also reiterates advice provided by Shire representatives at the SAT mediation in relation to Clause 6.7 ‘Residential Zone’ as follows:

6.7.1 Unless prior planning approval has been granted by Local Government, no person shall, within a residential zone:

(a) park or allow to remain stationary for more than four hours consecutively:

(i) more than one commercial or industrial vehicle on a particular lot,
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<td>(ii) a commercial or industrial vehicle, boat trailer, boat, movable dwelling, recreational vehicle, freight container or other storage device unless it is parked in a domestic garage or outbuilding, or such vehicle is parked entirely on the lot in a position which is not unduly obtrusive,</td>
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<td>(iii) any vehicle which, due to size or load, is not capable of being completely parked within a domestic garage or outbuilding having a maximum floor area of 45 square metres in which no horizontal dimension is more than 15 metres,</td>
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<td>(iv) a vehicle which, together with its load, exceeds three metres in height or longer or wider than permitted on roads without requiring special warning signs, unless the vehicle is being used in connection with building or construction works,</td>
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<td>(b) build, repair, paint, service, or renovate any marine vessel, caravan, commercial or industrial vehicle in front of the building line.</td>
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In this regard, the Applicant is advised that the approval of the parking of a commercial vehicle in the oversized shed would still require the consent of Council.
## AGENDA – ORDINARY MEETING OF COUNCIL
### 18 August 2009

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<td>That the Chief Executive Officer be delegated authority to approve any required SAT consent orders for the remaining DGP documentation and any modified conditions relating to the modified DGP plans the subject of the consent determination in 1 above</td>
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<td>9.</td>
<td>06/09</td>
<td>13.06.21</td>
<td>Draft Local Planning Policy – Conversion of Dwellings to Residential Buildings</td>
<td>That Council: 1. Council adopts the draft <em>Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings</em> as a Draft Local Planning Policy under the provisions of clause 2.3 of Town Planning Scheme No. 7 and it be advertised in accordance with clause 2.31 of the scheme. 2. Upon completion of the advertising period the matter be referred back to Council for further consideration.</td>
<td>Finalised, Subject of report to August 2009 meeting.</td>
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<td>10.</td>
<td>06/09</td>
<td>13.06.22</td>
<td>Draft Local Planning Policy – Consultation for Planning Proposals</td>
<td>That Council: 1. Council adopts the draft <em>Local Planning Policy - Consultation for Planning Proposals</em> as a Draft Local Planning Policy under the provisions of clause 2.3 of Town Planning Scheme No. 7 and it be advertised in accordance with clause 2.31 of the scheme. (see attachment 13.06.22) 2. Upon completion of the advertising period the matter be referred back to Council for further consideration.</td>
<td>Finalised, Subject of report to August 2009 meeting</td>
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<td>11.</td>
<td>06/09</td>
<td>13.06.26</td>
<td>Tender Paraburdoo Caravan Park, Lot 1 Camp Road, Paraburdoo</td>
<td>That Council accept the tender from Gumala Aboriginal Corporation to construct and operate a caravan park on Lot 1 Camp Road, Paraburdoo in accordance with its tender submission, subject to</td>
<td>Ongoing, GAC is expected to provide written</td>
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<td>(a) the development being limited to Stages 1 and 2 as illustrated on the attached plans, except modified to reflect a reduction in the number of 3 bedroom cabins from 5 to 3 and there being a corresponding increase in the number of deluxe, two bedroom VIP cabins.</td>
<td>response prior to Council meeting</td>
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</table>
| 12. | 06/09 | 13.06.27 | Proposed Tourist/Caravan Park with potential to use all or part of the Park for Transient Workforce Accommodation, Lot 1 Camp Road, Paraburdoo | That Council:  
(a) Advise the Gumula Aboriginal Corporation that it consents to the signing of the Application for tourist/caravan park with potential for transient workforce accommodation at Lot 1 (on Plan 187365 Vol 1821 and Fol 93) Camp Road, Paraburdoo as it is the opinion of Council that it reflects the purpose of the proposed Lease and is in accordance of Council resolution of 19 August 2008;  
(b) Subject to (a) above, Council Approve the Application for Planning Approval made by Gumula Aboriginal Corporation for tourist/caravan park with potential for transient workforce accommodation at Lot 1 (on Plan 187365 Vol 1821 and Fol 93) Camp Road, Paraburdoo in accordance with the submitted plans submitted with the Application (Stages 1 and 2 only) and subject to the following conditions: | Ongoing  
GAC is expected to provide written response to Council decision prior to Council meeting. |
| 13. | 05/09 | 13.05.17 | Draft Local Planning Scheme Amendment No 4 – rezoning of land reserved for Parks | That Council:  
Approve the Planning Application made by RIO Tinto Iron Ore Pty Ltd to construct and use a building as a Doctor's | |
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<td>Recreation and Drainage Reserve’ Lot 854 Court Street, Tom Price to ‘Community Zone’ and lots 1049 &amp; 1050 Gunggari Circuit and Lot 1053 Ceron Street, Tom Price to ‘Residential R20’(considerations of adoption for final approval)</td>
<td>Examination building (transportable building) in accordance with the submitted plans and subject to the following conditions: 1. A Building Licence for the development should be obtained prior to March 31, 2010. This Planning Consent lapses if a Building Licence for the development has not been obtained by March 31, 2010. Further to this, if the development is not substantially commenced in accordance with the Building Licence by March 31, 2010, then this Planning Consent lapses at that date. 2. The land use and development shall be undertaken generally in accordance with the approved plans, in a manner that is deemed to comply with the to the satisfaction of the Shire of Ashburton. 3. Prior to occupation of the building, a screen wall is to be erected fronting Court Street with a minimum of 1.8 metres in height and to be designed and constructed to the satisfaction of the Shire of Ashburton. Details of the screen wall to be submitted with the building licence application. 4. Plans shall be submitted with the building licence application are to show details of stormwater and roof run-off disposal to the satisfaction of the Shire of Ashburton. 5. The building shall be connected to a reticulated water supply and reticulated sewer to the satisfaction of Pilbara Iron Infrastructure prior to occupation of the development. Advice Notes 6. A Building Licence application under the provisions of the</td>
<td>Ongoing. Documents prepared and referred to WAPC/Minister for Planning for final approval.</td>
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<td>Local Government Miscellaneous Provisions Act must be submitted to and approved by the Shire prior to the demolition of existing buildings and the commencement of any on-site works whatsoever.</td>
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<td>Local Government Miscellaneous Provisions Act must be submitted to and approved by the Shire prior to the demolition of existing buildings and the commencement of any on-site works whatsoever.</td>
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<td>Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) and the Health Act, 1911 (as amended) which are to be approved by the Shire’s Principal Building Surveyor and Principal Environmental Health Officer prior to the issue of the Building Licence.</td>
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<td>Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) and the Health Act, 1911 (as amended) which are to be approved by the Shire’s Principal Building Surveyor and Principal Environmental Health Officer prior to the issue of the Building Licence.</td>
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<td>Rights of appeal are also available to you under the Planning and Development Act 2005 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).</td>
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<td>7</td>
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<td></td>
<td>Rights of appeal are also available to you under the Planning and Development Act 2005 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).</td>
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| 13 | 04/09                  | 13.04.11    | Draft Local Planning Scheme Amendment No 3 – Modification to the Zoning Table to allow 'aged or dependent Persons Dwelling' as a 'Discretionary' use within the 'Community Zone' – (Consideration of Adoption for Final Approval) | 1. That the Council, in pursuance of Part V of the Planning and Development Act 2005, adopt draft Amendment No. 3 to the Shire of Ashburton Local Planning Scheme No. 7 for final approval, which proposes to modify the zoning table as follows:  
(a) Identifying 'Aged or Dependent Persons Dwelling' as a 'D' use class in the 'Community Zone';  
2. That the Council note that no submissions were received in response to the community consultation undertaken in relation to Scheme Amendment No.3.  
3. That the Council refer Amendment No. 3 to the Shire of Ongoing. Documents prepared and referred to WAPC/Minister for Planning for final approval. |               |               |
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<td>Ashburton Local Planning Scheme No. 7 for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.</td>
<td>Ongoing.</td>
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<td>4.</td>
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<td>That, where notification is received from the Western Australian Planning Commission that a modification of the amendment is required prior to approval of the amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless it is considered by the Shire that the modification affects the intent of the amendment in which case it shall be referred to the Council for consideration.</td>
<td>Ongoing.</td>
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<td>11.</td>
<td>05/08</td>
<td>13.05.23</td>
<td>Council Policy Review – Health</td>
<td>Directs the Chief Executive Officer to draft a new Council Policy relating to Aboriginal Environmental Health Strategy and report back to Council</td>
<td>Ongoing.</td>
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<td>14</td>
<td>03/08</td>
<td>13.03.10</td>
<td>Town Planning Scheme Amendment No. 1 – Lot 300 Boonderoo Road, Tom Price</td>
<td>That Council, in pursuance of Part V of the Planning and Development Act 2005 (“Act”) adopt for final approval Amendment No.1 as advertised, subject to the following modifications: 1. That new parts be included in the Amendment as follows: (a) an asterisk be placed next to ‘I’ of the zoning table coordinated between ‘Transient Workforce Accommodation’ and ‘Mixed Business’. (b) include the following note immediately after the Zoning</td>
<td>Ongoing.</td>
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Table:

Note: Clause 6.9.5 prohibits ‘Transient Workers Accommodation use at Lot 300 Boonderoo Road, Tom Price’

(c) include new Clause 6.9.5 of the Scheme to read as follows:

6.9.5 Notwithstanding any other provision of this Scheme, the use and development of ‘Transient Workers Accommodation at Lot 300 Boonderoo Road, Tom Price is prohibited’

2. That Council, upon receipt of the necessary amending documentation, refers the Amendment so adopted for final approval to the Western Australian Planning Commission with a request for approval of the Minister for Planning and Infrastructure.

3. Where notification is received from the Department for Planning and Infrastructure that a modification of the Amendment is required prior to approval of the Amendment by the Minister, this modification be undertaken in accordance with the requirements of the Town Planning Regulations 1967 unless it is considered by the Chief Executive Officer that the modification affects the intent of the Amendment.

4. Should the Proponent not provide the necessary amending documentation referred to in 2. above to the satisfaction of the Executive Manager Development Services, the Chief Executive Officer be requested to make appropriate arrangements to ensure that the modifications to Amendment No. 1 are carried out.

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<td>15</td>
<td>03/08 13.03.11</td>
<td>Town Planning Scheme</td>
<td>That Council, in pursuance of Part V of the Planning and</td>
<td>Ongoing. Further</td>
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<td>14</td>
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<td>Amendment No. 2 – Modification to the Scheme to reflect local planning policy – Transient Workforce Accommodation</td>
<td>Development Act 2005 (&quot;Act&quot;), adopt for community consultation purposes draft Amendment No. 2 (&quot;Amendment&quot;) to Shire of Ashburton Town Planning Scheme No. 1 (&quot;Scheme&quot;) that proposes: 1. That the zoning table be modified as follows: (a) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Mixed Business' zone; (b) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Industrial &amp; Mixed Business Development' zone; and (c) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Rural Living' zone; 2. That, as the draft Amendment is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part III of the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Town Planning Regulations 1967. 3. That following advertising of the draft Amendment, the matter be referred back to Council for further consideration.</td>
<td>information being gathered for Council. Being considered in association with Tom Price Structure Plan.</td>
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<td>15</td>
<td>11/07</td>
<td>13.11.41</td>
<td>Land Relinquishment</td>
<td>That Council advise Rio Tinto Iron Ore P/L and the Minister for State Development that on the basis of discussions to date, the Shire is unable to provide a letter confirming satisfactory progress has been Finalised</td>
<td>Subject of report to August 2009 Council meeting</td>
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4. the Shire is of the opinion that a time extension until 31 December 2008 is warranted subject to the company

k. initiating and financing an independent review of existing power, water and sewer infrastructure in Tom Price. The purpose of the review being to assess the capacity and functionality of the current infrastructure to;

- Ensure the existing facilities are capable of serving the infrastructure requirements of Tom Price as it is currently developed and zoned for development under the Town Planning Scheme No 7
- Ensure the infrastructure complies with current Australian Standards
- Estimate the useful remaining life of the existing infrastructure and the renewal gap cost

The review will prioritise any works required and provide timelines for implementation of the recommendations. The review to be completed and accepted by the Shire of Ashburton by 30th April 2008.

l. Implementing the recommendations contained in the Consultant’s report at the cost to the company.

m. funding an independent Order of Magnitude study with regard to future capacity requirements based on long term Town Planning options. The company will seek to develop the Terms of Reference for the study in conjunction with the Shire of Ashburton. The study shall enable key stakeholders to understand what the future capacity requirements may be, however
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<td>there is no commitment on behalf of the company in terms of developing the future capacity.</td>
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<td>n.</td>
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<td>agreeing to relinquish one of two Lots of residentially zoned land in Tom Price currently held under a special lease. These lots are known as:</td>
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<td>o.</td>
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<td>Lot 2B “Golf Course subdivision” and; Lot C “Karijini Special Use Zone”</td>
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<td>committing to review its potential requirement for further residential housing development in line with Operational needs by end of 2008. The company shall advise the Shire accordingly of any requirements with a view to entering into discussions around potential for the company to relinquish the second lot as per above.</td>
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<td>q.</td>
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<td>shall, in consultation with the Shire of Ashburton, establish a process to facilitate the development of land within Tom Price similar to a normal service provider.</td>
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<td>r.</td>
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<td>participating and assisting with the development of a Structure Plan for Tom Price along with other stakeholders including Land Corp, DPI, DOIR and the Shire of Ashburton.</td>
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<td>s.</td>
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<td>undertaking an urgent and realistic assessment of the infrastructure needs to support the development of the proposed tourist facility off Central Road. RTIO will provide the required facilities within reasonable proximity (30m max.) of the site (sewer to be at lowest point).</td>
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<td>with the Shire establishing a process to progress the normalisation of water, electricity and sewer infrastructure.</td>
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### Agenda – Ordinary Meeting of Council  
18 August 2009

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<td>j. with the Shire establishing a Memorandum of Understanding to articulate the aspirations of both parties and to establish a framework to work cooperatively to achieve those aspirations.</td>
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<td>18</td>
<td>06/05</td>
<td>12.06.1227</td>
<td>Staff Housing Upgrade</td>
<td>That a comprehensive review of the Staff Housing Plan be undertaken for Council’s further consideration, to incorporate recommendations for dwelling refurbishments, replacement and acquisition and appropriate funding strategies</td>
<td>Ongoing.</td>
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**Officers Recommendation**

That Council note the contents of the report
# 14.08.12 WESTERN OPERATIONS DECISION STATUS REPORT

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<tr>
<td>1.</td>
<td>03/09</td>
<td>15.03.01</td>
<td>Mosquito Management Plan</td>
<td>That Council 1. Formalise a Mosquito Control Program for the Shire of Ashburton 2. Approve the unbudgeted capital expenditure of $23,000 on Mosquito Control Program assets</td>
<td>Ongoing PEHO to prepare Shire wide strategy</td>
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<td>2.</td>
<td>02/03</td>
<td>10.01.673</td>
<td>Onslow Sea Wall Ownership and Progress Report MES</td>
<td>Advise the contractor, WA Limestone/Roadstone JV, that the surface of the boat ramp at First Avenue, Onslow, is not acceptable due to the unevenness of the patched section and the small voids that exist in other parts of the surface; Approve the additional works associated with the Onslow sea wall project to be: (a) Ocean View Caravan Park Reserve retaining soil $20,000; (b) Seniors Units &amp; Sun Chalet reserves area fill to level behind sea wall $35,000; (c) Beach replenishment $15,000; (d) Design disabled access $5,000; and (e) Survey and peg reserve boundaries $7,000. Have the property boundaries surveyed and marked on site before further considering formal control of the sea wall being accepted.</td>
<td>Ongoing Survey completed Feb 2009</td>
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<td>3</td>
<td>06/09</td>
<td>14.06.08</td>
<td>Proposed Onslow Multipurpose Sports Facility (Including Racecourse)</td>
<td>That Council (a) Advise the Onslow Recreational Clubs Association that it continue to support the proposed development in principle. (b) Inform the Onslow Recreational Clubs Association that the Shire is willing to provide conditional access to the land identified for the proposed Onslow Multipurpose Sports Facility for non intrusive investigations (e.g., Heritage and Environmental Studies), subject to the Association acknowledging that such Shire approval is not interpreted to mean that the land will definitely become available to the Association. (c) Support the rezoning of the existing Onslow Strategic Industrial Area to “Rural” pursuant to the Shires Town Planning Scheme No 7.</td>
<td>Ongoing</td>
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<td>4</td>
<td>06/09</td>
<td>14.06.09</td>
<td>Onslow Multi Purpose Complex – Approval to commence works</td>
<td>That Council approves 1. The immediate commencement of works on the Onslow Multi Purpose Complex. 2. The allocation of $100,000.00 towards the commencement of works in the 2008/2009 budget.</td>
<td>Tender to be advertised 8/08/09</td>
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<td>06/09</td>
<td>16.06.09</td>
<td>Gorgon Social Impact Management Plan</td>
<td>That Council endorse Chevron’s actions as it develops a proactive engagement plan with the Shire, in relation to its Social Impact Management Plan</td>
<td>Ongoing</td>
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<td>05/09</td>
<td>14.05.04</td>
<td>Lot 944 First Street, Onslow Reserve 42626</td>
<td>That Council, following their scheduled inspection of the property 944 First Street Onslow, resolve to contract a heritage architect to assess the property and provide a report to Council outlining future options and costs and include the cost in the draft 2009/10 Budget</td>
<td>The heritage architect has been booked and will review the house mid August 2009. Report to Council will follow visit.</td>
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<td>7</td>
<td>11/08</td>
<td>14.11.18</td>
<td>Pannawonica Community Plan</td>
<td>That Council advise the Minister for State Development and Robe River Mining Company Pty Ltd, that (a) The Shire views with concern the company’s public release of the Pannawonica Community Plan prior to the Council having an opportunity to formally consider the Shire initiated plan (b) It does not support the Pannawonica Community plans prepared by the company for the following reasons: a. The community infrastructure and services components of the plan lack definition, are limited in scope and are largely uncusted b. The community plan largely consists of elements which are not community infrastructure or services c. The community plan is based on a workforce which appears to have a greater emphasis on Fly In – Fly Out operators based in Pannawonica than when the Mesa A project was submitted to the Minister for State Development for approval pursuant to the State Agreement.</td>
<td>Ongoing Awaiting Robe River Mining Company Pty Ltd to provide copy of amended plan</td>
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<td>8</td>
<td>03/05</td>
<td>12.03.120</td>
<td>Robe River Memorandum of Understanding</td>
<td>That Council agrees to the Memorandum of Understanding between the Shire of Ashburton and Robe River containing the following commitments: 1. The Shire of Ashburton leasing: • The Library, Shire Office and Sentinel</td>
<td>Meeting to progress planned for mid September 2009.</td>
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**DEVELOPMENT**

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<th>9</th>
<th>12/06</th>
<th>14.12.018</th>
<th>Residential Plan for the Shire of Ashburton – Onslow</th>
<th>That Council instruct CEO to prepare tender documents for the building residences at 318 Second Avenue, 360 Third Avenue, and 578 Hedditch Street.</th>
<th>Tender for sale of First Ave Block advertised 8/8/09 Design and construct tender progressing</th>
</tr>
</thead>
</table>
| 10 | 12/05 | 13.12.408 | Proposed Transfer of Emergency Services Building | That :-  
1. Council agree to transfer the tenure of the Onslow Emergency Service Building to FESA subject to:-  
   i) FESA to become responsible for the outstanding loan on the facility and any financial outlay required for the transfer thereof; and  
   ii) A condition being placed on the Management Order over the premises that they are to be used only to house the local Volunteer Emergency Services including the Marine Rescue Service. | Ongoing Land issues finalised – Negotiating with FESA to finalise building handover. |
<table>
<thead>
<tr>
<th>#</th>
<th>Council Meeting</th>
<th>Agenda Ref.</th>
<th>Report Title</th>
<th>Council Decision</th>
<th>Current Status</th>
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<td>2. The necessary procedures required to effect the transfer be implemented.</td>
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<td>3. The present designation of Lot 971 in the Shire’s Town Planning Scheme No.7 be amended to reflect the existing land use during the Planning Scheme review for Onslow.</td>
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<td>4. The future need of the Onslow Emergency Services Building Management Committee and Instrument of Delegation DA503 be noted and in due course be discontinued.</td>
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</table>

**Officers Recommendation**

That Council note the contents of the report
15.08.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

16.08.0 CONFIDENTIAL REPORTS

Under the Local Government Act 1995, Part 5, and 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;

(b) the personal affairs of any person;

(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;

(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:

(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.

(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;
(II) endanger the security of the local government’s property; or
(III) prejudice the maintenance or enforcement of any lawful measure for protecting public safety;

(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and

(h) such other matters as may be prescribed.
16.08.13  CONFIDENTIAL ITEM – SHIRE FINANCIAL MANAGEMENT SYSTEMS

FILE REFERENCE:  FI.FI
AUTHOR’S NAME AND POSITION:  Keith Pearson
NAME OF APPLICANT/ RESPONDENT:  Not Applicable
DATE OF REPORT WRITTEN:  12 August 2009
DISCLOSURE OF FINANCIAL INTEREST:  The author has no financial interest in this matter
PREVIOUS MEETING REFERENCE:  Not Applicable

Please refer to Confidential Attachment 16.08.13 under separate cover

17.08.0  NEXT MEETING
The next Ordinary Meeting of Council will be held on 15 September 2009, at the RM Forrest Memorial Hall, Second Avenue, Onslow, commencing at 9:00am

18.08.0  CLOSURE OF MEETING