



**SHIRE OF ASHBURTON**

**ORDINARY COUNCIL MEETING**

**MINUTES  
(Public Document)**

**Onslow Multi-Purpose Centre, Cnr  
McGrath Rd and Hooley Ave, Onslow**

**8 May 2013**

# MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

## SHIRE OF ASHBURTON ORDINARY COUNCIL MEETING

Dear Councillor

Notice is hereby given that an Ordinary Meeting of the Council of the Shire of Ashburton will be held on 8 May 2013 at Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Ave, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Frank Ludovico  
**A/CHIEF EXECUTIVE OFFICER**

### **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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## **MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013**

### **1. DECLARATION OF OPENING**

Commissioner Yuryevich declared the meeting open at 1.00 pm.

### **2. ANNOUNCEMENT OF VISITORS**

Commissioner Yuryevich welcomed Staff Members, Cr Kerry White, Shire President and Cr Anne Eyre, member of Council and the public to the public gallery.

### **3. ATTENDANCE**

#### **3.1 PRESENT**

Mr R Yuryevich	Commissioner of the Shire of Ashburton
Mr F Ludovico	A/Chief Executive Officer
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Ms D Wilkes	Executive Manager, Community Development
Ms F Keneally	Executive Manager, Operations
Ms L Hannagan	A/Executive Manager, Corporate Services
Mr K Pearson	A/Executive Manager, Technical Services
Ms F Mudge	Manager, Organisational Development
Mr R Paull	Principal Town Planner
Ms K Cortesi	CEO & Councillor Support Officer
Ms Z McGowan	Project Officer
Ms K Domingo	Relieving Officer

#### **3.2 APOLOGIES**

Ms L Rickert	Community Liaison Coordinator
Ms E Heys	Economic & Land Development Manager

#### **3.3 APPROVED LEAVE OF ABSENCE**

There were no Approved Leave of Absence for this meeting.

### **4. QUESTION TIME**

#### **4.1 PUBLIC QUESTION TIME**

There were no Public Questions tabled at this meeting.

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### 4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council 13 March 2013, the following public questions were tabled.

Cecilia Fernandez, Suspended Council Member from Tom Price tabled the following questions.

**Q1a. "Can Shire tell me when the drink water fountain (approved) by Shire months ago will be install(sic). Dogs Parks have one but no(sic) the kids & Family."**

#### **Response**

The Shire of Ashburton will be installing a chilled water fountain at Lions Park, Tom Price before end of 2012/13 financial year. The chilled water unit has arrived and purchase orders have been raised for installation of the unit.

**Q1b. "Where is the vehicles autine(sic) and if is possible to give an opportunity to locals(sic) resident & Local organisations to bet(sic) in the auctions?"**

#### **Response**

The Local Government Act 1995 states that;

*"...local government can only dispose of property to —*

*a) the highest bidder at public auction; or*

*b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender."*

In accordance with this, the Shire of Ashburton calls public tenders or auctions as required to dispose of vehicles. Auctions are held via Pickles Auctions in Forrestfield, Perth. The public tender may be a more suitable avenue for local residents and organisation to acquire a vehicle. This process involves advertising the tender on our website and in the West Australian, assessment of all offers received by the Shire and selection of the most appropriate tender. All individuals and organisations can take part in this process and present an offer to the Shire of Ashburton to purchase an advertised vehicle.

The next public tender for sale of vehicles will be held in May 2013.

**Q1c. "In reference to Late Agenda Item – Change of June 2013 Meeting – What is the reason for the change of date. I note the Councillor suspension finishes in June, and the Councillors will be back for the duty?"**

#### **Response**

The reason the meeting date was changed is because the Commissioner is unavailable on 12 June 2013.

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Peter Foster, Suspended Council Member from Tom Price tabled the following questions.

**Q2a. *“Could the Shire of Ashburton please consider a budget allocation of softfall for the Tom Price Skate Park in the 2013-2014 budget. I believe an estimate previously provided via Question Time for this project was initially \$50,000.”***

### **Response**

A request for rubber soft fall to be installed around the Skate Park in Tom Price has been submitted to be included in the Draft 2013/14 budget. The rubber soft fall will be listed with other requests submitted and prioritised accordingly and as such will be subject to council approval.

**Q2b. *“In reference to the graffiti wall in the Skate Park – Can the Shire of Ashburton elaborate what ‘initial work’ has occurred in this project? Further to this could the Shire of Ashburton please consider a budget allocation for a graffiti wall for the youth of Tom Price to be situated at the Skate Park complex?”***

### **Response**

The cost of purchasing and installing a graffiti wall for the Tom Price Skate Park has been researched. Funding bodies such as Lottery West, Strategic Crime Prevention and National Crime Prevention have been identified as potential funders. The funding bodies are looking to fund projects aimed at youth to prevent graffiti by working with local businesses to provide space for youth to paint murals while being mentored and provided with ongoing skills.

The Strategic Crime Prevention fund is best suited for this project with their next round of funding opening in August 2013, however the Shire suspects that the wall will cost more than the funding providers will fund.

The Shire of Ashburton also has several projects which require funding from these funding bodies and therefore a concrete tilt panel graffiti wall (3m high x 8m long) has been submitted to be included in the Draft 2013/14 budget. on the basis that external funding is not guaranteed. The graffiti wall will be listed with other requests submitted and prioritised accordingly and as such will be subject to council approval.

**Q2c. *“Has the Shire of Ashburton considered additionally adding lights to the Skate Park precinct for the users? In the summer months, youth stay out late due to the warm nights. Police have also reported youth hanging about in the area after dark. Lights could increase vision and safety in the Skate Park area? Could the Shire of Ashburton perhaps consider this also in their 2013-2014 budget.”***

### **Response**

A request for lighting to be installed over Tom Price Skate Park has been submitted to be included in the Draft 2013/14 budget. The lighting will be listed with other requests submitted and prioritised accordingly and as such will be subject to council approval.

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**Q2d. “In respect of the CCTV to be installed around Tom Price and Paraburdoo to protect Shire of Ashburton assets – why has the feasibility study not yet occurred? The Tom Price and Paraburdoo Business Association had been of the belief that the CCTV would benefited their assets as well as the Shire. Can this be appropriately communicated with the Tom Price and Paraburdoo Business Association and Tom Price Mall Shop Owners so that they can commence their own personal security monitoring in light of this?”**

### **Response**

A consultant visited Tom Price and Paraburdoo on Wednesday 17th April, 2013 to undertake a feasibility study.

The consultant visited the ‘hot spots’ as identified by the Shire of Ashburton in Tom Price and Paraburdoo and will be requesting input from the local police to assist with the study.

The consultant will be compiling a report on the benefits and issues associated with the installation and management of CCTV and will be providing recommendations by the end of May 2013.

It should be noted that any security installations undertaken by the Shire will be for the purpose of monitoring Shire assets and public spaces; the security and surveillance of the privately owned and privately rented businesses in the Tom Price and Paraburdoo remains the responsibility of the business owner/operator.

The Tom Price & Paraburdoo Business Association have been informed of our position on CCTV.

**Q2e. “Can the Shire of Ashburton explain where the Royal Flying Doctor Airstrip project for Tom Price is at? Has negotiations commenced with Rio Tinto for access to the land? Has any business plan or construction plan been commenced? Has any funding for this project been confirmed?”**

### **Response**

The Tom Price Royal Flying Doctor Airstrip Project has suffered from a shortage of staff resources, however, the preparation of a Business Plan identifying capital and construction costs is progressing.

A more detailed costing is being finalised and initial discussions have been held with Rio Tinto, the lease holder of the preferred site. Land tenure and environmental matters relating to the proposal are also being discussed with relevant State Government agencies.

No funding has been confirmed for the project at this stage although possible sources of funding have been identified and preliminary discussions held. These potential funding sources will be formally approached once the Business Plan has been finalised and land tenure as well as environmental issues have been clarified.



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**Q2f. *“In respect of the Paraburdoo Sporting Hub – Has the money been secured now for this project and when will the construction commence? The residents of Paraburdoo have been eagerly awaiting this project. If the plan has been finalised – can this plan and associated project material be available on the Shire of Ashburton’s website for the residents to see?”***

### **Response**

A concept design for the Paraburdoo Community Hub was prepared by Roxby Architects in 2012 based on community consultation and feedback.

The design consists of 6 separate buildings including a child care centre, neighbourhood centre, multipurpose hall, clubhouse, pool amenities and pool storage sheds, with an estimated cost of \$22 million.

The design was endorsed by Council at the November 2012 meeting however preliminary discussions with Pilbara Development Commission (PDC) have found that this capital outlay is excessive to Royalty for Regions funding guidelines.

A specialised recreation facility consultant has now been engaged to assess the feasibility of the current concept design including the operating and management costs. The report will identify any opportunities to rationalise or co-locate facilities to ensure maximum efficiencies and cost savings where possible, to warrant that the final plans are robust, affordable, and meet with potential funding guidelines. The report and proposed design amendments is due to be completed for presentation to Council in June 2013, and funding opportunities will then be sourced.

The final design, including proposed staging, will be published for feedback and information following approval from Council.

**Q2g. *“In respect of the Tom Price Revitalization(sic) works involving the Tom Price Youth Centre and the Nintirri Neighbourhood Centre – Has the money been secured now for the project? I note that both organisations had various concerns with the original plan by Roxby Architects. Have their concerns been addressed? Is there a new project plan? Can both the organisations be appropriately informed? Both organisations have expressed to me personally that the Shire of Ashburton hasn’t provided enough opportunity for regular feedback or updates. As both organisations provide vital services to the Tom Price Community, they will need to make appropriate plans and decisions should this project move ahead.”***

### **Response**

At this stage there has been no approval for funding – Basic concept plans have been utilised to develop funding submissions and business cases that outline the key requirements of the required vital services.

The WA State election put a hold on all Royalties for Regions funding late last year and to date has not accepted any application(Although the Shire has one ready to go when asked for it). The Youth Centre and Nintirri Projects are considered to be a high priority and both Rio Tinto and the Shire are committed to the projects.

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Further consultation and funding applications will occur over the later part of the 2013 calendar year.

**Q2h. *“In respect of the Tom Price Revitalizations(sic) works involving the CBD – Office Accommodation. Can the Shire of Ashburton explain where this project is currently at. Many business around town including the Tom Price Medical Centre are desperate for more office space and keen to move in on this project. Tom Price is growing, and the business community need space to conduct their business, and operate. Has any funding been secured for this project? When will the residents see construction commence?”***

### **Response**

The ‘Village Green’ Commercial Precinct concept design was presented to Council at the November 2012 meeting.

Several options were presented to Council to fund the development, and the option for Council to build & own the Professional Building and Amphitheatre, with the other 2 components (Retail and Hospitality) to be negotiated with outside developers, was endorsed.

The Professional Centre and Amphitheatre have a total construction cost of around \$13 million, and \$4 million of this will be sought from Royalties for Regions. Royalties for Regions funding was temporarily suspended whilst the WA State elections were being held, and it is estimated to be 3-4 months before a new funding round is opened for application. Upgrades to some services have already taken place (part of Stage 1 – Mall Works) so the project is intended to commence as soon as funding is received.

In the meantime, work has commenced to subdivide the land in order to seek expressions of interest from other developers to take on the retail and hospitality sites.

**Q2i. *“Does the Shire of Ashburton have an up to date Emergency Evacuation Plan, say for example, for our town in case of serious fire, flood or cyclone? Where can a resident access this information?”***

### **Response**

The Shire is divided into three Emergency Management areas and currently does have an up to date Evacuation Plan for the Inland (Tom Price and Paraburdoo) sub district titled the Shire of Ashburton Inland Local Emergency Management Committee (LEMC) Evacuation Plan. This is currently with the State Emergency Management Committee (SEMC) for comment.

The Draft Plan was submitted to Council at the 18 April 2012 Ordinary Meeting of Council it has been reviewed by the Pilbara District Emergency Management Committee and endorsed by the Shire of Ashburton Inland LEMC. When SEMC has finalised comments the plan will be available on the Shire web site with public copies available at the Tom Price Administration centre, Tom Price Library, the Paraburdoo Administration Centre and the Paraburdoo Library.

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A draft evacuation plan is with the Pannawonica LEMC for comment and endorsement.

It is envisaged that a draft plan for the Onslow LEMC will commence in the very near future, however should any evacuation be required at the request of the Hazard Management Agency, this will be carried out in accordance with State Emergency Management Police 4.7 Community Evacuation.

- Q2j. *“Has there been development in the Area W Park proposal? The community consultation was held in June 2012, and to date, no follow up to this consultation has occurred. I believe that residents and Councillors had expressed concern for the slow progress of the development of Area W Park proposal. There was some discussion that there might be development in Area W for further housing, but do(sic) date nothing has been announced or discussed publicly. Can the residents of Area W, and Tom Price, be kept regularly informed as to the progress of a park in Area W? This project seem(sic) to be dragging on. Further to this, can additional funds be allocated in the 2013-2014 budget to include development activity for this park?”***

### **Response**

Unfortunately there has been no further development with commencing works associated with the Area W concept plan with no anticipated works to commence before 2012/13 end of financial year.

The Shire of Ashburton is focusing on completing the Tom Price Sports Pavilion and Clem Thompson Oval upgrade before other projects are commenced in Tom Price.

Discussions with the Department of Housing to develop parcels of land in Area W for future housing remain ongoing and will still impact on the future development of Area W if progressed further. Funds to revitalise Area W as per the concept plans have been requested in the 2013/14 budget subject to funding. The Shire is still committed to the redevelopment of Area W and will provide regular feedback as required.

- Q2k. *“Can the Shire of Ashburton please investigate a more permanent solution to addressing the Corella bird issue in Tom Price & Paraburdoo? I note that the Shire of Ashburton is currently using ‘birds fright’ to scare away the birds, and has installed kites in the mall area. The Corella birds are destroying trees and native plants, generally are a public nuisance, wake up residents, and destroy clothes on lines, and other private property.”***

### **Response**

The Shire has been investigating a range of different measures to try and control the Corella problem for some time. The installation of kites in the Tom Price mall are part of the ongoing trial in measures that may help combat the problem.

A lot of audible devices available for bird control can't be used in townsites due to required "buffer zones" from residential properties.

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Bird Fright in itself is only effective short term along with the Shire gaining a licence for the culling of 500 Corellas shire wide. Options such as gas guns have also have been found only to offer a short term solution.

We continue to try and find other humane ways of controlling these birds.

**Q2I. *“Can the Shire of Ashburton explain why the footpath program has not progressed any further in Onslow, Tom Price and Paraburdoo? I note that a footpath program was investigated back in 2008 with a five year roll-out program. I note that there has been very few footpaths constructed in either Townsite over the last eighteen months. I believe that every financial year money appears to have been allocated to footpath works, yet no new footpaths have appeared”***

### **Response**

The Shire of Ashburton does have a footpath program which was adopted by Council at its February 2010 meeting. This program has been progressively been implemented since then.

The 2011/12 and 2012/13 program is proposed to be funded by the Country Local Government Fund. However before funds for this program can be received the Paraburdoo Town Centre project needs to be finalised and acquitted. A number of circumstances have prevented the Paraburdoo Town Centre project from proceeding as planned. For example the discovery of rotten drainage pipe has meant a rework of the program. Additionally Council staff are heavily concentrated on the Onslow airport project.

A funding application has now been sent for the Paraburdoo Town Centre project and once approved these works will proceed relatively quickly. This means that the funding for the footpath program can be applied for and implemented. We expect this to be complete by December 2013.

Laurie Chandler, from Tom Price tabled the following questions.

**Q3. *“To move the tank from No.1 oval to possibly No.2 Oval closer to the bore.”***

### **Response**

The most appropriate location for the water tanks currently located on Clem Thompson Oval concept plans are being reviewed. The location options are:

1. Clem Thompson Oval – as per concept plan
2. Adjacent to water pumps located near Tjiluna Oval

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An outcome will be decided by mid May 2013 taking into consideration all positives and negatives for each location such as:

- Ability for water supply system to service all ovals and parks currently supplied by the reticulation system.
- Cost of installing tanks – design limitations.
- Control of tanks/irrigation system.
- Cost of operating tanks/irrigation system.
- Ease of access to control system.
- Size and number of pumps required.
- Visual ascetics
- Pipe infrastructure already in place.

### 5. APPLICATIONS FOR LEAVE OF ABSENCE

### 6. PETITIONS / DEPUTATIONS / PRESENTATIONS

#### 6.1 PETITIONS

There were no petitions presented to Council.

#### 6.2 DEPUTATIONS

There were no deputations presented to Council.

#### 6.3 PRESENTATIONS

Zoe McGowan and David Holland from Brighthouse Consultants, gave a presentation to Council regarding development proposals for Onslow Oceanview Caravan Park.

#### Council Decision

**MOVED: Commissioner R Yuryevich**

**That Council suspend standing orders at 1.27pm in order for the members of the public gallery to ask questions in regard to the presentation given by Zoe McGowan and David Holland from Brighthouse Consultants, in regards to the Onslow Caravan Park.**

**CARRIED BY  
ABSOLUTE MAJORITY 1/0**

#### Council Decision

**MOVED: Commissioner R Yuryevich**

**That Council reinstate standing orders at 1.32pm.**

**CARRIED BY  
ABSOLUTE MAJORITY 1/0**

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Andrew Harvey from HQ Management gave a presentation to Council regarding development proposals Onslow Industrial Subdivision.

Ian Yull, Team Lead Government Approval Specialist, Roger Stein, Government Approvals Specialist, from Chevron and Julie-Anne Hatch, Consultant from Taylor Burrell Bennett gave a presentation to Council in regards to a Detailed Area Plan for the Wheatstone Operations Village in Onslow.

Deb Wilkes left the meeting at 1.45pm

Deb Wilkes re-entered the meeting at 1.49pm

Zoe McGowan left the meeting at 2.12pm and did not return

### **7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

#### **7.1 ORDINARY MEETING OF COUNCIL HELD ON 10 APRIL 2013**

##### **Council Decision**

**MOVED: Commissioner R Yuryevich**

**That the Minutes of the Ordinary Meeting of Council held on 10 April 2013, as previously circulated on 23 April 2013, be confirmed as a true and accurate record, subject to the following amendment:**

**In Agenda Item 11.8 (Minute: 11486) – *“Receipt of Financials and schedule of accounts for month of February & March 2013”*, the word ‘November 2012’ be replaced with ‘February 2013’ and the word ‘December 2012’ be replaced with ‘March 2013’.**

**The resolution should now read as follows:**

***“That Council receives the Financial Reports for February 2013 and Schedule of Accounts and Credit Cards paid in March 2013.”***

**CARRIED 1/0**

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### 7.2 ORDINARY MEETING OF COUNCIL HELD ON 13 MARCH 2013

#### Council Decision

**MOVED:** Commissioner R Yuryevich

That the Minutes of the Ordinary Meeting of Council held on 13 March 2013, as previously circulated on 19 March 2013, be confirmed as a true and accurate record, subject to the following amendment:

In Agenda Item 11.2 (Minute: 11450) – *“Receipt of Financials and schedule of accounts for month of January 2013 & February 2013”*, the word ‘November 2012’ be replaced with ‘January 2013’ and the word ‘December 2012’ be replaced with ‘February 2013’.

The resolution should now read as follows:

*“That Council receives the Financial Reports for January 2013 and Schedule of Accounts and Credit Cards paid in February 2013.”*

CARRIED 1/0

### 7.3 ORDINARY MEETING OF COUNCIL HELD ON 13 FEBRUARY 2013

#### Council Decision

**MOVED:** Commissioner R Yuryevich

That the Minutes of the Ordinary Meeting of Council held on 13 February 2013, as previously circulated on 22 February 2013, be confirmed as a true and accurate record, subject to the following amendment:

In Agenda Item 11.2 (Minute: 11430) – *“Receipt of Financials and schedule of accounts for month of December 2012 & January 2013”*, the word ‘November 2012’ be replaced with ‘December 2012’ and the word ‘December 2012’ be replaced with ‘January 2013’.

The resolution should now read as follows:

*“That Council receives the Financial Reports for December 2012 and Schedule of Accounts and Credit Cards paid in January 2013.”*

CARRIED 1/0

## 8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

There were no announcements by the presiding person for this meeting.

**9. DECLARATION BY MEMBERS**

That Commissioner Yuryevich has given due consideration to all matters contained in the Agenda presently before the meeting.

**9.1 DECLARATION OF INTEREST**

**Councillors to Note**

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting  
or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.



## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### **NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)**

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter.

I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
  - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### 10. CHIEF EXECUTIVE OFFICER REPORTS

#### 10.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS

MINUTE: 11512

FILE REFERENCE: OR.MT.1

AUTHOR'S NAME AND POSITION: Janyce Smith  
Executive Officer CEO

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 18 April 2013

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 10.1 (Minute No.11477) Ordinary Meeting of Council 10 April 2013

#### Summary

The 2012 Department of Local Government Probity Audit (Recommendation 34) recommended that a review be undertaken on the processes of implementing Council decisions to ensure that decisions are actioned and implemented in a timely manner.

The purpose of the agenda item is to report back to Council the progress of implementation of Council decisions.

#### Background

Previously "*Decision Status Reports*" were presented to Council in the Information Bulletin and these were not officially endorsed by Council. The 2012 Department of Local Government Probity Audit recommended that a review be undertaken on the processes of implementing Council decisions to ensure that decisions are actioned and implemented in a timely manner.

#### Comment

Wherever possible Council decisions are implemented as soon as possible after a Council meeting. However there are projects or circumstances that mean some decision take longer to action than others.

The Information Bulletin is not a public document and so to increase transparency, a report on the status of implementing Council decisions has been prepared for Council.

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

This report presents a summary of the “Decision Status Reports” for Office of the CEO, Corporate Services, Technical Services, Strategic & Economic Development, Community Development and Operations departments.

### ATTACHMENT 10.1

In the future this report will be prepared for each Council meeting.

#### **Consultation**

A/Chief Executive Officer  
Executive Manager - Strategic and Economic Development  
Executive Manager - Community Development  
Executive Manager - Operations  
A/Executive Manager - Corporate Services  
A/Executive Manager - Technical Services

#### **Statutory Environment**

Not Applicable

#### **Financial Implications**

Not Applicable

#### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 05 – Inspiring Governance  
Objective 04 – Exemplary Team and Work Environment

#### **Policy Implications**

Not Applicable

#### **Voting Requirement**

Simple Majority Required

#### **Council Decision**

**MOVED: Commissioner R Yuryevich**

**That Council receives the “*Decision Status Reports*” as per ATTACHMENT 10.1.**

**CARRIED 1/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### 10.2 APPROVAL TO PURCHASE GOODS AND SERVICES BY CHIEF EXECUTIVE OFFICER UNDER DELEGATED AUTHORITY

**MINUTE:** 11513

**FILE REFERENCE:** OR.DA.00.00

**AUTHOR'S NAME AND POSITION:** Frank Ludovico  
A/Chief Executive Officer

**NAME OF APPLICANT/RESPONDENT:** Not Applicable

**DATE REPORT WRITTEN:** 29 April 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 10.2 (Minute No. 11478) Ordinary Meeting of Council 10 April 2013

#### **Summary**

The 2012 Department of Local Government Probity Audit (Recommendation 26) report recommended that a review be undertaken on the Shire's Purchasing and Tender Policy FIN12 in relation to purchase authority limits for staff and set an appropriate limit for the Chief Executive Officer's (CEO) purchasing authority that aligns with the delegation DA001 limited placed on the CEO for the acceptance of tenders.

The purpose of the agenda item is to report back to Council the purchase of goods and services by the Chief Executive Officer under delegated authority.

#### **Background**

The 2012 Department of Local Government Probity Audit (Recommendation 26) report recommended that a review be undertaken on the Shire's Purchasing and Tender Policy FIN12 in relation to purchase authority limits for staff and set an appropriate limit for the CEO's purchasing authority that aligns with the delegation DA001 limited placed on the CEO for the acceptance of tenders.

At the February 2013 Meeting minute 11425 Council determined the evaluation criteria for different classes of procurement and delegated to the CEO the power to determine tenders up to a certain value for those classes.

Additional reviews of policies will further improve our tender and procurement processes.

Previously decisions made under delegated authority were presented to Council in the Information Bulletin and these were not officially endorsed by Council.

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### Comment

The Information Bulletin is not a public document and so to increase transparency, a report on the decisions made under delegated authority has been prepared for Council.

In the future this report will be prepared for each Council meeting.

This report presents a summary of the "Approvals to Purchase Goods and Services by CEO Under Delegated Authority" for the months of April 2013.

Approval Date	File Ref	Title	Decision
There were no "Approvals to Purchase Goods and Services by CEO Under Delegated Authority".			

### Consultation

Executive Manager - Operations

### Statutory Environment

Local Government Act 1995, S3.57 Tenders for providing goods or services

### Financial Implications

Nil

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Commissioner R Yuryevich**

**That Council accept the report "10.2 Approval to Purchase Goods and Services by CEO under Delegated Authority".**

**CARRIED 1/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### 10.3 2011/2012 ANNUAL ELECTORS MEETING MINUTES

**MINUTE:** 11514

**FILE REFERENCE:** OR.MT.1

**AUTHOR'S NAME AND POSITION:** Frank Ludovico  
A/Chief Executive Officer

**NAME OF APPLICANT/RESPONDENT:** Not Applicable

**DATE REPORT WRITTEN:** 27 April 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 11.1(Minute No. 11449) – Ordinary Meeting of Council 13 March 2013

#### **Summary**

The minutes of the 2011/2012 Annual Electors Meeting are presented to Council for their receipt and to discuss any issues that arose.

#### **Background**

The 2011/12 Annual Electors Meeting for the Shire of Ashburton was held on 10 April 2013 and the minutes of the meeting are attached for Council information.

**ATTACHMENT 10.3**

#### **Comment**

The minutes of the 2011/2012 Annual Electors Meeting are presented to Council for their receipt and to discuss any issues that arose.

#### **Consultation**

A/Chief Executive Officer  
Executive Management Team

#### **Statutory Environment**

Under Section 5.33 of the Local Government Act 1995 all decisions made at an Electors Meeting are to be considered at the next Ordinary Meeting of Council.

#### **Financial Implications**

There is no financial implications relative to this issue.

#### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 5 – Inspiring Governance

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### **Policy Implications**

There is no Council policy relative to this issue

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Commissioner R Yuryevich**

**That Council receive the minutes of the 2011/2012 Annual Electors Meeting held on Wednesday 10 April 2013 as per ATTACHMENT 10.3.**

**CARRIED 1/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### 10.4 DELEGATION DA049 - STAFF AND EMPLOYEE PROPERTY LEASE CONTRACTS

**MINUTE:** 11515

**FILE REFERENCE:** OR.DA.00.00

**AUTHOR'S NAME AND POSITION:** Felicia Mudge  
Manager Organisational Development

**NAME OF APPLICANT/RESPONDENT:** Not Applicable

**DATE REPORT WRITTEN:** 21 April 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 10.3 (Minute No. 11397) - Ordinary Meeting of Council 23 January 2013

#### **Summary**

At 23 January 2013 Council meeting council moved to accept the recommendation

*"That Council adopt delegation DA049 - Staff And Employee Property Lease Contracts with the following addition:*

*That any properties acquired under this delegation be reported to the next Ordinary Meeting of Council."*

This item also provided the Chief Executive Officer with delegation to sign leases up to \$500,000pa.

Since this Council decision we have renewed three leases and all have included significant rental increases in line with current market demand. The Shire of Ashburton currently leases 18 properties from multiple agents across Tom Price and Onslow. The combined predicted cost of rentals at June 2013 is \$543,875.88.

Often lease renewals are only available for a short time and the market may not be willing to wait for a Council approval process.

The purpose of this item is to seek an increase in the delegation to the Chief Executive Officer so we can continue to provide housing and therefore services to our community.



## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### Background

The Shire of Ashburton currently leases 18 properties from multiple agents across Tom Price and Onslow. The combined predicted cost of rentals at June 2013 is \$543,875.88. The Council delegation to the Chief Executive Officer is \$500,000.

The Community Development departments have requested accommodation for a Senior Activity Officer in Onslow. A property is currently available for \$2,200 per week. If we acquire this lease our annual total lease bill will be \$658,275.88pa.

### ATTACHMENT 10.4

### Comment

There are currently 62 employees residing in staff housing. Employee accommodation is appointed based on a housing matrix which rates a person's position against specific criteria. The supply of staff housing is considered vital to the Shires operations.

Following our continued inability to recruit suitably qualified and experienced Community Services staff in Onslow, the Executive Manager Community Development has requested housing for a Senior Activity Officer (SOA). The community services team currently consists of the Community Services Manager with assistance from two casual unqualified staff members.

The SAO's role supervises the activity officers in Onslow and Pannawonica and plans and coordinates all programs, activities and events therefore without a SAO in place these are unable to take place.

This will in turn impact funding opportunities as all of the programs and events are funded and there are stringent requirements to maintain that funding ie: stipulated hours of service delivery, how many clients are accessing the programs etc. Without service delivery of programs and activities we will lose a portion of our current funding.

Council should also be aware that opportunities to lease quality residence only become available for a short period of time if this delegation is not approved the time delay in processing an approval to lease a property may mean that opportunity is lost.

It is recommended that Council appoint the Chief Executive Officer (CEO) the delegation to sign leases for the purpose of staff housing and employee accommodation up to the value of \$800,000pa.

### Consultation

A/Chief Executive Officer  
Executive Manager - Community Development  
Ray White Exmouth

### Statutory Environment

Section 5.43 of the Local Government Act (LGA) limits the delegations to the Chief Executive Officer. In particular sub-section (d) indicates a Local Government cannot delegate to the Chief Executive Officer the acquisition or disposal of any property valued at amount exceeding an amount determined by the Local Government for the purpose of that paragraph.

Section 3.57 LGA Tender for providing goods and services does not apply as the acquisition of property is not covered by this section and associated regulations.

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### Section 9.49A Executive Documents (4)

*“A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.”*

#### **Financial Implications**

Council does have one property under lease for which we receive a reimbursement (Onslow Day Care) – so effectively this is at no cost to Council but \$78,000 pa is included in the gross lease amount.

The ongoing effect of high leasing costs will have significant impact on future budgets. If service provision is important then either additional revenue needs to be raised or important services curtailed (eg Passion Pilbara, School Holiday Program).

As already discussed without service delivery of programs and activities we lose a portion of our current funding. Potentially \$200,000 in funding could be affected.

#### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012 - 2022

Goal 5 – Inspiring Governance

Objective 03 – Exemplary Team and Work Environment

#### **Policy Implications**

Nil

#### **Voting Requirement**

Absolute Majority Required

#### **Council Decision**

**MOVED: Commissioner R Yuryevich**

**That Council amend delegation DA049 - Staff and Employee Property Lease Contracts by increasing the delegation amount from \$500,000 to \$800,000 pa.**

**CARRIED BY ABSOLUTE MAJORITY 1/0**

**REASON FOR CHANGE OF RECCOMENDATION: To clearly show the amount of the delegation.**

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### 11. CORPORATE SERVICES REPORTS

#### 11.1 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF MARCH & APRIL 2013

MINUTE: 11517

FILE REFERENCE: FI.RE.00.00

AUTHOR'S NAME AND POSITION: Leah M John  
Finance Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 18 April 2013

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in the proposal.

PREVIOUS MEETING REFERENCE: Not Applicable

#### Summary

In accordance with Regulation 34 of the Local Government (Financial Management) Regulations, the Shire is to prepare a monthly Statement of Financial Activity for consideration by Council.

#### Background

Regulation 34 of the Local Government (Financial Management) Regulations requires the Shire to prepare a monthly statement of Financial Activity for consideration by Council.

#### Comment

This report presents a summary of the financial activity for the following month:

March 2013

- Statements of Financial Activity and associated statements for the Month of March 2013.

**ATTACHMENT 11.1A**

April 2013

- Schedule of Accounts and Credit Cards paid under delegated authority for the Month of April 2013.

**ATTACHMENT 11.1B**

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### **Consultation**

Executive Management Team  
Finance Manager  
Finance Coordinator  
Finance Officers  
Consultant Accountant

### **Statutory Environment**

Section 6.4 Local Government Act 1995, Part 6 – Financial Management, and regulation 34 Local Government (Financial Management) Regulation 1996.

### **Financial Implications**

Financial implications and performance to budget are reported to Council on a monthly basis.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 5 – Inspiring Governance  
Objective 4 - Exemplary Team and Work Environment

### **Policy Implications**

Nil

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Commissioner R yuryevich**

**That Council receives the Financial Reports for March 2013 and Schedule of Accounts as per ATTACHMENT 11.1A and Credit Cards paid in April 2013 as per ATTACHMENT 11.1B.**

**CARRIED 1/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### 11.2 OCTOBER 2013 ORDINARY ELECTION - APPOINTMENT OF ELECTORAL COMMISSION

**MINUTE:** 11518

**FILE REFERENCE:** OR.EL.03.00

**AUTHOR'S NAME AND POSITION:** Lisa Hannagan  
A/Executive Manager - Corporate Services

**NAME OF APPLICANT/RESPONDENT:** Not Applicable

**DATE REPORT WRITTEN:** 25 February 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

Correspondence has been received from the WA Electoral Commission requesting that Council give consideration to whether they will be conducting the 2013 Local Government Election as a postal or in person election.

It is recommended that the WA Electoral Commission appoint a returning officer and conduct the vote. It is also recommended that the election be conducted by postal vote.

#### **Background**

In accordance with the Local Government Act 1995, Local Government ordinary elections will be held on 19 October 2013. Four Councillor terms are due to expire in October 2013 being Tom Price (2), Paraburdoo (1) and Pannawonica (1).

The election held in 2011 was conducted by postal vote, with the Electoral Commission appointing a Returning Officer.

Section 4.20(4) of the Local Government Act 1995 states:

- “(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

*\*Absolute Majority Required.”*

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The Administration has received notification from the WA Electoral Commissioner (correspondence attached) that the Local Government Ordinary Elections to be held on 19 October 2013, with an estimated cost of \$16,000 and the Commissioner also confirmed that if the Shire of Ashburton agrees, he would be responsible for the conduct of the Election.

### ATTACHMENT 11.2

The Shire of Ashburton has traditionally used the Western Australian Electoral Commission (WAEC) to conduct its elections and it is recommended that this continue as it keeps the political process independent of the Shire Administration.

#### **Consultation**

A/Chief Executive Officer  
A/Executive Manager – Corporate Services

#### **Statutory Environment**

Local Government Act 1995 4.20(4) & 4.61(2)

#### **Policy Implications**

There are no specific policy implications relative to this issue.

#### **Financial Implications**

The WAEC is required to operate on a full cost recovery basis, and has estimated a cost of \$16,000 inc GST. This has been included in the 2013/2014 Budget.

#### **Strategic Implications**

There are no Strategic Implications relative to this issue.

#### **Voting Requirement**

Absolute Majority Required

#### **Council Decision**

**MOVED:        CommioSSIONER R Yuryevich**

**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 2013 Ordinary Election;**
- 2. Determine in accordance with section 4.6.1(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election; and**
- 3. Make provision in the 2013/14 Budget for the expenditure of \$16,000 on costs associated with the 2013 Ordinary Election.**

**CARRIED BY ABSOLUTE MAJORITY 1/0**

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### 11.3 AUDIT CONTRACT - 2012/2013 - 2014/2015

**MINUTE:** 11519

**FILE REFERENCE:** FI.AU.12.13

**AUTHOR'S NAME AND POSITION:** Lisa Hannagan  
A/Executive Manager - Corporate Services

**NAME OF APPLICANT/RESPONDENT:** Not Applicable

**DATE REPORT WRITTEN:** 22 April 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** 17 March 2010, Ordinary Meeting of Council Agenda Item 15.03.04

#### **Summary**

The contract for the Council's current Auditors ended with the completion of the 2011/2012 Audit.

Quotations were called, via the WALGA Preferred Suppliers List, for Auditors for the 3 year period 2012/2013 to 2014/2015.

The appointment of UHY Haines Norton Chartered Accountants is recommended.

#### **Background**

The contract for the Council's current Auditors ended with the completion of the 2011/2012 Audit.

Quotations were called, via the WALGA Preferred Suppliers List, in March 2013 for Auditors for the 3 year period 2012/2013 to 2014/2015.

#### **Comment**

Two quotations were received. One from UHY Haines Norton Chartered Accountants and one from AMD Chartered Accountants. The matrix below evaluates the quotations received.

It is noted that while UHY Haines Norton scored less from a cost point of view, previous history and current assistance in other areas of our operations with this organisation provides the Shire with assurance of excellent service.

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The quotations were evaluated by the following staff:

Leah John, Finance Manager

Lisa Hannagan, A/Executive Manager Corporate Services

Tenderer	AMD Chartered Accountants	UHY Haines Norton Chartered Accountants
Relevant Experience (10%)	5/10	10/10
Key Personnel (10%)	4/10	8/10
Past Performance (10%)	5/10	10/10
Resources (5%)	5/5	5/5
Plant, Equipment & Materials (5%)	0/5	0/5
Methodology (10%)	8/10	10/10
Price (inc GST)	\$58960	\$85800
Price for 3 years (50%)	45/50	35/50
Total (100%)	72/100	78/100

### Consultation

A/Chief Executive Officer

A/Executive Manager - Corporate Services

Finance Manager

### Statutory Environment

Section 7.3 Local Government Act 1995

### Financial Implications

Auditors fees will be incorporated into the Council Annual Budget.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 5 – Inspiring Governance

### Policy Implications

Policy FIN14 Shire of Ashburton Tender Assessment Criteria was used to assess this tender.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Commissioner R Yuryevich**

**That Council appoint Mr David Tomasi (Registered Company Auditor 15274) of UHY Haines Norton Chartered Accountants to undertake Audits for the Shire of Ashburton for the period 2012/2013 to 2014/2015 at a total fee of \$85,500 (GST inc) for three years plus disbursements.**

**CARRIED 1/0**



## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### 12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

#### 12.1 PROPOSED CLOSURE AND TRANSFER OF PART OF FORTESCUE PLACE, PARABURDOO AND CHANGE PURPOSE OF RESERVE 42332

**MINUTE:** 11520

**FILE REFERENCE:** PA.DG.0615

**AUTHOR'S NAME AND POSITION:** Anika Serer  
Acting Partnership/Revitalisation Manager

**NAME OF APPLICANT/RESPONDENT:** Not Applicable

**DATE REPORT WRITTEN:** 23 April 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 12.6 (Minute No. 11351) – Ordinary Meeting of Council 21 November 2012;  
Agenda Item 15.3 (Minute No. 11294) - Ordinary Meeting of Council 19 September 2012;  
Agenda Item 15.1 (Minute No. 11100) - Ordinary Meeting of Council 14 December 2011

#### **Summary**

At the Council Meeting held on 21 November 2012, Council endorsed the concept design for the proposed 'Paraburdoo Community Hub'. The Hub's proposed location is to the south of the swimming pool and east & south-east areas of the existing sports oval in the town centre.

The area to the south of the swimming pool is currently used as a carpark area, and is part of the Fortescue Place road reserve. In order for this to be used as the site for the construction of the Hub, Council is required to undertake two steps:

1. It is recommended that Council close the carpark portion (approximately 3975sqm) of the road reserve and amalgamate it into the adjoining Recreation Reserve (R 42332) to allow development of the Hub. In compliance with Section 58 of the Land Administration Act 1997, the closure will be required to be advertised in a locally circulating newspaper for a minimum period of 35 days inviting the public to comment on the proposal. If any objection is received in response to the statutory advertising these will be referred back to Council for consideration; and

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2. To enable the construction of the various recreation and community facilities (multipurpose sports hall, child care centre, neighbourhood centre), the purpose of Reserve 42332 will need to be changed from "Recreation" to "Recreation and Child Care Centre". The Shire will also require power to lease from Department of Regional Development and Lands to enable the various facilities to be leased, hired or operated by other groups.

### Background

The concept design for the Paraburdoo Community Hub was endorsed by Council at the Ordinary Meeting held on 21 November 2012. The design, prepared in response to public consultation and user group feedback, incorporates a multipurpose sports hall, child care centre, neighbourhood centre, sports clubrooms and swimming pool amenities utilizing unused land along the south-east of the sports oval and south of the swimming pool.

The land to the south of the swimming pool, which is currently used as a carpark area, has been identified as the ideal site for locating the multipurpose sports hall and childcare centre. This area is part of the Fortescue Place road reserve, so in order to construct here an area of approximately 3975 square metres must be amalgamated into adjoining Reserve 42322 which is vested in the Shire of Ashburton for the purpose of 'Recreation' (this is the site of the swimming pool facility).

The purpose of Reserve 42332 will need to be changed to 'Recreation and Child Care Centre' to enable the various types of facilities to be constructed and operated. Power to Lease the facilities to other user groups or operators will also need to be obtained from the Minister for Regional Development and Lands.

### Comment

It is appropriate that Council close the 3975sqm portion of Fortescue Place road reserve and transfer it to Reserve 42322 in compliance with Section 58 of the Land Administration Act 1997, and for this to be advertised in a locally circulating newspaper for a minimum of 35 days inviting the public to comment on the proposal.

If any objection is received in response to the statutory advertising of the proposed closure it will be referred back to Council for consideration. Should no objections be received, the Minister for Land should be requested to close the 3975sqm portion of Fortescue Place road reserve for transfer to Reserve 42332 in accordance with the attached plan.

At the same time, the purpose of Reserve 42322 should be changed from 'Recreation' to 'Recreation and Child Care Centre' in compliance with Section 46 of the Land Administration Act 1997. The request must be made to the Minister for Land along with power to lease the facilities.

## ATTACHMENT 12.1

### Consultation

Principal Town Planner

Peter Broekmeulen, Team Leader Pilbara - Department of Regional Development and Lands

### Statutory Environment

Land Administration Act 1997, Section 58 is relevant to the proposed closure of a road reserve.

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Section 58 requires:

*“(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road”;*

And

*“(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.”*

### **Financial Implications**

There will be minor costs involved in the survey and transfer of the closed portion of the road however these are allocated in the budget for planning and design of the Paraburdoo Community Hub.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 03 – Quality Education, Healthcare, Childcare, Aged Care and Youth Services

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Objective 03 – Well Planned Towns

### **Policy Implications**

None Identified

### **Voting Requirement**

Simple Majority Required

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### Council Decision

**MOVED:** Commissioner R Yuryevich

**That Council:**

1. Close the 3975sqm portion of Fortescue Place Paraburdoo road reserve for transfer to Reserve 42332 in compliance with Section 58 of the Land Administration Act 1997, in accordance with ATTACHMENT 12.1;
2. Advertise the closure and transfer of the Fortescue Place Paraburdoo road reserve in a locally circulating newspaper for a minimum period of 35 days inviting the public to comment, pursuant to Section 58 of the Land Administration Act 1997;
3. Require any objection received in response to the statutory advertising of the proposed closure or the land transferral be referred back to Council for consideration;
4. Endorse the change of purpose of Reserve 42332 from '*Recreation*' to '*Recreation and Child Care Centre*';
5. Authorise the Chief Executive Officer, subject to no objections being received from the public to the road closure and transfer, submit to the Minister for Lands a request to close the 3975sqm portion of Fortescue Place Paraburdoo road reserve for transfer to Reserve 42332 in accordance with ATTACHMENT 12.1, change the purpose of Reserve 42332 from '*Recreation*' to '*Recreation and Child Care Centre*' and seek power to lease the facilities constructed upon that reserve.

**CARRIED 1/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### 13. TECHNICAL SERVICES REPORTS

#### 13.1 PROPOSAL BY LANDCORP FOR THE SHIRE TO RELINQUISH THE MANAGEMENT ORDERS OVER THE LAND, SUBJECT TO A DEVELOPMENT LEASE, ONSLOW

**MINUTE:** 11521

**FILE REFERENCE:** PS.TP.7.21  
ON.WS.571: RE.OR.R.19291

**AUTHOR'S NAME AND POSITION:** Rob Paull  
Principal Town Planner

**NAME OF APPLICANT/RESPONDENT:** LandCorp

**DATE REPORT WRITTEN:** 18 April 2013

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

**PREVIOUS MEETING REFERENCE:** Item 13.10 Minute No. 11497 Ordinary Meeting of Council 10 April 2013  
Item 13.3 Minute No. 1191 Ordinary Meeting of Council 16 May 2012

#### **Summary**

Council at the 10 April 2013 Ordinary Meeting agreed (amongst other things) to LandCorp's request that the Shire agree to the establishment of a 'development lease' over part Lot 303 (R19291) which forms the portion of Onslow defined for development expansion under a number of endorsed strategic planning documents.

LandCorp has now further advised that while the Shire's support for the Development Lease implies its agreement to relinquish the management orders, the Department of Regional Development and Lands (RDL) has indicated they need Council to specifically state no objection to the relinquishment of the management orders.

LandCorp has requested that to enable the matter to be pursued through RDL, the following resolution is required:

*"The Shire of Ashburton agrees to relinquish the Management Orders over part Lot 303 (R19291) as shown on the Whelan's plan 13995-25a Rev8 – Onslow Townsite Revitalisation and Expansion Project - Proposed Development Lease Plan."*

Council is recommended to agree to the above wording.

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### Background

Council at the 10 April 2013 Ordinary Meeting agreed (amongst other things to LandCorp's request that the Shire agree to the establishment of a 'development lease' over part Lot 303 (R19291) which forms the portion of Onslow defined for development expansion under a number of endorsed strategic planning documents. In this regard, the resolution of Council relating to the Development Lease was as follows:

*"That Council:*

1. *With respect to LandCorp's correspondence dated 22 February 2013 requesting Shire response on a 'Development Lease' for the expansion of Onslow, permission to undertake works and road closures, the Shire resolves as follows:*
  - a) *Development Lease*  
*Council offers no objection to the 'development lease' as outlined in LandCorp's correspondence."*

### Comment

LandCorp has now further advised that while the Shire's support for the Development Lease implies its agreement to relinquish the management orders, the Department of Regional Development and Lands (RDL) has indicated they need Council to specifically state no objection to the relinquishment of the management orders. A copy of the Management Order is included as **ATTACHMENT 13.1A**.

Under the Management Order, Part Lot 303 (R19291) is: *"To be utilised for the designated purpose of 'Common' only"*. With the agreed development of this portion of the land by LandCorp for residential and open space purposes, it is appropriate that both the reserve and any management orders be relinquished.

LandCorp has requested that to enable the matter to be pursued through RDL, the following wording is formally required:

*"The Shire of Ashburton agrees to relinquish the Management Orders over part Lot 303 (R19291) as shown on the Whelan's plan 13995-25a Rev8 – Onslow Townsite Revitalisation and Expansion Project - Proposed Development Lease Plan."*

The *Whelan's plan 13995-25a Rev8* was referred to Council on 10 April 2013 is also included **ATTACHMENT 13.1B** in this report.

### Conclusion

The desire of LandCorp to gain early access to land to initiate subdivision and development works for the expansion of Onslow is supported, as is its desire to access land owned or under the care and control of the Shire.

The request from LandCorp is acceptable and it is recommended that Council adopted the recommendation and communicate it to LandCorp.

### Consultation

A/Chief Executive Officer  
A/Executive Manager - Technical Services

### Statutory Environment

Land Administration Act 1997 Section 58

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### **Financial Implications**

None Anticipated.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

### **Policy Implications**

None Anticipated.

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Commissioner R Yuryevich**

**That Council:**

- 1. Agrees to relinquish the Management Orders over part Lot 303 (R19291) as shown on the Whelans plan 13995-25a Rev8 – Onslow Townsite Revitalisation and Expansion Project - Proposed Development Lease Plan as per ATTACHMENT 13.1B.**

**CARRIED 1/0**

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### 13.2 DRAFT LOCAL PLANNING POLICY - REGIONAL RESIDENTIAL DESIGN CODE VARIATIONS - WAPC RESPONSE

**MINUTE:** 11522

**FILE REFERENCE:** PS.DV.21.00PS.DV.21.00

**AUTHOR'S NAME AND POSITION:** Rob Paull  
Principal Town Planner

**NAME OF APPLICANT/RESPONDENT:** Shire of Ashburton

**DATE REPORT WRITTEN:** 26 April 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.4 (Minute No. 11222) – Ordinary Meeting of Council 20 June 2012

#### **Summary**

The Residential Design Codes (RCodes) provide the basis for controlling the siting and design of residential development throughout Western Australia. The RCodes provide for 'Regional Exceptions' to some provisions subject to the adoption of a Local Planning Policy.

This report addresses variations to setbacks, open space, parking and to enable single bedroom ancillary accommodation to be used by any person and not be exclusive for family members of the occupiers of the main dwelling.

It is recommended that draft Local Planning Policy – Regional Residential Design Code Variations be advertised for 21 days in accordance with the Scheme and should there be no objection, the Chief Executive Officer be authorised to forward the Local Planning Policy to the Western Australian Planning Commission for final approval.

#### **Background**

The Residential Design Codes (RCodes) provide the basis for controlling the siting and design of residential development throughout Western Australia. The RCodes came into effect on 4 October 2002 when they replaced the 1991 Residential Planning Codes of Western Australia (1991 Codes). The R Codes have since been amended on numerous occasions including a comprehensive review in April 2008.

The RCodes were automatically introduced by reference into all local government planning schemes that formerly included reference to the 1991 Codes (Section 6.5 of the Shire of Ashburton Local Planning Scheme No.7 ('Scheme')).



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The R Codes provide for 'Regional Exceptions' to some provisions subject to the adoption of a Local Planning Policy. In addition, any provision can be varied through a Local Planning Policy subject to Western Australian Planning Commission (WAPC) consent being obtained prior to adoption. Variations have been sought and approved for a number of local governments, including the Town of Port Hedland where some of the recommended variations addressed in this Report are derived.

**ATTACHMENT 13.2A**  
**ATTACHMENT 13.2B**

### **Comment**

The following 'variations' are recommended for the Residential zones under the Scheme and where the RCodes apply:

<b>Section:</b>	6.2.1 – Setback of buildings generally
<b>Original R Code provision:</b>	A1.1 Buildings setback from the primary street in accordance with Table 1
<b>Variation:</b>	In relation to Acceptable Development Standard A1.1, where side and rear vehicle access is provided, setbacks of buildings from the primary street as specified in Table 1 of the Residential Design Codes may be halved.
<b>Reason for Variation:</b>	<p>Residents of the Shire have a high reliance on motor vehicles. In addition, climatic conditions make the provision of landscaping in street setback areas difficult to maintain.</p> <p>These factors contribute to the street setback area often being used for parking of vehicles and lacking landscaping.</p> <p>By encouraging vehicle access to the rear of properties and allowing reduced street setbacks, it is envisaged that the streetscape amenity will be improved. The reduced area will also limit the area available for parking in the front street setback and as access to the rear of the property is available it should be utilised as an alternative.</p>

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<b>Section:</b>	6.2.5 – Street walls and fences
<b>Original R Code provision:</b>	A5 Front walls and fences within the primary street setback area that are visually permeable 1.2 m above natural ground level.
<b>Variation:</b>	Acceptable Development Standard A5 shall also apply to the fencing of secondary or other streets within the street setback area and boundaries with public reserves where passive surveillance is required.
<b>Reason for Variation:</b>	Secondary or other streets often incorporate 1.8 m solid fencing on boundaries which obstruct surveillance and detract from the streetscape. Restricting secondary and other streets fencing as well as public reserves to be consistent with the primary street fencing will encourage passive surveillance and interaction with the streetscape.

<b>Section:</b>	6.3.1 – Buildings setback from the boundary
<b>Original R Code provision:</b>	A1 iv Minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75 m into a set-back area and to be no closer than 0.75 m to a boundary.
<b>Variation:</b>	Notwithstanding Acceptable Development Standard A1 iv, eaves overhang may be closer than 0.75 m to a boundary subject to conformity with the <i>Building Code of Australia</i> .
<b>Reason for Variation:</b>	Environmentally sustainable development encourages eaves overhang in the Shire due to the extreme climatic conditions. As such, development where buildings meet with the Acceptable Development Standards for wall setback could need a permit solely due to encroachment of eaves overhang.

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<b>Section:</b>	6.4.1 – Open Space Provision
<b>Original R Code provision:</b>	A1 Open space provided in accordance with table 1 and design elements 6.2 and 6.3. The site of the grouped dwelling, for the purpose of calculating the open space requirement, shall include the area allocated for the exclusive use of the dwelling and the proportionate share of any associated common property.
<b>Variation:</b>	Notwithstanding Acceptable Development Standard A1, open space includes (but is not limited to) floor areas beneath eaves overhangs, veranda's or patios not more than 0.5m above natural ground level, unenclosed on at least two sides and covering no more than 25 per cent of the site area or 125 sq m whichever is the lesser.
<b>Reason for Variation:</b>	The extreme climatic conditions experienced in the Shire has led to a desire and need by residents to predominately cover outdoor living areas to make them useable.

<b>Section:</b>	6.4.2 – Outdoor living areas
<b>Original R Code provision:</b>	A2 An outdoor living area to be provided: <ul style="list-style-type: none"> <li>• to have at least two-thirds of the required area without permanent roof cover.</li> </ul>
<b>Variation:</b>	Acceptable Development Standard A2 dot point 5 is removed. Permanent roof cover is permitted.
<b>Reason for Variation:</b>	The extreme climatic conditions experienced in the Shire has led to a desire and need by residents to predominately cover outdoor living areas to make them useable.

<b>Section:</b>	6.5.3 – Design of Parking Spaces
<b>Original R Code provision:</b>	A3.2 Spaces in accordance with AS2890.1.
<b>Variation:</b>	Parking spaces are to meet with the design standards identified within Section 6.17 and Appendix 8 and 9 of the Scheme.
<b>Reason for Variation:</b>	The average vehicle for the Shire is generally larger than that identified within AS2890.1. As a result the Shire has consistently required parking spaces be designed to a level greater than that required by AS2890.1.

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<b>Section:</b>	6.5.4 – Vehicular Access
<b>Original R Code provision:</b>	<p>A4.5 Formed driveways for multiple and grouped dwellings:</p> <ul style="list-style-type: none"> <li>• With a minimum width of 4 m where the number of dwellings served is five or more, which may be reduced to 3 m where necessary to retain an existing dwelling; and</li> <li>• Are designed to allow vehicles to pass in opposite directions at one or more points, where the number of dwellings served by the driveway is five or more.</li> </ul>
<b>Variation:</b>	Notwithstanding Acceptable Development Standard A4.5, design of two way access shall be in accordance with Appendix 8 and 9 of the Scheme.
<b>Reason for Variation:</b>	<p>To provide for greater traffic and pedestrian safety wider access has been required for two way access. The wider access enables access to and egress from the site simultaneously preventing traffic congestion on the street.</p> <p>Wider access also increases sightlines for both vehicular and pedestrian traffic.</p>

<b>Section:</b>	6.11.1 – Ancillary Accommodation
<b>Original R Code provision:</b>	A1 i) the sole occupant or occupants are members of the family of the occupiers of the main dwelling.
<b>Variation:</b>	Notwithstanding Acceptable Development Standard A1 i), any person may occupy approved Ancillary Accommodation provided the building is limited to a single bedroom dwelling and where it reflects the Shire Local “Planning policy Transportable Dwellings New and second hand.”
<b>Reason for Variation:</b>	<p>Provides for housing choice and is expected to assist in addressing housing shortages and affordability issues being experienced within the municipality.</p> <p>However, unlike other local governments that have supported similar amendment, the intent is that the accommodation be limited to single bedroom to ensure that matters such as parking, amenity and affordability are addressed.</p>

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### Conclusions

Should draft *Local Planning Policy – Regional Residential Design Code Variations* be approved, variations to setbacks, open space, parking and to enable single bedroom ancillary accommodation to be used by any person and not be exclusive to family members of the occupiers of the main dwelling. By removing the requirement for occupiers of ancillary accommodation to be relatives of occupants (and limiting it to single bedroom), it will facilitate the development of additional ancillary accommodation dwellings which will help provide housing choice as well as helping to address housing shortages and affordability issues.

Council may recall that Ms Alannah MacTeirnan and Mr David Somerville from Questus Limited gave a presentation on subsidies available for the construction of rental housing to the 17 August 2011 Council meeting. They also identified that new ancillary accommodation dwellings may be eligible to receive incentives under the National Rental Affordability Scheme (NRAS), which requires dwellings to be rented at least 20% below market value and to eligible persons (low income persons).

It is understood that the City of Vincent, City of Fremantle, Town of Port Hedland, Shire of Roebourne and Shire of East Pilbara have adopted similar variations to allow the ancillary accommodation provisions, although none appear to limit the accommodation to single bedrooms only.

Department of Planning staff have advised that changes to the RCodes that address ancillary accommodation are anticipated in the latter half of 2012 however this time frame is not definite. It is appropriate to consider the changes as recommended in the form of the Local Planning Policy and should the RCodes be modified by the WAPC, then it may become an obligation on local government.

### Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Executive Manager - Strategic and Economic Development

Should Council wish to proceed with the proposed Local Planning Policy, it will need to be advertised for 21 days in accordance with the Scheme and then referred to the WAPC for consent. In this regard, initial discussions with offers from the Department have been undertaken where the above modifications are informally supported.

### Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Local Planning Scheme No. 7.

### Financial Implications

In the event Council wish to proceed with the draft local planning policy, advertising costs will be involved.

### Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

### Policy Implications

If the local planning policy is approved, variations to setbacks, open space, parking and to enable single bedroom ancillary accommodation to be used by any person and not be exclusive to family members of the occupiers of the main dwelling.

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### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Commissioner R Yuryevich

**That Council:**

1. Council adopts the draft *Local Planning Policy – Regional Residential Design Code Variations* as a draft Local Planning Policy under the provisions of clause. 2.3 of the Shire of Ashburton Local Planning Scheme No. 7 and be advertised in accordance with clause 2.31 of the Scheme.

**CARRIED 1/0**

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### 13.3 REQUEST FOR COMMENT - IRON ORE (HAMERSLEY RANGE) AGREEMENT ACT 1963 - NBWT PHASE 2 VARIATION - DETAILED PROPOSAL

**MINUTE:** 11523

**FILE REFERENCE:** TR.AT.01.06: MI.BCK4: MI.NAMM

**AUTHOR'S NAME AND POSITION:** Rob Paull  
Principal Town Planner

**NAME OF APPLICANT/  
RESPONDENT:** Department of State Development

**DATE REPORT WRITTEN:** 20 April 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### Summary

Over the last several years, the Department of State Development (DSD) has sought the views of the Shire with respect to Hamersley Iron's Nammuldi Below Water Table (NBWT Phase 2 Project), for the expansion of existing iron ore mining operations at Nammuldi by mining below water table and increasing ore production.

On two separate occasions (7 July 2011 and 31 October 2012) the Shire Chief Executive Officer responded to DSD advising that the Shire opposed any operational accommodation associated with Brockman Syncline 4 operations until the State has undertaken an independent social impact assessment that addresses the impacts on Tom Price along with the potential 'lost' social and economic benefits of not promoting such accommodation within the Tom Price townsite.

The views of the Shire were largely ignored and on 29 January 2013 the Minister for State Development approved the NBWT Phase 2 Project.

Once again, DSD seek the views of the Shire with respect to a variation proposal to the Minister for State Development to temporarily vary Hamersley Iron's accommodation arrangements for its NBWT Phase 2 Project.

It is considered that the opposition by the Shire remains valid even though NBWT Phase 2 Project has been approved.

In this regard, it is recommended that Council:

1. Note and endorse previous correspondence from the Shire concerning accommodation for the NBWT Phase 2 Project; and

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2. Advise that the any operational accommodation associated with NBWT Phase 2 Project is opposed until the State of Western Australia has undertaken an independent social impact assessment that addresses the impacts on Tom Price along with the potential 'lost' social and economic benefits of not promoting such accommodation within the Tom Price townsite.

### Background

Over the last several years, the Department of State Development (DSD) has sought the views of the Shire with respect to Hamersley Iron's Nammuldi Below Water Table (NBWT Phase 2 Project), for the expansion of existing iron ore mining operations at Nammuldi by mining below water table and increasing ore production.

The Shire is aware that Stage 1 was been approved by the State however it is understood the necessary social impact on Tom Price was not undertaken.

On two separate occasions (7 July 2011 and 31 October 2012) the Shire Chief Executive Officer responded to DSD advising that the Shire opposed any operational accommodation associated with Brockman Syncline 4 operations until the State has undertaken an independent social impact assessment that addresses the impacts on Tom Price along with the potential 'lost' social and economic benefits of not promoting such accommodation within the Tom Price townsite.

**ATTACHMENT 13.3A**  
**ATTACHMENT 13.3B**

Also, the Shire has consistently raised concerns to Hamersley Iron's proposal to establish an operations workforce of approximately 700 to 800 persons for Marandoo Mine which were never addressed in any State approvals.

Similarly the views of the Shire were largely ignored and on 29 January 2013 the Minister for State Development approved the NBWT Phase 2 Project.

### Proposal

DSD once again seek the views of the Shire with respect to a variation proposal to the Minister for State Development seeking approval to temporarily vary its accommodation arrangements for its NBWT Phase 2 Project.

**ATTACHMENT 13.3C**

### Comment

In providing previous responses to the DSD, the Shire advised as follows:

*"Accordingly, in the strongest terms, the Shire of Ashburton opposes any operational accommodation associated with Brockman Syncline 4 operations until the State has undertaken an independent social impact assessment that addresses the impacts on Tom Price along with the potential 'lost' social and economic benefits of not promoting such accommodation within the Tom Price townsite."*

The State's apparent intransigence on addressing the social impact of such developments on the community is disappointing and very concerning. In the view of the Shire, it can only lead to the conclusion that the State is supporting resource developments without knowing the full ramifications of such developments to the communities of the Pilbara.



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In the recent Federal Government report "Cancer of the bush or salvation for our cities? – Fly-in, fly-out workforce practices in regional Australia" (February 2013) this issue is addressed on a number of occasions eg Recommendations 3, 4, 6, 12, 16 and 18 and further supports our conclusions

### **Conclusions**

It is considered that the position of the Shire remains valid even though NBWT Phase 2 Project has been approved by the Minister for State Development.

In this regard, it is recommended that Council:

1. note and endorse previous correspondence from the Shire concerning accommodation for the NBWT Phase 2 Project; and
2. advise that the any operational accommodation associated with NBWT Phase 2 Project is opposed until the State of Western Australia has undertaken an independent social impact assessment that addresses the impacts on Tom Price along with the potential 'lost' social and economic benefits of not promoting such accommodation within the Tom Price townsite.

### **Consultation**

A/Chief Executive Officer  
A/Executive Manager - Technical Services

### **Statutory Environment**

Planning and Development Act 2005  
Shire of Ashburton Local Planning Scheme No. 7  
Land Administration Act  
Iron Ore (Hamersley Range) Agreement Act 1963

### **Financial Implications**

There are no financial implications relative to this matter

### **Strategic Implications**

Shire of Ashburton 10 Year Community Plan 2012-2022  
Goal 04 - Distinctive and Well Serviced Places  
Objective 03 - Well Planned Towns

### **Policy Implications**

There are no Policy implications relative to this matter

### **Voting Requirement**

Simple Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### Council Decision

**MOVED: Commissioner R Yuryevich**

**That Council:**

1. In regard to correspondence received from the Department of State Development (DSD) dated 11 April 2013 (ATTACHMENT 13.3C) seeking comment on Hamersley Iron Pty Ltd's request for State approval to temporarily vary its accommodation arrangements for its Nammuldi Below Water Table (NBWT) Phase 2 Project, that Council respond as follows:
  - a) Council notes and endorses previous correspondence dated 7 July 2011 and 31 October 2012 from the (then) Chief Executive Officer (note ATTACHMENT 13.3A and ATTACHMENT 13.3B) to DSD on matters concerning NBWT Phase 2 Project; and
  - b) Council opposes Hamersley Iron Pty Ltd's request to vary its accommodation arrangements associated with the NBWT Phase 2 Project until the State of Western Australia has undertaken an independent social impact assessment that addresses the impacts on Tom Price along with the potential 'lost' social and economic benefits of not promoting such accommodation within the Tom Price townsite.

**CARRIED 1/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### 13.4 PLANNING APPLICATION - ADDITIONAL CONSULTING ROOM TO THE TOM PRICE MEDICAL CENTRE BUILDING (TRANSPORTABLE BUILDING) REAR OF LOT 854 CENTRAL ROAD, TOM PRICE

**MINUTE:** 11524

**FILE REFERENCE:** TP.CX.0854.000  
20130085 (P)

**AUTHOR'S NAME AND POSITION:** Rob Paull  
Principal Town Planner

**NAME OF APPLICANT/RESPONDENT:** Rio Tinto Pty Ltd

**DATE REPORT WRITTEN:** 2 May 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.06.24 Ordinary Meeting of Council  
16 June 2009  
Agenda Item 13.05.18 Ordinary Meeting of Council  
19 May 2009

#### **Summary**

Application has been lodged for a 6m x 2.85m medical consultation room addition to the existing medical centre at the rear of Lot 854 Central Road, Tom Price. The Application was advertised and no objections were received.

Approval and would result in the existing 5 car parking spaces being located in the Central Road reserve. Whilst Shire Administration has no objection to the Application, it is appropriate that the Applicant be responsible for line-marking and parking works within the Court Street road reserve.

It is recommended that Council accept this as a condition of any Planning Approval.

#### **Background**

Lot 854, fronting Court Street Tom Price has a total area of 1423m<sup>2</sup> and currently contains a medical centre (fronting Court Street) and the Tom Price Fire Station (fronting Central Avenue).

The Tom Price Medical Centre has been operating since the early years of the Tom Price townsite. Lot 854 is owned by RTIO. Within the immediate vicinity of the site land is used for community purposes – including the Tom Price Court House and Police Station. Land to the north is public open space with land to the west, residential.

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At the Ordinary Meeting of Council 16 June 2009, Council approved an application for Planning Approval to erect and use a 22.5m<sup>2</sup> doctors examination building (transportable building) associated with the existing Tom Price Medical Centre. No additional medical staff were intended to be employed as a result of the 'erection' of the building.

### Proposal

Application has been lodged for a 6m x 2.85m medical consultation room addition to the existing medical centre at the rear of Lot 854 Central Road, Tom Price. The Applicant (RTIO) advises:

*"Currently there are three practitioners, one manager, two receptionists and one nurse regularly practising at the medical centre. For each practitioner there are usually three patients (with their families) in the waiting room.*

*On some occasions there are up to seven patients in the waiting room due to doctors running late. Consequently, the medical centre is becoming overcrowded and it makes it uncomfortable for patients and practitioners.*

*To alleviate overcrowding and provide a community service that is comfortable and practical for staff and patients, the Company proposes to install an additional consultation room west of the existing medical centre complex."*

**ATTACHMENT 13.4A**

### Comment

The development sought is associated with the existing Medical Centre and within a disturbed area on the Lot. The building is a prefabricated transportable and in usual circumstances, would not be supported in the locality unless it complied with the provisions of the Scheme. However, the transportable building is the most effective means of relieving the shortage of work space at the Medical Centre.

Clause 6.15 of the Scheme refers to transportable structures as follows:

*"6.15.1 When considering planning applications which include transportable buildings and structures Local Government shall have regard for:*

- (a) whether the structure is to be permanent or temporary,*
- (b) the location and design of the structure in relation to surrounding structures and other physical features,*
- (c) the footings or other methods of stabilising the structure, and (d) proposed landscaping to be associated with the structure.*
- (d) proposed landscaping to be associated with the structure.*

*6.15.2 Local Government may specify a period to which planning approval applies and the requirements for removal of structures which are intended to be temporary.*

*6.15.3 Local Government may require modifications, additions or landscaping to be undertaken as part of the placement of transportable structures."*

In this regard, the proposal addresses the above provision, however, with respect Clause 6.15.1 (d), it is suggested that due to the proposed fence, it is unlikely that landscaping would effectively screen the building. It is considered that the proposed transportable building complies with the relevant Scheme provisions.

The application letter states 18 car park spaces are required, 10 exist because of Council authority to vary the requirement. The letter also states there is no opportunity to provide additional car parking on site.

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Court Street is very wide at the Consulting rooms car park and some delineation marking of the 8m wide road width would be beneficial in keeping through traffic on the right path, providing designation of the car park manoeuvring area and giving pedestrians a delineated stop point before they cross the road to the indented bays.

The parking bays will extend by approximately 1-1.5 metres into the road reserve however Clause 6.17.5 of the Scheme gives Council the ability to vary carparking standards under the TPS on the basis safety is not jeopardised. In relation to the Application before Council, this is not considered an issue that would result in a danger to road users.

### ATTACHMENT 13.4B

The existing parking spaces are 3.3 to 3.4 m wide, if these were reduced to standard 2.5 m wide spaces, 1 extra parking space, plus the area required next to a disabled parking bay can be provided on site. Plus a safety buffer could be provided at the southern parking bay where exiting traffic has potential conflict from the lane way between the Court and Fire Station. An off site indented bay could be provided opposite the Consulting rooms giving another 4 parking bays.

This brings the total to 15 parking spaces. This arrangement is acceptable to the Applicant who has advised that it will accept a requirement for line-marking and parking works as discussed above. It is recommended that Council accept this as a condition of any Planning Approval.

#### Consultation

A/Chief Executive Officer  
A/Executive Manager - Technical Services  
Project Engineer (Shire of Ashburton)

As the land is reserved under the Scheme, it is open for Council to advertise any application which is not in accordance with the purpose of the Reserve. Even though the development sought is in keeping with areas of existing development on the lot parking is essentially external to the site. Accordingly the application was advertised by a sign on site and notice to adjoining land owners (not RTIO). No objections were received.

#### Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7.

Both the medical centre and the fire station have been located on the site since the early years of Tom Price. Town Planning Scheme No. 7 reserves Lot 854 as 'Parks, Recreation and Drainage Reserve'. The current designation under the Scheme appears to be an anomaly.

The Scheme's parking provisions apply to all development however, as no additional medical staff are intended to be occupied on site, no additional onsite parking is recommended. However, as noted in this Report, parking arrangements within the road reserve are necessary.

#### Policy Implications

Shire Policy '*LPP - Design Guidelines for the Tom Price Town Centre*' – requires design matters to be considered. The nature of the development reflects the direction of LPP No. 7.

#### Financial Implications

There are no financial implications relative to this issue.

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### **Strategic Implications**

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well Planned Towns

### **Voting Requirement**

Simple Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### Council Decision

**MOVED: Commissioner R Yuryevich**

**That Council:**

- 1. APPROVE Application for Planning Approval made by RIO Tinto Iron Ore Pty Ltd to construct and use a building as a medical examination building (transportable building) in accordance with the submitted plans and subject to the following conditions:**
  - 1. This Planning Approval lapses if the development is not substantially commenced by 8 May 2014.**
  - 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, parking arrangements as provided for in ATTACHMENT 13.4B shall be established within the Court Street road reserve at the cost of the developer to the satisfaction of the Shire of Ashburton.**
  - 4. Plans shall be submitted with the Building Permit 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

- a. Further to this approval, the Applicant may be 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.**
- b. 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).**

**CARRIED 1/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### 13.5 DRAFT SCHEME AMENDMENT No. 24 - REVISED PROVISIONS IN CLAUSE 7.3 - ONSLOW COASTAL HAZARD AREA PROVISION AND NEW APPENDIX 11 - EXTENSION OF TIME FOR CONSIDERATION

**MINUTE:** 11525

**FILE REFERENCE:** PS.TP.7.24

**AUTHOR'S NAME AND POSITION:** Rob Paull  
Principal Town Planner

**NAME OF APPLICANT/RESPONDENT:** Shire of Ashburton

**DATE REPORT WRITTEN:** 28 April 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.12 (Minute: 11417), Ordinary Meeting of Council 23 January 2013  
Agenda Item 13.1 (Minute: 11189), Ordinary Meeting of Council 16 May 2012  
Agenda Item 13.1 (Minute: 11159), Ordinary Meeting of Council 18 April 2012  
Agenda Item 13.8 (Minute: 11118), Ordinary Meeting of Council 15 February 2012  
Agenda Item 13.9 (Minute: 11119), Ordinary Meeting of Council 15 February 2012

#### **Summary**

The Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') includes special control area provisions that are another form of overlay to zoning. The 'Onslow Coastal Hazard Area Special Control Area' provision under Clause 7.1.1 of the Scheme was originally identified by the former Department of Planning and Urban Development in the Onslow Coastal Plan (1994). This plan recommended town planning schemes indicate the area on maps and incorporate provisions relating to minimum development standards.

Onslow is at risk to coastal hazards and any opportunity for development must recognise this. In addition, an Amendment to Scheme to address the Onslow Coastal Hazard Area and finished floor level provisions will necessitate protection measures. This could include the long term establishment of a sea wall to protect the town by 2040.

This doesn't mean it has to be developed but it will mean that the matter is addressed by State Government and the Council.



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In this regard, a consultant is reviewing the existing wall and initiating and considering designs to reflect the above. It is possible that before any changes to the Scheme are supported by the State that definitive recommendations concerning a sea wall along with funding mechanisms are required. However realistically, such arrangements are several years off and to enable development of the town (even for the short term) modifications to the Scheme (such as addressed in this Report) are required.

At the Ordinary Council meeting of 23 January 2013, Council resolved to advertise draft Amendment (AM) 24 which seeks to provide the opportunity to allow development to occur that reflects the direction of State Planning Policy 2.6 and 3.4. Importantly, the draft provisions acknowledge a different development level requirement for commercial and residential development, with the commercial development on the ground floor above the 50-year ARI development level.

Advertising for 42 days and referral to key agencies was undertaken in accordance with legislative requirements and five (5) submissions were received. However neither the Department of Planning (DoP) nor the Department of Transport (DoT) have responded. Both these agencies have a vital role in advising whether AM 24 reflects State policy in relation to flooding, storm surge and sea level rise.

It is suggested that comment from DoP and DoT is required before Council can be in a position to resolve whether the amendment should be adopted with or without modifications or whether it should not proceed with the amendment. In this regard, it is recommended that Council seek an extension of 60 days from the Minister for Planning and specifically seek a response from the DoP and DoT.

### **Background**

The Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') was Gazetted on 24 December 2004 and has not been reviewed. The Scheme includes special control area provisions that are another form of overlay to zoning. Special control areas are put in place to impose a particular development assessment process and impose restrictions on the use of land or the form of physical development, which can be approved.

Specifically, the '*Onslow Coastal Hazard Area Special Control Area*' provision under Clause 7.1.1 of the Scheme was originally identified by the former Department of Planning and Urban Development in the Onslow Coastal Plan (1994). This plan recommended town planning schemes indicate the area on maps and incorporate provisions relating to minimum development standards. Clause 6.20 of the Scheme relevant to Flood and Storm Surge Prone Land states:

*"6.20.1 When considering applications for planning approval Council shall have regard to the requirements for the Onslow Coastal Hazard Special Control Area in clause 7.3."*

Clause 7.3 of the Scheme relevant to the *Onslow Coastal Hazard Area* states:

*"7.3 Onslow Coastal Hazard Area*

*7.3.1 The Special Control Area applies to all land up to 4m AHD in the coastal zone and 5m AHD in the frontal dune areas of the townsite, between Four Mile Creek in the south-west and Beadon Creek in the north-east.*

*7.3.2 Applications for planning approval for land within the Special Control Area*

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*shall be assessed in the context of coastal plans, where these have been prepared and endorsed by the WAPC, for each sector of the Special Control Area and development shall conform with the requirements of the endorsed plan.*

- 7.3.3 *Applications for planning approval not in conformity with the plan shall be referred to the Ministry for Planning and the Registrar of Aboriginal Sites for advice.*
- 7.3.4 *In areas not subject to clause 7.3, and Local Government considers the form of development the subject of a planning application to be potentially incompatible with and prone to flood and storm surge events, it may have regard for information about these events and may approve, with or without conditions, or refuse proposals at its discretion.*
- 7.3.5 *Local Government shall consult with the relevant agencies regarding the most up-to-date information available about potential flood and storm surge events as relevant to the land subject to particular applications for planning approval.*
- 7.3.6 *Local Government may require applications for planning approval to include an assessment, prepared to its satisfaction, of the impact of potential flood and storm surge events on the proposed development.*
- 7.3.7 *After receipt of advice or recommendations from the agencies referred to in subclause 7.3.3, the Local Government may, notwithstanding any other provision of the Scheme:*
- (a) approve the development proposal,*
  - (b) refuse the development proposal, or*
  - (c) approve the development proposal subject to conditions, which may include the requirement to prepare and implement a foreshore management plan.*
- 7.3.8 *In considering applications for planning approval, Local Government shall have regard for the following matters:*
- (a) That development and redevelopment be permitted in the hazard area subject to floor levels being raised above 4m AHD in the coastal zone areas and 5m AHD in the frontal dune areas of the townsite between Four Mile Creek in the south west and Beadon Creek in the north east.*
  - (b) That any new commercial or tourist development shall be raised to comply with the 4m AHD floor level requirement in the coastal zone or 5m AHD requirement in the frontal dune areas of the townsite, between Four Mile Creek in the south west and Beadon Creek in the north east.*
  - (c) That non-habitable permanent structures such as ablution facilities in caravan parks shall be permitted to have floor levels at the existing ground level.*
  - (d) That any land filling shall be subject to an assessment of impact on the drainage pattern so as to retain the natural drainage to Beadon Creek.*
  - (e) That any building development or building alteration approval in the hazard area be endorsed with the following:*  
*“The developer undertakes to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events.”*

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(Note: Reference to the Registrar of Aboriginal Sites in CI 7.3.3 is considered to be typographical error in the Scheme).

The urban form of Onslow over many years has significantly modified the extent of the dunal system to the point where it is difficult to define.

Accordingly, there is some conjecture as to where the “*frontal dune areas of the townsite*” as referred to in Sub Clause 7.3.1 actually exists.

The Western Australian Planning Commission (WAPC) prepared and adopted the ‘State Planning Strategy’ in 1997. It sets out the key principles relating to environment, community, economy, infrastructure and regional development which should guide the way in which future planning decisions are made. In June 2003, the Western Australian State Government released Statement of Planning Policy No. 2.6 - The State Coastal Planning Policy (SPP 2.6). The SPP 2.6 provides guidance for new development, including subdivision and strata subdivision, on the Western Australian coastline. The SPP 2.6 outlines the recommended criteria for use in determining the appropriate Physical Processes Setback (PPS). The PPS should provide a low level of risk to the development from coastal erosion over a 100 year planning horizon.

The PPS is measured from the Horizontal Setback Datum (HSD). For a sandy shoreline the HSD is identified as the seaward extent of ephemeral vegetation on an accreting coast, or the toe of the erosion scarp on an eroding coast. As the only rock observed onsite at Onslow was located in the intertidal terrace, the shoreline for Onslow will be taken as sandy. In 2010 a Position Statement (WAPC 2010) was released to update the requirements of the SPP 2.6. This position statement related solely to the required allowances for climate change.

Because Onslow is located within an area that experiences cyclonic activity the SPP 2.6 specifies that development should be set back from the coast to afford development protection from the impact of cyclonic storms. This requires a further variation to the general case of development on an undeveloped sandy shoreline.

At the February 2012 meeting, Council was advised that some modification to the minimum AHD was likely due to a review undertaken by LandCorp and other State Agencies. This review was still to be finalised and a draft Local Planning Policy was adopted by Council requiring any applicant within the ‘*Onslow Coastal Hazard Area Special Control Area*’ to undertake an assessment in accordance with Clause 6.20.4.

LandCorp, as part of its investigations for the release of land for residential, commercial and industrial development within and around the existing Onslow Townsite, commissioned specialist coastal and ports engineers M P Rogers & Associates Pty Ltd (‘MRA’) to assess the appropriate setback to account for the action of physical coastal processes in line with the State Government’s SPP 2.6 as well as to investigate potential coastal inundation in order to determine the appropriate development levels. MRA is a very well known and respected coastal and ports engineering company, particularly in Western Australia.

The MRA report has been completed and is titled: “*Onslow Townsite Planning Coastal Setbacks & Development Levels*” (‘Report’).

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In January 2012, LandCorp provided the Shire with a copy of the MRA Report and its findings have significant implications for existing and future development of Onslow. The Report recommendations are as follows:

*“The total recommended setbacks to allow for the action of physical coastal processes were calculated to range from 30 m for the area protected by the seawall up to 372 m for the land adjacent to 4 Mile Creek.*

*Given the large setbacks determined in some locations, consideration could be given to methods for reducing these distances. If the low lying regions located near Beadon Creek were raised to a suitable height the elevated water levels associated with the design event would not penetrate as far inland.*

*This would greatly reduce the S1 {Severe Storm Erosion} component of the PPS and could allow for greater development of the area. This low lying area could also be considered for the construction of facilities that have their own protection systems such as marinas. This would allow the development of land that might otherwise have remained unused.*

*Coastal inundation modelling was conducted using data obtained for Tropical Cyclone Vance. This data was scaled up to obtain the 100 yr ARI design event conditions. This inundation modeling showed that elevated water levels of +5.0 mAHD for current day and +5.9 mAHD for 2110 (including a 0.9 m allowance for sea level rise) could occur for the design event. Inundation plans for these water levels were produced and are attached as Appendix E and Appendix F. These inundation plans showed that large areas of Onslow and its surrounds are vulnerable to inundation. Care must be taken to ensure that any future development is located safely above these inundation levels. MRA recommend that any future residential or non emergency response infrastructure have a finished floor level of +6.4 mAHD, which includes a factor of safety of 0.5 m above the predicted design inundation at 2110. For critical or emergency response infrastructure it is recommended that this factor of safety be increased to 1.5 m, resulting in a recommended finished floor level of +7.4 mAHD.”*

The Shire has reviewed the MRA Report and concluded that in order to reflect the requirements of SPP 2.6 and 3.4 that a finished floor level for residential or non emergency response infrastructure (*i.e. essentially all residential land use*) of 5.9mAHD is necessary (rather than 6.4mAHD).

At the Ordinary Council meeting of 16 May 2012, Council resolved to initiate draft Amendment (AM) 24 which seeks to provide the opportunity to allow development to occur that reflects the direction of State Planning Policy 2.6 and 3.4. Importantly, the draft provisions acknowledge a different development level requirement for commercial and residential development, with the commercial development on the ground floor above the 50 year ARI development level. AM 24 also results in a revised Scheme mapping for the *Onslow Coastal Hazard Area*.

Importantly, AM 24 provides a realistic means by which Onslow can develop in the foreseeable future. Part 5 of Council’s resolution stated:

- “5. *Request the Chief Executive Officer to refer draft Amendment No. 24 to the Department of Planning and the Department of Transport for comment and advice whilst referral is carried out to the EPA. Should modifications be suggested by either Department, the Chief Executive Officer be requested to refer the Amendment back to Council prior to advertising.”*

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At the Ordinary Council meeting of 23 January 2013, Council resolved to advertise draft Amendment (AM) 24 which seeks to provide the opportunity to allow development to occur that reflects the direction of State Planning Policy 2.6 and 3.4. Importantly, the draft provisions acknowledge a different development level requirement for commercial and residential development, with the commercial development on the ground floor above the 50-year ARI development level.

Advertising for 42 days and referral to key agencies was undertaken in accordance with legislative requirements and five (5) submissions were received. However neither the Department of Planning (DoP) and the Department of Transport (DoT) have responded. Both these agencies have a vital role in advising whether AM 24 reflects State policy in relation to flooding, storm surge and sea level rise.

It should be noted that the Shire has sought the views of the DoP and DoT on two occasions before advertising of AM 24. Both these agencies are key to determining flooding and storm surge issues for Onslow.

### **Comment**

The intent of draft AM 24 is to provide the opportunity to allow development to occur that reflects the direction of SPP 2.6 and 3.4. Importantly, the draft provisions acknowledge a different development level requirement for commercial and residential development, with the commercial development on the ground floor above the 50 year ARI development level. Importantly, AM 24 provides a realistic means by which Onslow can develop in the foreseeable future.

Residential development reflects a minimum floor level above the 100 year ARI development level. The benefit of this approach is that it helps to preserve the streetscape of the Onslow townsite by maintaining a development presence nearer to the existing street levels.

The current Scheme approach requiring commercial development to be above the 100 year ARI level would mean that there would be no opportunity for development to reflect street level as it would be in 2060. Depending on the location of the 'temporary use', a development may be approved to finished floor level equivalent to 25 year ARI in 2040 (where the finished floor level is to be between 4.0m - 4.8m AHD) but such uses will need to be removed at the end of 2040. Where a defined finished floor level is between 4.9m - 5.8m AHD, but such uses will need to be removed or adapted at the end of 2060.

All Planning Approvals within the revised *Onslow Coastal Hazard Area* will require a memorial on title that clearly defines that the development on the land may be subject to storm surge and flooding.

However, it is suggested that comment from DoP and DoT is required before Council can be in a position to resolve whether the amendment should be adopted with or without modifications or whether it should not proceed with the amendment. In this regard, it is recommended that Council seek an extension of 60 days from the Minister for Planning and specifically seek a response from the DoP and DoT.

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### Consultation

A/Chief Executive Officer  
A/Executive Manager - Technical Services

Advertising for a minimum of 42 days was undertaken where all land owners in the recommended extended *Onslow Coastal Hazard Area* in Onslow were notified and invited to comment. In addition, agencies and corporations including the DoP, DoT, Department of Water, Water Corp and Horizon Power were notified.

### Statutory Environment

Planning and Development Act 2005

Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and planning regulations.

The decision on whether to adopt an amendment is solely that of Council. Upon adoption by Council the amendment is referred to the Environmental Protection Authority (EPA) after which public advertising of the proposal occurs.

After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications (this is where this 'draft Amendment currently sits in the 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 WAPC.

The opportunities provided by draft AM 24 need to be closely considered by the DoP, DoT and the WAPC to ensure that they reflect the WAPC SPP's.

Shire of Ashburton Local Planning Scheme No. 7.

*"State Planning Policy 3 - Urban Growth and Settlement (SPP 3) - includes the following objectives:*

- *To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.*
- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand while ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*
- *To coordinate new development with the efficient, economic and timely provision of infrastructure and services.*

*The Shire is required to have due regard to State Planning Policies in the preparation of amendments to its Scheme. The amendment is consistent with the objectives of SPP 3."*

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### **Financial Implications**

The Shire will be responsible for the Amendment report preparation, advertising and (if approved by the Minister for Planning) the Gazettal costs associated with this matter. This will be in the vicinity of \$3,000.00.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Plan 2012-2022  
Goal 04 – Distinctive and Well Serviced Places  
Objective 03 – Well Planned Towns

### **Policy Implications**

There are no policy implications relevant to this matter.

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Commissioner R Yuryevich**

**That Council:**

- 1. Request the Minister for Planning to extend the statutory assessment period for a Scheme Amendment No. 24 for an additional 60 days in order to allow the Shire to further consult with State departments and in particular, the Department of Planning and the Department of Transport on the nature and structure of the Amendment.**
- 2. Should the Minister agree to 1. above, request the Chief Executive Officer to again write to the Department of Planning and the Department of Transport requesting that specifically provide written advice to Council in relation to the matters outlined in this report.**

**CARRIED 1/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### 13.6 DRAFT WHEATSTONE FLY IN FLY OUT OPERATIONS VILLAGE DETAILED AREA PLAN - COUNCIL CONSIDERATION FOR ADDITIONAL INFORMATION AND ADVERTISING

**MINUTE:** 11526

**FILE REFERENCE:** RD.OG.2.5.1 RD.OG.2.5.1

**AUTHOR'S NAME AND POSITION:** Rob Paull  
Principal Town Planner

**NAME OF APPLICANT/  
RESPONDENT:** Chevron Australia Pty Ltd

**DATE REPORT WRITTEN:** 28 April 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 9.1 (Minute No. 1) Special Meeting of Council 5 October 2011  
Agenda Item 13.12.74 Ordinary Meeting of Council 15 December 2010  
Agenda Item 13.07.55 Ordinary Meeting of Council 20 July 2011  
Agenda Item 16.06.36 Ordinary Meeting of Council 15 June 2011  
Agenda Item 16.03.04 Ordinary Meeting of Council 16 March 2011  
Agenda Item 13.02.02 Ordinary Meeting of Council 16 February 2011  
Agenda Item 13.12.74 Ordinary Meeting of Council 15 December 2010  
Agenda Item 14.12.20 Ordinary Meeting of Council 16 December 2008  
Agenda Item 13.03.03 Ordinary Meeting of Council 17 March 2009  
Agenda Item 13.10.63 Ordinary Meeting of Council 27 October 2009  
Agenda Item 13.12.89 Ordinary Meeting of Council 15 December 2009  
Agenda Item 13.07.38 Ordinary Meeting of Council 21 July 2010  
Agenda Item 13.10.61 Ordinary Meeting of Council 20 October 2010



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### **Summary**

Chevron Australia Pty Ltd has submitted a draft Detailed Area Plan (DAP) to guide the development of the Fly-in Fly-out (FIFO) Operations Village in Onslow, for the Wheatstone project. The DAP is required under the Onslow Townsite Expansion Stage 1 which requires the preparation and adoption of a DAP prior to Planning Approval (for the Village) being issued.

The intention of the Chevron Operational Village site is to provide a specific area that allows high-density accommodation for operational workers that is integrated with the surrounding residential area.

The draft DAP will require modification prior to advertising however, this will also enable the proponent to a right to seek a review to the State Administrative Tribunal. On this basis, it is recommended that the modifications required be categorised as 'mandatory' and 'suggested' – with the latter 'suggestions' providing a direction to Chevron that they are likely to form required modifications to the final DAP.

### **Background**

#### *Ashburton North Strategic Industrial Area and Scheme Amendment No. 9*

The Ashburton North Strategic Industrial Area (ANSIA) covers an area of approximately 8000 hectares and represents a possible hydro-carbon gas hub of both state and national significance. More specifically, the location is the site of Chevron Australia P/L (Chevron) Wheatstone Liquid Natural Gas (LNG) project and by the Exxon-Mobil/BHP-Billiton consortium for the possible site as their Scarborough LNG project.

It is also proposed that that additional land be developed for use by, as yet to be identified, hydro-carbon related or other 'strategic' industries.

The whole of the ANSIA will be serviced by a common port facility, managed by the Dampier Port Authority and by a Multi User Access and Infrastructure Corridor (MUAIC), which will consist of a shared transport and infrastructure corridor.

Planning for the proposed ANSIA is complex with a range of major issues requiring consideration. If the benefits of individual developments are to be optimised, then this needs to be assessed against the possible adverse impacts on other development within the precinct as well as surrounding areas, including Onslow.

In order to address these issues, Council proposed Amendment No. 9 to the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') in 2009 with the specific purpose of establishing the necessary guidelines and requirements to be addressed before supporting development within the ANSIA.

A major requirement identified by Council in the amendment is for a structure plan to be prepared and adopted by the Council and the WAPC to guide the integration of all development in the ANSIA and for all development to adhere to this plan.

Amendment No.9 was approved by the Minister for Planning and finally Gazetted on 21 December 2010 making the planning requirements on establishing the ANSIA a statutory planning obligation on the Council, Shire, State Government and any proponent (including Chevron).

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The *'Policy Statement and Planning Requirements'* of Amendment No. 9 are now included in Appendix 11 of the Scheme.

In accordance with this amendment, a structure plan had to be prepared either prior to, or in association with, the rezoning of specific sites in line with standard processes. Any application to rezone a specific site must be consistent with the approved Structure Plan for the ANSIA.

Responsibility for preparing the Structure Plan for the ANSIA with the purpose of ensuring integration of individual projects with others within the ANSIA and also within surrounding areas, particularly the town of Onslow, fell to Chevron in its capacity as the proponent of the Wheatstone LNG project.

### Ashburton North Strategic Industrial Area Structure Plan and Scheme Amendment No. 10

The development of ANSIA is reflected in the *Ashburton North Strategic Industrial Area Structure Plan ('Structure Plan')* adopted by the Shire and endorsed by the Western Australian Planning Commission (WAPC) in October 2011.

Relevant to the matter before Council, the *Structure Plan* states as follows:

*"The population projection scenario is based on a 25 per cent of operations workforce are permanent residents living in houses in Onslow, while the remaining 75 per cent of the operations workforce are fly-in, fly-out and reside in operations camps in Onslow. The population split is based on the foundation proponent's scenario but other proponents may adopt a different population scenario for their project."* (page 40)

In addition, the *Ashburton North Strategic Industrial Area Social Impact Statement (ANSIASIS)* submitted by Chevron and which accompanied both the *Structure Plan* and Amendment No. 10 (see below) was unequivocal as to the ratio of FIFO staff to residential staff to reside in Onslow:

*"The population projection scenario is as follows: 25 per cent of operations workforce are permanent residents living in houses in Onslow, while the remaining 75 per cent of the operations workforce are FIFO and reside in high quality operations transient workforce accommodation in Onslow."*

Importantly, the *ANSIASIS* defined an operational workforce of 300 for a two (2) train operation and it was this figure (300 operational staff) that Chevron's *ANSIASIS* based the impacts of population growth arising from Wheatstone on community services for Onslow.

### Scheme Amendment No. 10

Scheme Amendment No. 10 to Scheme was Gazetted on 22 November 2011. Amendment No. 10 has the purpose of facilitating the Wheatstone LNG plant, the ANSIA access road and an area for transient workforce accommodation (for construction workforce only).

The Wheatstone project has approval to process up to 25Mtpa and will initially contain two LNG trains with potential expansion to 5 or 6 LNG trains. The project is expected to have an operating life of at least 40 to 50 years. Chevron has lodged an application for Planning Approval the Wheatstone LNG and domestic gas plant which appears to refer to 5 LNG trains.

Although separate to the matter before Council, the Shire has sought clarification from Chevron as to the surprising reference in the application for Planning Approval to a plant for more than 2 trains.

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To accommodate the projected Fly-in Fly-out (FIFO) workforce required to operate the Wheatstone LNG Plant, a FIFO Operations Village (Village) will be constructed within Onslow to support the project. The Village will accommodate LNG plant workers, company visitors and Village staff.

### Onslow Townsite Expansion Stage 1 Development Plan

In June 2012, Council released the *Onslow Townsite Expansion Stage 1 Development Plan* ('*Stage 1 Development Plan*') for public review. The Stage 1 Development Plan, which was prepared by Landcorp, was adopted by Council in July 2012 and has been endorsed by the WAPC. The *Stage 1 Development Plan* identifies the land as the Wheatstone Operations Village Precinct where one of the objectives is as follows:

- *Recognise the logistical requirement of the Wheatstone Operations Village and through good design, promote the integration of the village with the surrounding development.*

Specifically, S4.1.2 of the *Stage 1 Development Plan* addresses the requirements of the Operations Village:

#### *"4.1.2 Wheatstone Operations Village Precinct*

*The intent of the Wheatstone Operations Village Precinct (the Precinct) is to provide a specific area that allows medium-density accommodation for operational workers associated with the Wheatstone Project that provides for the needs of the occupants, as well as respects and seeks to integrate with the surrounding residential areas. Built form within this precinct will respect and build upon Onslow's vernacular through high quality, architecturally designed, resort-style accommodation that positively contributes and adds to the vibrancy of Onslow. The Village will ultimately be developed as a modern facility with high amenity both physically and visually to meet the needs of future residents and compliment the surrounding area.*

*Development within the Precinct will provide for pedestrian friendly streetscapes with high levels of passive surveillance of the public domain, both internal and external to the site, and promote integration with the Onslow community."*

### **Development Standards**

*The following development standards apply to the development of land in the Wheatstone Operations Village Precinct:*

- "a) Design of the precinct shall facilitate good connectivity, within the precinct and to other external recreational and community facilities.*
- b) The Precinct shall be structured to facilitate accommodation that allows seamless future transition and integration into the surrounding urban area.*
- c) The provision of high quality development reflecting a motel/resort style development with appropriate landscaping, recreation areas/ facilities, quality design and materials for the benefit of the occupants and the wider Onslow community.*
- d) The internal movement network shall be designed to maximise connectivity and pedestrian access. This may be achieved by the use of shade trees and a footpath network that is interconnected with the surrounding residential areas.*

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- e) *The provision of services and facilities associated with development in the Precinct shall not undermine the viability of existing or proposed services and facilities within the Onslow community.*
- f) *The external frontages of the Precinct shall be developed to a standard consistent with adjacent residential areas with regards to bulk and scale, streetscape, setbacks and landscaping, in order to ensure an appropriate interface is achieved to maximise integration with the surrounding townsite.*
- g) *Any incidental non-residential land uses with the potential for external access by the wider Onslow community shall be located toward the street where services can be shared, where appropriate.*
- h) *With the exception of any approval issued in accordance with g) above, any vehicular traffic movements, including deliveries, access/ egress and parking for all vehicles shall be located with access to the proposed new access road, which should function as the main access to the site.*
- i) *A Detailed Area Plan (DAP) for this Precinct must be approved and be adopted by the Shire, prior to the approval of any relevant application for Planning Approval.*
- j) *Any DAP approved for this Precinct shall be in accordance with the objectives of this Development Plan.*
- k) *If any prohibited land uses are proposed within this precinct, an amendment to TPS7 would be required prior to the adoption of any DAP or approval under the relevant application for Planning Approval.”*

### **Proposal**

Chevron Australia Pty Ltd has submitted a draft DAP for their FIFO Operations Village in Onslow. The intention of the Chevron Operational Village site is to provide a specific area that allows high-density accommodation for operational workers that is integrated with the surrounding residential area.

### **ATTACHMENT 13.6**

Chevron advise that the DAP is essentially in two parts:

*“Part A contains the DAP, which outlines the development provisions for the site and includes variations to the Shire of Ashburton Local Planning Scheme No.7 (LPS7) and Council Policy - Transient Workforce Accommodation.*

*Part B details the issues and opportunities applicable to the site and identifies the resulting key design principles which collectively provide the rationale and basis for the DAP development provisions. This part of the report also includes a non-statutory Concept Plan that represents a potential design solution for the site which is compliant with the DAP.”*

### **Comment**

The purpose of this report is to advise Council of Chevron's draft DAP and to address whether it is in a form that should be advertised.

It should be noted this Report is not a detailed assessment of the draft DAP as this will be provided to Council at the time of considering to adopt the DAP.

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The importance of the DAP is that once adopted, any proposed development in conformity with the DAP will not require community consultation. Hence it is vital that the Council ensures that the DAP to be advertised represents the type of development likely to be supported and importantly, allows the community to comment on the proposal.

Significantly the role of Council in the resultant planning application will be somewhat diminished as the Operational Village will be considered by the Pilbara Joint Development Assessment Panel.

Accordingly, the following largely addresses the matters the Shire Administration consider fundamental to making the DAP relevant to allowing Chevron to pursue a planning approval (through the Pilbara Joint Development Assessment Panel) and reviews whether the draft DAP correctly reflects the agreed obligations of Chevron to the community of Onslow.

### 1. Ratio of Operational Workers at the Village compared to those to be residentially accommodated

The draft DAP for the Village indicates that it is to ultimately accommodate up to 560 workers (including LNG Plant workers, Village staff and company visitors), with the first stage accommodating up to 320. It is the Shire Administration's view that a maximum of 75% of Chevron's Operational workers would reside at the FIFO village with 25% independently accommodated in Onslow (probably on land provided through the LandCorp subdivision).

The draft DAP states:

*"Chevron, in support of its position, indicated to the Shire by letter dated 22 September 2010 in that it was not possible to accommodate the entire operations workforce in Onslow, given the lack of adequate land, housing, services and supporting infrastructure; in addition, the cost of locating the operational workforce in Onslow was significant. The letter did, however, reiterate that Chevron was looking to accommodate a portion of its operations workforce, and their families, on a permanent basis in Onslow. On that basis, Chevron's position at that time was that:*

- 1. Of the anticipated 300 operations workforce (two train foundation project) {my underlining} a number of these staff (up to 25%) and their families would reside permanently in Onslow, requiring up to 100 houses; and*
- 2. The remainder of the operations workforce (at least 75%) would be FIFO and located in a village in a proposed 'Special Use' zone in the ANSIA." (pages 1 and 2 of the Social Impact Assessment)*

This is probably the most fundamental aspect of the DAP and where we (Shire Administration) have a strong differing view. The final attachment of the DAP includes a letter from the Manager Wheatstone External Affairs to the (then) Shire CEO on 22 September 2010 advising in part that:

*"The following points outline Chevron's current position: {Shire Administration underlining}*

- The draft EIS/ERMP released for public comment outlines that all construction workforce and operational staff will be located in the accommodation village within the Ashburton North Strategic Industrial Area (ANSIA).*
- Chevron is now proposing that of the anticipated 300 operational workforce required for the Wheatstone Project, a number of these staff (up to 25 per cent) and their*

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*families will be permanent residents. This would require an additional 100 houses to be built within the Onslow townsite."*

It is the Shire's Administration view that Chevron's *current position* is and has only been for a two train LNG development at Wheatstone. That reflects an operational staff of around 300. So the additional 260 operational workers to be housed at the village would be for any additional trains. These additional staff would be subject to a further 'agreement' with the State and the Shire.

On this basis, the DAP should provide for only 300 (or so) operational workers at the Village. Any further accommodation could be 'shadowed' on the plan and defined along the following lines:

*This accommodation does not part of this DAP. Any operational accommodation on site beyond 300 workers is to be determined on a ratio of 75% of operational workers residing at the Village and 25% of workers residing elsewhere in "Onslow."*

### 2. The proposed Operations Village site is approximately 9 ha in area

The Shire Administration is concerned that the area of land associated with the Operations Village reflects 9ha in area however it is still questioned that the development proposed requires 9h in valuable development area. Importantly, the allocation may result in 'land banking' resulting in a reduction of the availability of new residential lots within Onslow to the general public. Such restrictions are possible due to the extensive environmental buffer associated with the Onslow waste water treatment plant owned and operated by WaterCorp potentially limiting the further development of Onslow.

It is necessary for Chevron to clarify its needs for 9 ha of land for the village and why it necessitates such a significant proportion of land for recreational purposes when such facilities (such as 25m pool) are unavailable to the community of Onslow.

### 3. Inclusion and construction of the new road to the Village

Significant to the overall village development is the development of the new access road although the new access road is noted in the draft DAP it fails to acknowledge that the Village cannot operate until the road is developed. In addition, it is likely that the Shire Administration will seek to have as a condition of any planning approval, a requirement that the Village only operate when the road is available.

### 4. Potential noise issues from the 'services and utilities' area of the Village to the future residential development to the north

It is understood that Chevron has undertaken to seek an acoustic report on the impact of the 'service utility' are and use of the Village. This will need to be produced in the advertised DAP.

### 5. Four points of access from the Village to the new road

The draft DAP shows four access points to the Access Road'. Advice from the Shire's Engineering section suggests that there is no reasonable acceptance for a private development to have four crossovers to what will eventually a public road. Accordingly, the advertised DAP should be limited to a maximum of two crossovers.

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### 6. Temporary access to the site (before the new road is provided)

The development of the Village will initially rely upon temporary access to the site until the 'Access Road' is developed. In this regard, the advertised DAP will need to include information and assessment associated with temporary access that importantly, does not involve the use of 'residential' road within Onslow.

### 7. 'Integration' with the community and the village (there isn't any)

Development Standard b) of the Stage 1 Development Plan refers to integration of the Village with the town of Onslow:

*"b) The Precinct shall be structured to facilitate accommodation that allows seamless future transition and integration into the surrounding urban area."*

The Village is essentially gated community which provides little attempt to 'integrate' with the locality or the Onslow community.

The WAPC has addressed 'gated communities' in several policy documents with the most prominent being "Liveable Neighbourhoods a Western Australian Government sustainable cities initiative" planning policy. In regard to residential developments, *Liveable Neighbourhoods* states as follows:

*"Element R19 Residential developments should not be provided in gated street formats. Where lifestyle, retirement or other special-interest developments are proposed, these should aim to maximise development on public streets, with good linkages to surrounding urban areas. Potentially suitable sites for such developments may be identified on structure plans, together with provisions to specifically ensure that these developments do not disrupt the overall walkable urban structure."*

Clearly, State planning policy also reflects the Shire's absolute desire to ensure that all residential development "...*should not be provided in gated street formats*". In this regard, the criteria of the *Development Plan* should be modified to include reference to *Liveable Neighbourhoods* and to clearly address Shire Administration opposition to Chevron developing a 'gated community'.

Clearly, the operation of the Chevron Village is intended to be very distinctive to RTIO's inclusive Windawarrie accommodation villages located in Tom Price.

RTIO's village encourages public access to the Windawarrie mess whilst actively seeking to ensure that the community and RTIO has the opportunity to fraternise. Chevron specifically opposes such arrangements as the following commentary in the Social Impact Statement of the draft DAP:

*"Village residents may still choose to patronise local businesses, but it is important that they have food and beverage (and other) services on site given their long working hours and limited free time."*

*Local business will not suffer as a consequence, as they will still gain some business patronage from the village. If, however, the dining and wet mess facilities in the Operations Village were made available to the wider Onslow community, then this may have a negative impact on local businesses, as some local residents may choose to patronise the new facilities."*

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*This then brings into question the suitability of the location of these facilities for public patronage, given that the Village site is somewhat remote from the town centre, and is not part of a planned local centre. It would serve to dilute existing business and diminish the gravitational effects of a consolidated commercial centre.”*

Whilst the Shire has no means to require Chevron to make its proposed 25m pool and mess available to the community for Onslow, the Social Impact Statement fails to acknowledge that apart from such facilities either don't exist for the community of Onslow or are in drastically short supply. In relation to eating establishments, apart from the Beadon Bay Hotel, only other eating establishment (Nikki's Restaurant) exists in Onslow where the population is currently around 1000 people.

Council seeks Chevrons demonstrated commitment to the provision of shared services. Onslow will continue to be constrained by limitations to a skilled workforce, it is essential that Chevron considers the impacts of duplication of recreation and community services and infrastructure.

The Shire and Chevron will need to ensure that they work together to deliver the best outcomes for the Onslow Community at large, ensuring equal opportunities and accessibility. A demonstration of collaboration and partnership will ensure that the human energy is harnessed to deliver a vibrant, active and liveable community.

It is appropriate that the advertised DAP addresses the lack of community facilities including eating establishments with the town and that the Chevron mess will not be available to the community of Onslow.

### **Consultation**

A/Chief Executive Officer

A/Executive Manager - Technical Services

Executive Manager - Strategic and Economic Development

### **Statutory Environment**

Planning and Development Act 2005

Shire of Ashburton Local Planning Scheme No. 7

It should be noted that the recommendation to Council seeks to authorise the A/Chief Executive Officer to determine the draft DAP (based on Council's direction) for advertising purposes. This is purely to enable advertising to commence without the need to refer back to Council, this allowing the opportunity to ensure that the draft DAP is considered within the statutory time limit of the Scheme as follows:

- “6.4.4 The proponent of a Development Plan, required by this scheme, may appeal in accordance with Part V of the Act against:*
- (a) The failure of the Local Government to make a determination on the content and requirements of a development plan (or an amendment to a development plan) within 60 days of receiving a request for direction.*
  - (b) A decision by Local Government not to endorse a development plan (or an amendment to a development plan).*
  - (c) The imposition of conditions on Local Government's endorsement of a development plan (or alterations to a development plan).”*

### **Financial Implications**

There are no financial implications relative to this matter



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### **Strategic Implications**

Shire of Ashburton 10 Year Community Plan 2012-2022  
Goal 04 - Distinctive and Well Serviced Places  
Objective 03 - Well Planned Towns

### **Policy Implications**

#### *Onslow Townsite Strategy (2011)*

The Strategy was prepared in 2011 by the Shire and Department of Planning and identifies a potential population for Onslow of 3,500 people by 2021, fuelled by the growth of the resources sector in the north-west of WA. This places significant demand on the current infrastructure, services and housing in Onslow, which currently caters for just over 500 people.

#### *Onslow Expansion Stage One Development Plan (2012)*

The *Onslow Townsite Expansion Development Plan Stage 1* comprises approximately 31.9 hectares of Unallocated Crown Land and forms a south-eastern extension of the current Onslow townsite. Specifically, the development plan area is located to the south of the existing townsite and connected to the town via Watson Drive.

There will also be a new access to the town from Onslow Road to the north of Eagle Nest Road, as well as an extension of Eagle Nest Road to intersect with Watson Drive, and continue to McGrath Avenue. The subject site will provide two new connections from Onslow Road and facilitate the development of a range of residential lots, including one 'superlot' for the future Chevron Operations Village.

#### *Local Planning Policy 20 – Social Impact Assessment*

This Policy requires a Social Impact Assessment and preparation of a Social Impact Statement (SIS) for the following:

*“All development proposals that are subject to community consultation or advertising processes, pursuant to the Zoning Table of the Scheme:*

- *All proposals for rezoning or amending the Scheme; and*
- *All proposals for strategic level development planning.”*

The Policy states that the primary purpose of the SIS is to bring about better planning decisions and a more sustainable and equitable ecological and human environment. This is achieved by describing the potential impacts of a proposed project, demonstrating how issues and concerns raised during the community consultation will be addressed. In relation to the Application before Council, it is necessary to not only comply with the provisions of LPP 20 but also the relevant provisions of Appendix 11.

An SIS has been prepared by Chevron however it incorrectly defines that the Village is to ultimately accommodate up to 600 workers and does not address the requirements that 25% of operational workers will be independently reside in Onslow. As noted in this Report, the SIS needs to be amended to correctly identify the ratio of FIFO village residents and independent Chevron residents.

In addition, the SIS makes no attempt to address measure by which the FIFO village will 'integrate in a social and community sense with the town of Onslow.

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### Local Planning Policy 13 – Transient Workforce Accommodation

This Policy recognises the limited benefits FIFO operations have to the economic and social value of the Shire, but acknowledges that there are circumstances where TWA is necessary.

The Policy states:

*“The Council of the Shire of Ashburton acknowledges that “fly- in, fly-out” workforce operations are an important factor in developing the resources of the Pilbara. Transient workforce accommodation generally falls into two workforce categories:*

- *construction workforce; and*
- *operational workforce.*

*The Council acknowledges that there will be circumstances such as remoteness and limited life of a particular activity that result in a need for transient workforce accommodation camps to be established outside of the townsites. These camps will normally be construction workforce transient workforce accommodation and for a limited time period. Construction workforce transient workforce accommodation will usually be for a limited time (short term construction period) and reasonably be placed in close proximity to the specific development. Normally the construction workforce is much larger than an operational workforce. An operational workforce however is normally for an indefinite period of time and therefore should as far as practical, be housed within an existing town.*

*The desire is to incorporate the workforce with the community thus adding to the vibrancy and economic sustainability of the towns of Tom Price, Onslow, Paraburdoo and Pannawonica. Operational transient workforce accommodation within townsites will be of a very high quality for the benefit of occupiers, as well as the community, generally motel style development, with significant landscaping, quality design and materials, will be encouraged. The Council may seek to place a limit on the overall proportion (%) of transient workforce accommodation within a development.”*

### Local Planning Policy 17 – Consultation for Planning Proposals

The Policy establishes how the Shire will advise and consult with the community about land uses and developments, in an endeavour to ensure openness and accountability in the decision-making processes and to gauge public opinion.

#### **Voting Requirement**

Simple Majority Required

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**NOTE: ATTACHMENT 13.6A was tabled for Council's consideration and the Commissioner questioned Mr Ian Yull, Team Lead Government Approval Wheatstone Project, Chevron Australia Pty Ltd, on the matters raised in the letter.**

### ATTACHMENT 13.6A

#### Council Decision

**MOVED: Commissioner R Yuryevich**

**That Council:**

- 1. Note the draft Detailed Area Plan (DAP) lodged by Chevron Australia Pty Ltd (Chevron) to guide the development of the Fly-in Fly-out (FIFO) Operations Village in Onslow, for the Wheatstone project as provided in ATTACHMENT 13.6.**
- 2. Advise Chevron that prior to advertising the draft DAP, Council requires the following modifications and inclusion as 'conditions' on the actual DAP to the satisfaction of the Acting Chief Executive Officer:**
  - **Ensuring that at least 25% of Chevron's operational workers reside independently in Onslow and define the actual number of staff to be accommodated at the Operations Village.**
  - **Define the schedule as to when accommodation for the 25% operational staff will reside independently to the Village.**
  - **Clarify the need for 9 ha of land for the village and why it necessitates such a significant proportion of land for recreational purposes when such facilities (such as 25m pool) are unavailable to the community of Onslow.**
  - **Confirm that operation of the Village will only commence when the new access Road is built and connected to Onslow Road.**
  - **Define maximum noise levels from the 'services and utilities' area of the Village to the future residential development to the north.**
  - **Limit access points/crossovers to the new Onslow Road to maximum of two crossovers.**
  - **Define temporary construction access that does not involve the use of 'residential' road within Onslow.**
- 3. Advise Chevron that it is suggested that to be advertised the draft DAP be modified to address matters associated with the development and operation of the Village such as:**
  - **Liveable Neighbourhoods and Element R19 (gated communities).**
  - **Reasonable means to ensure that the operation of the Village will integrate with the community of Onslow.**

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- Amending the SIS to correctly identify the ratio of FIFO village residents and independent Chevron residents.
4. Once the modifications required in 2. above have been undertaken to the satisfaction of the Acting Chief Executive officer advertise the draft DAP for a minimum of 21 days and refer back to Council for determination.
  5. Based on the correspondence received from Chevron Pty Ltd (ATTACHMENT 13.6A) and the representation to Council by the Team Leader, Government Approvals Technical Services, Wheatstone Project that Council provide Chevron Pty Ltd the opportunity to submit the modifications required in 2. above 'without prejudice' and include correspondence that defines the company's view on the matter in the community consultation to be undertaken in 4. above.

CARRIED 1/0

**REASON FOR CHANGE OF RECOMMENDATION:** To allow Chevron Pty Ltd the opportunity to express its point of view on matters associated with the DAP as well as other matters relevant to its presence in Onslow.

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### 13.7 ADOPTION OF DRAFT 'LOCAL PLANNING POLICY - 'BEADON BAY VILLAGE CONCEPT PLAN' FOR LOTS 557 & 563 BEADON CREEK ROAD AND LOTS 555 & 556 PARSLEY STREET, ONSLOW

**MINUTE:** 11527

**FILE REFERENCE:** RE.BD.R.34101

**AUTHOR'S NAME AND POSITION:** Rob Paull  
Principal Town Planner

**NAME OF APPLICANT/RESPONDENT:** Master Plan SA Pty Ltd and Discovery Parks Pty Ltd

**DATE REPORT WRITTEN:** 28 April 2013

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

**PREVIOUS MEETING REFERENCE:** Item 13.10, Minute 112117 Ordinary Meeting of Council 20 June 2012  
Item 13.09, Minute 11216 Ordinary Meeting of Council 20 June 2012  
Item 13.08, Minute 11215 Ordinary Meeting of Council 20 June 2012  
13.02.08 Ordinary Meeting of Council 16 February 2011

#### **Summary**

This report relates to the adoption of a draft Local Planning Policy (LPP) to facilitate the development of additional transient workforce accommodation and associated facilities to complement the existing development at Lot 563 and Lot 557 Beadon Creek Road, Onslow.

Master Plan SA Pty Ltd has lodged a concept development plan on behalf of Discovery Parks for Lot 563 and Lot 557 and includes land at Lot 555 and Lot 556 Parsley Street Onslow (owned by the Shire).

A concept development plan defines the form of a draft 'Local Planning Policy - 'Beadon Bay Village Concept Plan' (draft LPP) by providing a 'strategic' direction of the development of the whole land (i.e. Lots 555, 556, 557 and 563) for transient workforce accommodation, caravan park and ancillary uses.

The submitted concept development plan addresses land use, servicing, flood and storm surge levels, and Physical Process Setback as defined under the State Planning Policy 2.6 along with height limitations under the Onslow Airport Height Restrictions Area Special Control Area.

The draft LPP has been advertised and referred to State agencies and servicing corporations for comment. No submissions of objection have been received.

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Concurrent with the draft LPP, Discovery Parks Pty Ltd who through a holding company own Lots 557 and 563 and who are purchasing from the Shire Lots 555 and 556 have lodged two Applications for Planning Approval for transient workforce accommodation and caravan park over Lots 555 and 556.

The Shire has included these Applications in the same advertising process as the draft LPP. Although no objections have been received, the important submission from the Department of Planning and the Department of Transport concerning Physical Process Setback is yet to be provided.

The finalisation of the LPP will provide the necessary strategic planning direction of the land and once the response from the above agencies is provided, the Applications can be determined under delegation to the Chief Executive Officer (Delegation DA 35).

It is recommended that draft 'Local Planning Policy - 'Beadon Bay Village Concept Plan' be adopted with minor modifications as described in the Report and be used to guide development over the land subject of the LPP.

### **Background**

The Beadon Bay Village is located on Lots 557 and 563 Beadon Creek Road, Onslow. Lot 563 has an area of approximately 9,130m<sup>2</sup> with a frontage to Beadon Creek Road of approximately 82 metres and a frontage to the Parsley Street road reserve of approximately 95 metres.

Lot 557 has an area of approximately 27,691m<sup>2</sup> with a frontage to Parsley Street road reserve of approximately 60 metres. Lot 557 contains various buildings associated with the existing Beadon Bay Village caravan park. Numerous caravan bays are located in the western portion of Lot 557 with transient workforce accommodation units located in the eastern portion. A communal mess (kitchen and dining area), communal recreation and barbeque area are located centrally on the site. Communal toilets and laundry are located in the south eastern and northern portions of the site with a communal swimming pool located centrally.

Access to both Lots 563 and 577 is currently provided by Parsley Street road reserve. An internal access road is provided between Lots 563 and 557. Lots 563 and 557 are generally flat with a predominant existing ground level at 3.0m AHD albeit areas of previous development for the purposes of transient workers accommodation have been filled to a level of 4.0m AHD in accordance with previous approvals.

In addition to the current existing use as a caravan park, Beadon Bay Village accommodates transient workers accommodation comprising 130 single bed units together with associated facilities including:

- dining hall and commercial kitchen facilities;
- recreation room;
- converted single men's quarters accommodating a gymnasium and storage; and
- on-site car, truck and bus parking.

The existing caravan park comprises:

- 38 powered caravan sites;
- 25 sites for on-site vans;
- four accommodation cabins;
- a managers residence;
- camp kitchen; and
- swimming pool

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The current approvals over Lot 563 allow for an existing 60 single bed transient workforce accommodation units to exist together with the existing caravan park, and an additional 64 transient workforce accommodation units to temporarily exist until November 2018. Importantly, as services (water, sewer and mess hall) are over Lot 557, there is a condition of approval that links the use and the servicing of the two lots.

Lot 555 and Lot 556 have a combined area of approximately 2.4ha, are vacant and have frontage to Parsley Street road reserve (unconstructed). These lots are owned by the Shire (under contract of sale) and generally have a ground level of between 2.5m – 4mAHD.

The land subject of the application is zoned 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and included in the *Onslow Coastal Hazard Area Special Control Area* and the *Onslow Airport Height Restrictions Area Special Control Area*.

Council at the 20 June 2012 Ordinary Council meeting considered two Applications for Planning Approval relevant to the land in question:

- Proposed new three, two storey buildings with undercroft car parking accommodating 96 transient workers accommodation units on Lots 557 & 563 Beadon Bay Village with associated irrigation of waste water on Lots 555 & 556 Parsley Street, Onslow (Application No. 20120376(P)); and
- Proposed new two-storey kitchen mess and recreation building on Lots 557 & 563 Beadon Bay Village with associated irrigation of waste water on Lots 555 & 556 Parsley Street, Onslow (Application No. 20120375(P)).

The resolution of Council for both Applications determined that *"..... wastewater irrigation on Lot 555 and Lot 556 that Council in accordance with Clause 4.3.2(b) of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') considers that the proposed wastewater irrigation on Lot 555 and Lot 556 may be consistent with the objectives and purposes of the zone or with the strategic intentions for the land and the application for planning approval should be determined in accordance with Part 5, including the advertising procedures of subclauses 5.7.3 and 5.7.4."*

Council authorised the Chief Executive Officer to determine the Planning Applications in accordance with the relevant provisions of the Scheme and to address matters raised in the Shire Report. Planning Approval was issued for both Planning Applications on 13 November 2012. Development in accordance with the Planning Approvals has commenced.

In relation to the *draft 'Local Planning Policy - 'Beadon Bay Village Concept Plan'*, Council at the 20 June 2012 Ordinary meeting as follows:

*"That Council:*

1. *Agree to include Shire owned land at Lots 556 and 557 Parsley Street Onslow in a draft LPP for Lot 563 and Lot 557 Beadon Creek Road, Onslow.*
2. *Adopt draft 'Local Planning Policy - 'Beadon Bay Village Concept Plan' as a Local Planning Policy under the provisions of Cl. 2.3 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').*
3. *Authorise the Chief Executive Officer to determine the level of additional information required to prepare documents comprising the draft 'Local Planning Policy - 'Beadon Bay Concept Plan' and once it is received, advertise in accordance with the provisions of the Scheme.*

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4. *Request the Chief Executive Officer to prepare a further report to Council once advertising is complete.*

### **Proposal**

This report relates to the adoption of a draft Local Planning Policy to facilitate the development of additional transient workforce accommodation, caravan park and associated facilities to complement the existing development at Lot 563 and Lot 557 Beadon Creek Road, Onslow.

Master Plan SA Pty Ltd has lodged a concept development plan on behalf of Discovery Parks for Lot 563 and Lot 557 and includes land at Lot 555 and Lot 556 Parsley Street Onslow (owned by the Shire). The concept development plan defines the form of *draft LPP* by providing a 'strategic' direction of the development of the whole land (i.e. Lots 555, 556, 557 and 563) for transient workforce accommodation, caravan park and ancillary uses.

### **ATTACHMENT 13.7A**

Relevant to the above draft Local Planning Policy, the Shire has received The following Applications for Planning Approval (from Master Plan SA Pty Ltd and Discovery Parks) as follows:

Application 20130074 (P) Stage 2 (Option A)

Location:

Lot 557 and 563 Beadon Creek Road, Lot 555 and Lot 556 Parsley Street Onslow.

Proposal:

Construction of 160 'Transient Workers Accommodation' Units (TWA) in accordance with the definition of 'transient workers accommodation' in the form of two interconnected two storey buildings with undercroft car parking and two interconnected three storey buildings with undercroft car parking together with 27 caravan sites, new office and administrative shop, visitor car parking, and bus (coach parking) interconnecting internal road network and a new outdoor recreation area.

Application 20130081(P) Stage 2 (Option B)

Location:

Lot 557 and 563 Beadon Creek Road, Lot 555 and Lot 556 Parsley Street Onslow.

Proposal:

Construction of 96 'Transient Workers Accommodation' Units (TWA) in accordance with the definition of 'transient workers accommodation' in the form of two interconnected three storey buildings with undercroft car parking together with 27 caravan sites, new office and administrative shop, visitor car parking, and bus (coach parking) interconnecting internal road network and a new outdoor recreation area.

### **Comment**

The zoning of the land is 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). Council may recall that under the Scheme, a 'development plan' may be prepared for Urban Development Zone, Industrial and Mixed Business Development Zone, Rural Zone and Rural Living Zone.

No reference is made for the preparation of 'development plans' for the Tourist zone. However, Council could establish a Local Planning Policy (LPP) that generally reflects the purpose and direction of a 'development plan'.



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This is the same 'strategic' process carried out for RTIO's Rocklea Palms development at Paraburdoo ('LPP – 'Rocklea Palms Paraburdoo Concept Plan').

The subject site is also within the *Onslow Coastal Hazard Area Special Control Area* and Clause 7.3 of the scheme states in part, the following in relation to this area:

*"7.3.8 In considering applications for planning approval, Local Government shall have regard for the following matters:*

- (a) That development and redevelopment be permitted in the hazard area subject to floor levels being raised above 4m AHD in the coastal zone areas and 5m AHD in the frontal dune areas of the townsite between Four Mile Creek in the south west and Beadon Creek in the north east.*
- (b) That any new commercial or tourist development shall be raised to comply with the 4m AHD floor level requirement in the coastal zone or 5m AHD requirement in the frontal dune areas of the townsite, between Four Mile Creek in the south west and Beadon Creek in the north east.*
- (c) That non-habitable permanent structures such as ablution facilities in caravan parks shall be permitted to have floor levels at the existing ground level.*
- (d) That any land filling shall be subject to an assessment of impact on the drainage pattern so as to retain the natural drainage to Beadon Creek.*
- (e) That any building development or building alteration approval in the hazard area be endorsed with the following:  
"The developer undertakes to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events."*

The Physical Process Setback (PPS) will impact the land subject of the *draft LPP* and has been addressed by the proponent in further technical report that reflects the requirements of the Scheme and State Planning Policies 2.6 and 3.4.

In addition to above provisions, Lots 556 and 557 are also included in *Onslow Airport Height Restrictions Area Special Control Area*. Clause 7.5.1 of the Scheme requires:

*"In assessing applications for planning approval for land within the Special Control Area, Local Government shall ensure appropriate clearance between proposed Structures and the current obstacle limitation surfaces for the Onslow Aerodrome."*

In consultation with the Shire's development of the Onslow Airport, this has been addressed with the inclusion of specific building height limits.

Concurrent with the *draft LPP*, Discovery Parks Pty Ltd who through a holding company own Lots 557 and 563 and who are purchasing from the Shire Lots 555 and 556 have lodged two Applications for Planning Approval for transient workforce accommodation and caravan park over Lots 555 and 556. The Shire has included these Applications in the same advertising process as the *draft LPP*.

Although no objections have been received, the important submission from the Department of Planning and the Department of Transport concerning the 'Physical Process Setback' is yet to be provided.

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### Conclusions

The submitted concept development plan addresses land use, servicing, flood and storm surge levels, and Physical Process Setback as defined under the State Planning Policy 2.6 along with height limitations under the Onslow Airport Height Restrictions Area Special Control Area.

It is recommended that draft *'Local Planning Policy - 'Beadon Bay Village Concept Plan'* be adopted with minor modifications as described in **ATTACHMENT 13.7B** and be used to guide development over the land subject of the *LPP*.

### Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Executive Manager - Strategic and Economic Development

Clause 2.3.1 of the Scheme requires that draft Local Planning Policies be advertised for community consultation for a minimum of 21 days. The draft LPP has been advertised and referred to State agencies and servicing corporations for comment. No submissions of objection have been received.

### Statutory Environment

Planning and Development Act

Shire of Ashburton Town Planning Scheme No. 7

State Planning Policy 2.6 - The State Coastal Planning Policy

State Planning Policy 3.4 – Natural Hazards and Disasters

### Financial Implications

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

### Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns.

### Policy Implications

Local Planning Policy 'Transient Workforce Accommodation'

Local Planning Policy 'Interpretation of Onslow Coastal Hazard Area'

### Voting Requirement

Simple Majority Required

**Council Decision**

**MOVED: Commissioner R Yuryevich**

**That Council:**

- 1. Adopt 'Local Planning Policy - 'Beadon Bay Village Concept Plan' as amended (ATTACHMENT 13.7B) as a Local Planning Policy under the provisions of the Shire of Ashburton Local Planning Scheme No.7 ('Scheme').**
- 2. Give public notice of Council's decision as is required by the Scheme; and**
- 3. Advise Master Plan SA Pty Ltd and Discovery Parks Pty Ltd of Council's decision.**
- 4. Authorise the A/Chief Executive to consider Planning Applications 20130074(P) and 20130081(P) under Instrument of Delegation DA35 (Certain planning functions relating to the Shire of Ashburton Planning Scheme No 7).**

**CARRIED 1/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### 13.8 RFT 06/13 CLEM THOMPSON SPORTS PRECINCT AND ASSOCIATED WORKS

**MINUTE:** 11528

**FILE REFERENCE:** AS.TE.00000.000

**AUTHOR'S NAME AND POSITION:** Keith Pearson  
A/Executive Manager – Technical Services

**NAME OF APPLICANT/RESPONDENT:** Not Applicable

**DATE REPORT WRITTEN:** 2 May 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 15.3 (Minute 11469) at Ordinary Meeting of Council on 13 March 2013.

#### **Summary**

Tenders for the Contract for Clem Thompson Sports Precinct Redevelopment and Associated works (RFT06/13) closed on 30 May April 2013. Two conforming Tenders were received. Three non-conforming Tenders were also received. All tenders were assessed based on Council's "Tender Assessment Criteria" Policy FIN14.

It is recommended that the tender submission received from Earthcare Landscapes, for \$2,212,269 (+GST), be accepted in relation to RFT 06/13.

#### **Background**

As part of the Clem Thompson Oval Precinct upgrade, consultants Josh Byrne & Associates were engaged to prepare plans and specifications to upgrade the oval to WAFL standards. This project was subject of a previous report to Council at the 13 March 2013 Council meeting. The report detailed financial contributions for the project and presented a Concept Plan of the proposed oval upgrade. Council approved the concept plan.

RFT 06/13 has been prepared to implement the proposed oval upgrade. The tender includes the following works to the main oval:

- Flood Lighting
- Fencing
- Goal Posts
- Playing surface upgrade to a new orientation

To complete the surrounds of the new sports pavilion, a new central Cricket wicket with practice wickets will be constructed, and parking bays, footpaths and landscaping will be provided.

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

Two new water tanks will be installed to service the underground reticulated sprinkler system for the new playing surface.

### Comment

Tenders were advertised on Monday 15 April 2013 and closed on Tuesday 30 April 2013.

Conforming tenders received were from

- Earthcare Landscapes in an amount of \$2,212,269 + GST – Earthcare Landscapes also offered an alternative tender of \$2,161, 979.11 with a saving of \$50,290 (all excluding GST) for non-conforming lighting.
- HAS in an amount of \$3,277,803.+ GST

Non-conforming tenders were received from

- Elegend Landscapes – non-conforming with respect to several exclusions including identifying existing services and program compliance
- DME – non-conforming with respect to failing to address several compliance criteria
- Cable West – non-conforming in only having priced a portion of the work, ie the electrical work

A late tender was also received from Landscaping WA, however this was not considered.

Submissions were assessed, in accordance with Council Policy FIN 14 “*Tender Assessment Criteria*” by Damien Naughton, Project Engineer, Technical Services and Sean Ripley, Technical Officer, Operations Department, as well as a representative of the Shire’s Landscape Consultants, Josh Byrne and Associates. All came to the conclusion that the conforming tender from Earthcare Landscape is the preferred tender.

Copies of these assessments are attached.

### ATTACHMENT 13.8

It has not been possible to investigate the non-conforming alternative proposed by Earthcare Landscapes prior to the preparation of this report. However, the opinion of the Shire’s electrical engineering consultant will be available prior to the day of the Council meeting

### Consultation

Acting Chief Executive Officer  
Executive Manager Community Services  
Executive Manager Operations  
A/Executive Manager Technical Services  
Facilities Manager  
Special Projects Manager  
Technical Officer Maintenance and Construction

Josh Byrne and Associates (Shire Landscape Consultants)  
Best Consultants (Shire Electrical Engineering Consultants)  
Pritchard and Francis (Shire Civil Engineering Consultants) Tinto Utilities  
WAFL & Department of Sport & Recreation  
Tom Price Users Group (Cricket, T-ball, AFL, Touch Football, Nameless Festival)

### Statutory Environment

Local Government Act 1995 s.3.57 refers regarding calling, assessing and acceptance of tenders.

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### Financial Implications

Available Funding for tender acceptance is \$2,637,335 + GST. All funding for this project has been secured and is either included in the 2012 -2013 or will be included in the 2013 - 2014 annual budget, depending on when the funding from our partner in this project Rio Tinto Iron Ore is released.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 1 - Active and Vibrant Communities

Objective 2 - Active People, Clubs and Associations

*“Prepare plans, programs and scheduling to optimize use of existing community facilities and provide new facilities that accommodate present and future needs”*

### Policy Implications

Council Policy FIN14 “Tender Assessment Criteria”

### Voting Requirement

Absolute Majority Required

**NOTE: The Council were advised that the alternative tender of \$2,161,979.11 was investigated however, this referred to a change of standard for lighting that would not meet the Funding Agreement with the Department of Sporting and Recreation.**

### Council Decision

**MOVED: Commissioner R Yuryevich**

**That Council:**

- 1. Award RFT06/13 “Clem Thompson Sports Precinct And Associated Works” to Earthcare Landscapes for the sum of \$2,212,269.11 (excluding GST), and**
- 2. Authorise the Commissioner and the A/Chief Executive Officer to execute the relevant documentation for RTF06/13 and affix the common seal of the Shire of Ashburton to the documentation.**

**CARRIED BY ABSOLUTE MAJORITY 1/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### 14. OPERATIONS REPORTS

#### 14.1 TENDER CRITERIA FOR REQUEST FOR TENDER FOR SUPPLY OF ONSLow AND TOM PRICE CAMP FACILITIES

MINUTE: 11529

FILE REFERENCE: CA.NMVA

AUTHOR'S NAME AND POSITION: Fiona Keneally  
Executive Manager - Operations

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 19 April 2013

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 10.10.27 – Ordinary Meeting of Council 21 October 2008

#### Summary

The Master Hire Agreement between the Shire of Ashburton and Royal Wolf that arose from the RFT 09/08 Supply of Temporary Construction Camp Facilities is no longer current. Therefore, in accordance with the Local Government Act 1995, there is a need to tender for the supply of camp facilities at Onslow and Tom Price. The tender evaluation criteria outlined in the Tender Assessment Criteria Policy FIN14 adopted at the 13 February 2013 Ordinary Meeting of Council is not appropriate for this tender so the purpose of this Agenda Item is to determine appropriate tender evaluation criteria.

#### Background

Pursuant to section 3.57 of the Local Government Act 1995, a Local Government is required to invite tenders before it enters into a contract under which another person is to supply goods or services. The Master Hire Agreement that arose from RFT 09/08 awarded at the 21 October 2008 Ordinary Meeting of Council is no longer current so there is a requirement to re-tender for the supply of camp facilities at Onslow and Tom Price.

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The following Tender Selection Criteria is proposed;

<b>Experience and Capacity to Meet Requirements</b> Demonstrate the organisation has the skills, experience and capacity to provide the required services	<b>10%</b>
<b>Ability to meet Specifications</b> Organisation can supply the required goods / service and ability to meet the technical specifications	<b>20%</b>
<b>Effective Service Provision</b> The proposed service fully addresses all requirements and descriptions set out in the Specification	<b>10%</b>
<b>Price</b> The proposed service is cost-effective and provides the best value for money	<b>40%</b>
<b>Delivery Timeframes</b> Timeframe for the delivery of the proposed goods / service including addressing timing and delivery requirements specified in the Specification	<b>20%</b>

### Comment

The Nameless Valley Camp in Tom Price and the Construction Worker's Camp in Onslow accommodate Shire of Ashburton employees, Shire visitors, consultants and various contractors involved in numerous Shire and community based projects. They also contain Operations site offices. As such, they are valuable assets to the Shire in terms of facilitating the timely completion of Shire projects.

### Consultation

A/Chief Executive Officer  
Executive Manager - Strategic and Economic Services

### Statutory Environment

Section 3.57 of the Local Government Act 1995

### Financial Implications

This item is in accordance with the 2012/13 Approved Budget and will form part of the 2013/14 Annual Budget

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 02 – Enduring Partnerships  
Objective 01 – Strong Local Economies  
Objective 02 – Enduring Partnerships with Industry and Government  
Goal 05 Inspiring Governance  
Objective 03 Exemplary Team and Works Environment

### Policy Implications

There are no policy implications relative to this matter

### Voting Requirement

Simple Majority Required



## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### Council Decision

**MOVED:** Commissioner R Yuryevich

**That Council invite public tenders for the Supply of Onslow and Tom Price Camp Facilities for 3 year period plus a option for a further 2 years to be issued in accordance with the following evaluation criteria:**

<b>Experience and Capacity to Meet Requirements</b> Demonstrate the organisation has the skills, experience and capacity to provide the required services	<b>10%</b>
<b>Ability to meet Specifications</b> Organisation can supply the required goods / service and ability to meet the technical specifications	<b>20%</b>
<b>Effective Service Provision</b> The proposed service fully addresses all requirements and descriptions set out in the Specification	<b>10%</b>
<b>Price</b> The proposed service is cost-effective and provides value for money	<b>40%</b>
<b>Delivery Timeframes</b> Timeframe for the delivery of the proposed goods / service including addressing timing and delivery requirements specified in the Specification	<b>20%</b>

**CARRIED 1/0**

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### 14.2 AFFIXING THE COMMON SEAL TO THE DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS 'EASEMENT IN GROSS' DOCUMENT FOR THE PARABURDOO LANDFILL SITE

**MINUTE:** 11530

**FILE REFERENCE:** LO.TIPA.00000

**AUTHOR'S NAME AND POSITION:** Fiona Keneally  
Executive Manager - Operations

**NAME OF APPLICANT/RESPONDENT:** Not Applicable

**DATE REPORT WRITTEN:** 22 April 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

The Shire requires permission to access the road into Paraburdoo Landfill site. Council approval is sought to affix the Shire's Common Seal to the Easement in Gross document from the Department of Regional Development and Lands to formalise this access agreement.

#### **Background**

As the road into the Paraburdoo Landfill site is crown land, under the Land Administration Act 1997 a Section Easement is required to be issued from the Department of Regional Development and Lands to the Shire.

The Shire originally approached State Lands Department in May 2005 to obtain access to the road into the Paraburdoo Landfill site. However the Easement in Gross document was not signed and the Shire's Common Seal was not affixed at this time.

The following has occurred during the last six months in regard to this matter;

- In September 2012 the Duties Assessment and Easement in Gross documents were forwarded to the Department of Regional Development and Lands.
- In October 2012 State Lands Services advised they would not accept a copy of the Duties Assessment as it had to be the original. The original document was then sent to them.
- In January 2013 Mark Kift from the State Lands Services forwarded correspondence to the Shire advising that the previous Easement in Gross Documents had been misplaced and replacements were needed.

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### **Comment**

In order to formalise the Easement it is recommended that the Common Seal is affixed to the Easement in Gross document.

### **Consultation**

A/Executive Manager – Technical Services  
Capital Works Manager  
Waste Coordinator

### **Statutory Environment**

Land Administration Act 1997  
Local Government Act 1995

### **Financial Implications**

There are no financial implications relative to this matter.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 04 – Distinctive and Well Serviced Places  
Objective 03 – Well Planned Towns

### **Policy Implications**

There are no policy implications relative to this matter.

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Commissioner R Yuryevich**

**That Council authorise the Commissioner and A/Chief Executive Officer to affix the Shire's Common Seal to the Easement in Gross documents from the Department of Regional Development and Lands relating to the access to the Paraburdoo landfill site.**

**CARRIED 1/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### 15. COMMUNITY DEVELOPMENT REPORTS

There were no Community development reports for this meeting.

The Commissioner determined that the matter of the Chief Executive Office recruitment was not a confidential matter and dealt with the matter in "open" Council.

### 10.5 CHIEF EXECUTIVE OFFICER RECRUITMENT

**MINUTE:** 11516

**FILE REFERENCE:** OR.MT.2

**AUTHOR'S NAME AND POSITION:** Felicia Mudge  
Manager Organisational Development

**NAME OF APPLICANT/RESPONDENT:** Not Applicable

**DATE REPORT WRITTEN:** 26 April 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 17.1 (Minute No. 11386) – Ordinary Meeting of Council 12 December 2012

#### Summary

Council at its 21 November 2012 Council Meeting, appointed Mr Frank Ludovico to act in the position of Chief Executive Officer on an interim basis and to prepare a report to Council for its next Ordinary Meeting recommending the process to be used by Council for the selection and appointment of a new Chief Executive Officer.

At the 12 December 2012 meeting confidential Item 17.1 was developed in respect to the Chief Executive Officer recruitment for Council consideration.

Council decided to lay the agenda item on the table as it would be more appropriate for the reinstated Council to undertake the recruitment rather than the Commissioner.

With the imminent return of Council the Commissioner has requested that this matter be brought forward so the recruitment process for a Chief Executive Officer can commence.

#### Background

In consultation with the Commissioner, requests for quotations were sent to WALGA Workplace Solutions, Lester Blades, Beilby Consultants and Portland Broome, all HR Consultants who have extensive experience in the recruitment of Local Government Chief Executive Officer's.

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The “*specifications*” contained in the request for quotations were:

*The Shire of Ashburton Council requires the professional services of a recruitment consultant to carry out the following:*

- Prepare for advertisement a recruitment package for the position of Chief Executive Officer in accordance with the Local Government Act
- Lead and participate in the selection process including but not limited to;
  - a. review position description
  - b. develop selection criteria
  - c. draft advertisement
  - d. assess preliminary applications
  - e. Shortlist final candidates
  - f. draft interview questions
  - g. coordinate and participate in the interview process
  - h. conduct reference checks
  - i. prepare summary and recommendation documentation for council
  - j. facilitate contract negotiations until a final contract is accepted.

*We ask that you present a proposal outlining your experience and qualifications with regard to the recruitment of local government Chief Executive Officer’s of Council’s with a similar size and nature to the Shire of Ashburton. Please ensure you include proposed timelines, recruitment strategies and full costing for each section.*

Submissions were received and assessed as per Council Policy FIN14, based on knowledge and industry experience and on the following criteria:

A. Relevant experience	10%
B. Key personnel	10%
C. Past company performance	10%
D. Resources	5%
E. Plant, Equipment, Materials	5%
F. Methodology, Risk, Quality	10%
G. Price	50%
<b>TOTAL</b>	<b>100%</b>

The total results of the assessment were as follows:

	<b>WA Workplace Solutions</b>	<b>Lester Blades</b>	<b>Beilby Consulting</b>	<b>Portland Broome</b>
<b>TOTAL</b>	<b>88/100</b>	<b>62/100</b>	<b>73/100</b>	<b>75/100</b>

There are also additional costs for the recruitment process, such as advertising, which is estimated to be up to \$8,000 and the cost to transport candidates to the Shire for interview and associated expenses, which are estimated to be up to \$6,000.

WALGA Workplace solutions are recommended for this assignment as they are one of the leading recruitment agencies dealing with senior local government positions. They have recruited a number of Chief Executive Officer positions and senior employee appointments, and have many years’ experience in this field.

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### DLG Operational Guidelines

The Department of Local Government has developed an Operational Guideline Number 10 (Revised August 2012) for the recruitment of a Chief Executive Officer and has developed a checklist for Councillors to use during this process.

The full checklist is detailed below.

1. Develop a profile of the preferred applicant (i.e. desired and essential skills, abilities, knowledge and qualifications).
2. Approve an agreed salary package (set a suitable salary package that complies with the determination under section 7A of the *Salaries and Allowances Act 1975*).
3. Review necessary documentation (contract of employment and position description).

NB: The key provisions to be included in the contract are: an expiry date, performance criteria and reference to the limit placed on the remuneration to be paid should the contract be terminated prior to the expiry date.

4. Approve a process to be used for the selection and appointment of the Chief Executive Officer (i.e. stages of the process, who is to be involved and to what extent, whether a consultant is appointed and their role in the process)

NB: It is good practice for council to formally adopt a process to ensure transparency, clarity and a shared understanding. Once adopted, the process should be followed unless found to be flawed, in which case a decision should be made to amend the process as soon as possible.

5. Advertise the position inviting applications from suitably qualified applicants (advertisement to contain information set out in 18A(2) of the *Local Government (Administration) Regulations 1996*).
6. Applicants to be short listed (may be undertaken by consultants, selection panel/committee or council).

NB: It is noted that in most cases this is done by the consultants or the selection panel/committee in conjunction with the consultants.

7. Conduct interviews of the short listed applicants (may be undertaken by consultants, selection panel/committee or council).

NB: This may be done prior to the final decision to appoint if availability of preferred applicant is limited due to travel arrangements etc. If not interviewed by the entire council it is recommended that all elected members meet with the preferred applicant prior to final appointment.

8. Select preferred applicant/s (make recommendation for council to offer the position to the 1st preferred applicant subject to contractual negotiations, within the designated salary package, including the preliminary performance criteria to be contained in the contract).

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NB: If 1st preferred applicant is not accepted or declines the offer, a decision may be made on any 2nd or 3<sup>rd</sup> preferred applicant in line until an offer and acceptance is reached or until no preferred applicants are appointed (applicants' identity may remain confidential until such time a final appointment is made).

9. Approve the formal and final appointment (must be decision by council that it:
  - i. Believes the person is suitably qualified for the position of Chief Executive Officer; and
  - ii. Is satisfied with the provisions of the proposed Chief Executive Officer employment contract.

NB: Absolute majority decision required for ii.

NB: All legislative references are from the *Local Government Act 1995* and associated regulations.

A copy of The Department of Local Government Operational Guideline Number 10 (Revised August 2012) Appointing a Chief Executive Officer is attached for Council information.

### ATTACHMENT 10.5C

#### Proposed recruitment process

It is proposed that Council adopt the recruitment process as outlined in Figure 1 below, prior to it being incorporated into the HR consultant's contract, and

Authorise the Commissioner to deal with any routine procedural matters that may arise in the course of implementing the recruitment process.

**Figure 1 – Recruitment Process**

No.	TASK	ACTION	ACTION BY
1.	Consultant contract.	Finalise Consultant Contract.	Commissioner
2.	Initial meeting with Consultant.	Finalise position description, draft contract, salary conditions.	Commissioner
3.	Prepare draft advertisement		Consultant
4.	Finalise draft advertisement		Commissioner
5.	Prepare candidate information pack.		Consultant
6.	Recruitment search.		Consultant
7.	Applicant management.	Responding to applications and telephone enquiries	Consultant
8.	Shortlist applicants.	Using agreed selection criteria.	Consultant
9.	Report to the Commissioner/Council	Report on quality of applicants, numbers and recommended shortlist.	Consultant
10.	Preliminary interviews	Preliminary interviews of broad group to confirm general information.	Consultant

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<b>No.</b>	<b>TASK</b>	<b>ACTION</b>	<b>ACTION BY</b>
11.	Present recommended shortlist to Commissioner /Council	Summarise results from resume, preliminary interview and reference checks.	Consultant
12.	Conduct in depth reference checking.	Two previous employers, qualifications and professional memberships.	Consultant
13.	Police clearance.		Consultant
14.	Interview schedule.	Arrange all interview dates and times.	Consultant
15.	Psychometric testing.	Arrange with shortlisted applicants.	Consultant
16.	Assist Council to prepare for interviews.  Interviews and select preferred candidate(s).	Prepare questions, coach on interview techniques, advise on Equal Employment Opportunity and other legislation matters, record interviews.  Assist in the arrangements for the preferred candidate(s) to make a presentation to Council, questions can be prepared for Council. Council to determine preferred candidate.  Arrange all logistics at selected venue and generally provide all assistance required.	Consultant /
17.	Medical.		Consultant.
18.	Negotiate Contract of offer.		Consultant
19.	Final discussion and Recommendation Report prepared for Council	Consideration of items 18-20	Council / Consultant
20.	Report to Council.	Appointment	Council

**ATTACHMENT 10.5A  
ATTACHMENT 10.5B**



## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### Comments

It is the author's opinion that Council should use external professional assistance when undertaking such an important and complex task.

The process outlined above will take several months depending on the number of occasions there are reports back to Council. There may be up to another three months delay after an appointment is made before the appointee takes up the position due to their need to give notice of termination in their current position.

### Consultation

Commissioner Ron Yuryevich  
A/Chief Executive Officer

### Statutory Environment

There are three sections of the Local Government Act 1995 (the Act) that have direct application to the appointment of a Chief Executive Officer. Section 5.36(2)(a) and (b) of the Act provides that a local government is not to employ a person to fill the position of Chief Executive Officer unless council believes that the person is suitably qualified for the position and is satisfied with the provisions of the proposed employment contract.

Section 5.39 contains provisions for the contracts of Chief Executive Officer's. Section 5.40 requires that all employees are to be selected in accordance with the principles of merit and equity.

In addition to the above provisions of the Act the Local Government (Administration) Regulations 1996, regulations 18A, 18B, 18C, 18F and 19A also deal with advertising, contracts, and the selection and appointment process.

The principles of merit and equity refer to the process of filling vacancies whereby a thorough assessment is made of the candidates' skills, knowledge and abilities against the work related requirements of the vacancy. The process must be open, competitive and free from bias, unlawful discrimination, nepotism or patronage.

"Suitably qualified" is not defined in the legislation but the intention is not limited to academic qualifications. Through the position description and selection criteria the council needs to ensure that processes are in place to appoint the person that best meets the qualities required in terms of academic qualifications, experience, skills and knowledge.

(Extracted from the Department of Local Government Operational Guideline Number 10 (Revised August 2012) Appointing a Chief Executive Officer)

The Chief Executive Officer's employment contract needs to be approved by an absolute majority.

### Policy Implications

There are no policy implications relevant to this matter.

### Financial Implications

It is estimated that the cost of the recruitment process could be up to \$35,000 to engage a Human Resources Consultant.

This expenditure was provided for in the recent budget review process.

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### Strategic Implications

Shire of Ashburton, 10 Year Strategic Plan 2012-2022

Goal 5 – Inspiring Governance

Objective 3 – Council Leadership

The appointment of a new Chief Executive Officer is critical to the operational management and strategic development of the Shire.

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED: Commissioner R Yuryevich**

**That Council:**

- 1. That Council Raise item Agenda Item 17.1 Chief Executive Officer Recruitment (Minute No. 11386) – Ordinary Meeting of Council 12 December 2012 from the table**
- 2. Appoint WALGA Workplace Solutions to act as its HR Consultant in the Chief Executive Officer Recruitment process**
- 3. Appoint the Commissioner with delegated power to:**
  - a. Appoint and liaise with WALGA Workplace Solutions to act as its HR Consultant in the Chief Executive Officer Recruitment process**
  - b. Review the necessary documentation and accept the Chief Executive Officer current Position Description and KPI's as per ATTACHMENT 10.5A and ATTACHMENT 10.5B.**
  - c. Approve an agreed salary package (set a suitable salary package that complies with the determination under section 7A of the Salaries and Allowances Act 1975.**
  - d. Authorise the advertising of the Chief Executive Officer position and act as the contact point for any enquiries.**
  - e. Undertake all necessary steps to provide a short list of 3 applicants for the returning Council to consider.**
  - f. Deal with any routine procedural matters that may arise in the course of implementing the recruitment process.**

**CARRIED BY ABSOLUTE MAJORITY 1/0**

**16. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**Council Decision**

**MOVED:** Commissioner R Yuryevich

**That Council considers the following New Business of an Urgent Nature Agenda Item:**

**16.1 New Business of an Urgent Nature – Applying Shire Common Seal to Financial Assistance Agreement – Country Local Government Fund – Paraburdoo Town Centre Upgrade Stage 1**

**CARRIED 1/0**

**16.1 NEW BUSINESS OF AN URGENT NATURE - APPLYING SHIRE COMMON SEAL TO FINANCIAL ASSISTANCE AGREEMENT - COUNTRY LOCAL GOVERNMENT FUND - PARABURDOO TOWN CENTRE UPGRADE STAGE 1**

**MINUTE:** 11531

**FILE REFERENCE:** RE.AS.R.42334

**AUTHOR'S NAME AND POSITION:** Keith Pearson  
A/Executive Manager - Technical Services

**NAME OF APPLICANT/RESPONDENT:** Department of Regional Development and Lands

**DATE REPORT WRITTEN:** 7 April 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Not applicable

**Summary**

Council approval is sought to apply the Shire's Common Seal to the "*Financial Assistance Agreement – Country Local Government Fund 2010-11 Paraburdoo Town Centre Upgrade Stage 1*".

The agreement sets out the conditions whereby the Shire will receive a grant of \$1,137,111 (+GST) towards the cost of revitalisation works within the Paraburdoo Town Centre, as a part of the State Government's Country Local Government Fund program.

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### Background

Council approval is sought to apply the Shire's Common Seal to the "*Financial Assistance Agreement – Country Local Government Fund Paraburdoo Town Centre Upgrade Stage 1*"

A copy of the document is attached.

### ATTACHMENT 16.1

The agreement sets out the conditions whereby the Shire will receive a grant of \$1,137,111 (+GST) towards the cost of revitalisation works within the Paraburdoo Town Centre, as a part of the State Government's Country Local Government Fund (CLGF) program. The works for which funding is provided are:

- Front Shopping Centre Carpark Upgrade
- Upgrade of Town Centre storm water drainage system.
- Public convenience upgrade

### Comment

Section 9.49A (2) of the Local Government Act states the following:

*"(2) The common seal of a local government is not to be affixed to any document exceptas authorised by the local government".*

Council approval is now sought to execute the CLGF Financial Assistance Agreement, in the manner required.

### Consultation

Department of Regional Development and Lands

### Statutory Environment

Section 9.49A (2) of the Local Government Act. Execution of Documents

### Financial Implications

The agreement will result in the Shire receiving \$1,137,111 towards the cost of revitalisation work in the Paraburdoo Town Centre, subject to the Shire contributing \$187,214

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 4 – Distinctive and Well Serviced Places

Objective 1 – Quality Public Infrastructure

### Policy Implications

There are no policy implications relative to this matter

### Voting Requirement

Simple Majority Required

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**Council Decision**

**MOVED: Commissioner R Yuryevich**

**That Council authorise the Commissioner and the A/Chief Executive Officer to execute the relevant documentation and affix the Shire's Common Seal on the *"Financial Assistance Agreement – Country Local Government Fund 2010-11 Paraburdoo Town Centre Upgrade Stage 1"* as per ATTACHMENT 16.1.**

**CARRIED 1/0**

## 17. 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.*

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### Council Decision

**MOVED: Commissioner R Yuryevich**

**That Council close the meeting to the public and staff at 2.38pm pursuant to sub section 5.23 (2) of the Local Government Act 1995.**

**CARRIED 1/0**

Amanda O'Halloran, Deb Wilkes, Fiona Keneally, Keith Pearson, Felicia Mudge, Rob Paull, Kaylani Cortesi, Kelly Domingo and members of the public left the meeting at 2.38pm

**MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013**

**17.1 CONFIDENTIAL ITEM - SHIRE OF ASHBURTON PROBITY AUDIT - UPDATE ON ACTIONS**

**MINUTE:** 11533

**FILE REFERENCE:** LE.LE.00.00

**AUTHOR'S NAME AND POSITION:** Frank Ludovico  
A/Chief Executive Officer

**NAME OF APPLICANT/RESPONDENT:** Not Applicable

**DATE REPORT WRITTEN:** 24 April 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 17.1 (Minute No. 11510) Ordinary Meeting of Council 10 April 2013  
Agenda Item 17.2 (Minute No.11472) Ordinary Meeting of Council 13 March 2013  
Agenda Item 17.2 (Minute No.11446) Ordinary Meeting of Council 13 February 2013  
Agenda Item 17.2 (Minute No.11423) Ordinary Meeting of Council 23 January 2013  
Agenda Item 17.2 (Minute No.11387) Ordinary Meeting of Council 12 December 2012  
Agenda Item 17.4 Ordinary Meeting of Council 21 November 2012

Please refer to Confidential Item Attachment under separate cover.

**Council Decision**

**MOVED:** Commissioner R Yuryevich

**That Council receives the report contained in ATTACHMENT 17.1 "Shire of Ashburton Probity Report – Action Plan."**

**CARRIED 1/0**



## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### **Declaration of Interest**

Prior to consideration of this Agenda Item Frank Ludovico A/Chief Executive Officer declared a Financial interest in Agenda Item 17.2 Confidential Item – Staff Acting Arrangements in accordance with Section 5.60A of the Local Government Act.

Frank Ludovico left the Meeting at 2.40pm.

### **17.2 CONFIDENTIAL ITEM - STAFF ACTING ARRANGEMENTS**

**MINUTE:** 11534

**FILE REFERENCE:** EE.EM.ASHBU.00

**AUTHOR'S NAME AND POSITION:** Felicia Mudge  
Manager Organisational Development

**NAME OF APPLICANT/RESPONDENT:** Not Applicable

**DATE REPORT WRITTEN:** 21 April 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Ordinary Meeting of Council 23 January 2013  
– Confidential Agenda Item 17.3 Minute: 11424

Please refer to Confidential Item Attachment under separate cover.

### **Council Decision**

**MOVED:** Commissioner R Yuryevich

**That Council accept the contract extension for A/Chief Executive Officer as per ATTACHMENT 17.2.**

**CARRIED BY ABSOLUTE MAJORITY 1/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013

### Council Decision

**MOVED: Commissioner R Yuryevich**

**That Council re-open the meeting to the public and staff at 2.42pm pursuant to sub section 5.23 (2) of the Local Government Act 1995.**

**CARRIED 1/0**

Frank Ludovico, Amanda O'Halloran, Deb Wilkes, Fiona Keneally, Keith Pearson, Felicia Mudge, Rob Paull, Kaylani Cortesi, Kelly Domingo and members of the public re-entered the meeting at 2.42pm

## **MINUTES - ORDINARY MEETING OF COUNCIL 8 MAY 2013**

### **18. COUNCILLOR AGENDA ITEMS**

There were no Councillor Agenda Items for this meeting.

### **19. PILBARA REGIONAL COUNCIL REPORT**

There were no Pilbara Regional Council Reports for this meeting.

### **20. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 5 June 2013, at the Ashburton Hall, Ashburton Avenue, Paraburdoo, commencing at 1.00 pm.

### **21. CLOSURE OF MEETING**

The Commissioner declared the meeting closed at 2.44pm.