

SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

**AGENDA
(Public Document)**

**Council Chambers, Community Recreation
Centre, Tom Price**

10 April 2013

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 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 10 April 2013 at Council Chambers, Community Recreation Centre, Tom Price 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.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

1.	DECLARATION OF OPENING.....	5
2.	ANNOUNCEMENT OF VISITORS.....	5
3.	ATTENDANCE	5
3.1	PRESENT.....	5
3.2	APOLOGIES.....	5
3.3	APPROVED LEAVE OF ABSENCE.....	5
4.	QUESTION TIME	5
4.1	PUBLIC QUESTION TIME	5
4.2	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
5.	APPLICATIONS FOR LEAVE OF ABSENCE.....	6
6.	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	6
6.1	PETITIONS.....	6
6.2	DEPUTATIONS	6
6.3	PRESENTATIONS	6
7.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	6
7.1	ORDINARY MEETING OF COUNCIL HELD ON 13 MARCH 2013	6
7.2	AUDIT COMMITTEE MEETING HELD ON 13 MARCH 2013	7
7.3	SPECIAL MEETING OF COUNCIL HELD ON 21 MARCH 2013	7
8.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	7
9.	DECLARATION BY MEMBERS.....	7
9.1	DECLARATION OF INTEREST	8
10.	CHIEF EXECUTIVE OFFICER REPORTS	10
10.1	PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS.....	10
10.2	APPROVAL TO PURCHASE GOODS AND SERVICES BY CHIEF EXECUTIVE OFFICER UNDER DELEGATED AUTHORITY	12
11.	CORPORATE SERVICES REPORTS	15
11.1	ONSLow TEMPORARY OFFICES	15
11.2	DEBTOR WRITE OFF - DEBTOR NO.1172 - TOTAL WRITE OFF \$3947.55	20
11.3	DEBTOR WRITE OFF - DEBTOR NO.163 - TOTAL WRITE OFF \$5,184.85	22
11.4	RATES DEBTOR WRITE OFF - BRILLIANT ADVENTURES AUSTRALIA PTY LTD	24
11.5	RATES DEBTOR WRITE OFF - GLASS MOUNTAIN PTY LTD	27
11.6	RATES DEBTOR FOR WRITE OFF - DAVID GUESTS.....	29
11.7	2012/2013 BUDGET REVIEW	31
11.8	RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF FEBRUARY & MARCH 2013	34
12.	STRATEGIC & ECONOMIC DEVELOPMENT REPORTS	36
12.1	DELEGATED AUTHORITY - LANDGATE APPLICATION FOR NEW ISSUE OF DUPLICATE CERTIFICATE OF TITLE, LOT 555 AND LOT 556 BEADON CREEK ROAD, ONSLOW	36
13.	TECHNICAL SERVICES REPORTS	38
13.1	REQUEST FROM CHEVRON FOR WHEATSTONE PLANNING APPROVAL EXEMPTION IN THE ANSIA MUAIC	38
13.2	APPLICATION FOR PROSPECTING LICENCES 47/1326 & 47/1327 - HAMERSLEY IRON PTY LTD WITHIN THE TOM PRICE TOWNSITE.....	43
13.3	REQUEST FOR PURCHASE AND AMALGAMATION OF PORTION OF LEASE 1213357 (LOT 30) AND LEASE K560303 (LOT 500) INTO FREEHOLD LOT 72 - METTAWANDY PLACE, PARABURDOO, SHIRE OF ASHBURTON.....	47
13.4	FURTHER REQUEST FROM CHEVRON FOR THE CLOSURE OF COMMUNITY ACCESS TO HOOLEY CREEK VIA LAND	51
13.5	EXTENSION OF ADOPTION PERIOD - LOCAL PLANNING POLICY - ONSLOW INTERIM TOWN CENTRE DESIGN GUIDELINES	58
13.6	PROPOSAL TO FREEHOLD RESERVE 40617 BEING LOT 244 ON DEPOSITED PLAN 91689, FORTESCUE - SHIRE OF ASHBURTON	62
13.7	EXTENSION OF ADOPTION PERIOD - PERCENT FOR PUBLIC ART LOCAL PLANNING POLICY	68
13.8	LPP21 - GUIDELINES FOR URBAN DEVELOPMENT POLICY.....	71

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.9	PROPOSED ELECTRICAL WORKS WITHIN LOCAL ROAD RESERVE AND RESERVE NO. 40065 'PUBLIC RECREATION' PARABURDOO	73
13.10	PROPOSAL BY LANDCORP FOR DEVELOPMENT LEASE, WORKS OUTSIDE OF THE DEVELOPMENT LEASE AND ROAD CLOSURES, ONSLOW	77
13.11	CANCELLATION OF DEED OF VARIATION TO ENVIRONMENTAL HEALTH SERVICE AGREEMENT WITH DEPARTMENT OF HEALTH	84
13.12	REQUEST FOR COMMENT FROM DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS ON REMOVAL OF MEMORIAL ON TITLE - BEADON BAY VILLAGE CARAVAN PARK.....	88
13.13	MODIFICATIONS TO PLANNING APPLICATION - PROPOSED 8 UNIT MULTIPLE DWELLING AT LOT 1 (No 3) BACKBEACH ROAD, ONSLOW	92
13.14	PLANNING APPLICATION - ADDITIONAL TRANSIENT WORKFORCE ACCOMMODATION AND TOURIST ACCOMMODATION, THEVENARD ISLAND	95
13.15	PLANNING APPLICATION - OVER SIZED SHED AT LOT 540 MONTEBELLO AVENUE, PARABURDOO	102
13.16	REQUEST FOR ACCESS TO SHIRE ROAD RESERVES FOR WATER SUPPLY INFRASTRUCTURE.....	105
13.17	PLANNING APPLICATION - PROPOSED RESIDENTIAL BUILDING AT LOT 920 NO. 14 PAYNE WAY, ONSLOW	108
13.18	PLANNING APPLICATION - PROPOSED RESIDENTIAL BUILDING LOT 651 (No. 11), SIMPSON STREET, ONSLOW	114
14.	OPERATIONS REPORTS.....	122
14.1	RFT 03/13 - SUPPLY AND DELIVERY OF REFUSE TRUCK	122
14.2	REQUEST TO HOLD SPEICAL MEETING OF COUNCIL	125
15.	COMMUNITY DEVELOPMENT REPORTS.....	128
16.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	128
17.	CONFIDENTIAL REPORTS.....	128
17.1	CONFIDENTIAL ITEM - SHIRE OF ASHBURTON PROBITY AUDIT - UPDATE ON ACTIONS.....	129
17.2	CONFIDENTIAL ITEM - CONTRACT RENEWAL EXECUTIVE MANAGER CORPORATE SERVICES.....	130
18.	COUNCILLOR AGENDA ITEMS.....	131
19.	PILBARA REGIONAL COUNCIL REPORT	131
20.	NEXT MEETING.....	131
21.	CLOSURE OF MEETING	131

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

1. DECLARATION OF OPENING

2. ANNOUNCEMENT OF VISITORS

3. ATTENDANCE

3.1 PRESENT

Ronald Yuryevich	Commissioner of the Shire of Ashburton
Mr F Ludovico	A/Chief Executive Officer
Ms F Keneally	Executive Manager, Operations
Ms L Hannagan	A/Executive Manager, Corporate Services
Mr K Pearson	A/Executive Manager, Technical Services
Ms M Gough	A/Executive Manager, Community Development
Mr R Paull	Principal Town Planner
Ms K Cortesi	CEO & Councillor Support Officer

3.2 APOLOGIES

Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Ms D Wilkes	Executive Manager, Community Development
Ms L Rickert	Community Liaison Coordinator - Paraboradoo

3.3 APPROVED LEAVE OF ABSENCE

4. QUESTION TIME

4.1 PUBLIC QUESTION TIME

4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 13 March 2013, the following questions were taken on notice and a written response will be provided.

Pearce Herbert, from Onslow, tabled the following questions.

Q1. *How much was Jeff Breen's payout. I understand the normal procedure in a case like this is 1 year's annual salary plus entitlements. If the figure can't be revealed at this time under FOI act how long does it remain confidential for?*

Response

A confidentiality agreement is in place regarding this matter and we are unable to comment on any specific details. Our understanding is that this confidentiality agreement is applicable for a very significant period.

Q2. *How much were the legal expenses with McLeods and Freehills the Shire legal team, to handle the sacking of Mr Breen and was it authorised by full Council?*

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Response

At the Special Council meeting held on 12 November 2012 Council resolved to engage Herbert Smith and Freehills to advise and assist the Council in relation to employment matters. The cost of this work is \$70,185.24.

Also at the Special Council meeting held on 12 November 2012 Council resolved to engage with McLeods barristers and solicitors to advise and assist the Shire in its response to the notice and the probity audit. The cost of this work is \$52,887.81.

- Q3. *Caravan park, Is the consultants draft report of February last available for perusal. I would hope that Section 3.18(3) of The Local Government Act 1995 hasn't impeded the production of the report.***

Response

A community consultation will be occurring on 19 March 2013 at 11 AM and 6:30 PM at Onslow War Memorial (adjacent to the Onslow Ocean View Caravan Park). Following that consultation, a report will be prepared for the May 2013 meeting.

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS / DEPUTATIONS / PRESENTATIONS

6.1 PETITIONS

6.2 DEPUTATIONS

6.3 PRESENTATIONS

Cecilia Fernandez, Community Progress Manager, from IBN will be giving a presentation to Council in regards to the IBN Aboriginal Environmental Health Program.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY MEETING OF COUNCIL HELD ON 13 MARCH 2013

Officer's Recommendation

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.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

7.2 AUDIT COMMITTEE MEETING HELD ON 13 MARCH 2013

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 13 March 2013, as previously circulated on 18 March 2013, be confirmed as a true and accurate record.

7.3 SPECIAL MEETING OF COUNCIL HELD ON 21 MARCH 2013

Officer's Recommendation

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

In Agenda Item 16.1 (Minute: 7) – “Onslow Aerodrome Runway Construction - Design and Methodology for Pavement and Bituminous Works”, Point 4 of the Resolution, the words “SLORC is none other than are machine”, between the word “Risk mitigation” and “measures”, be deleted from the resolution.

Point 4 of the resolution should now read as follows:

- “4. Endorse ARRB Group Ltd Contract Report – Section 6.2 – Risk mitigation measures 1,2 and 4, providing ARRB Group Ltd confirm that, in the event of supply delays, it remains a practical mitigation measure to cover the subbase with geotextile fabric and achieve the desired mitigation outcome with attributed costs of \$335,000 (Ex GST).”

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9. DECLARATION BY MEMBERS

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

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

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.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 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.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

10. CHIEF EXECUTIVE OFFICER REPORTS

10.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS

FILE REFERENCE:	OR.MT.1
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer CEO
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	25 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

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.

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

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

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

Recommendation

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

Author: Janyce Smith	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

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

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:	2 April 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

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.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 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 February and March 2013.

Approval Date	File Ref	Title	Decision
25.02.13	FI.AS.1 FI.BU.12.13	Request to exercise delegated authority for purchase of plant exceeding \$100,000	That the CEO: 1. Approve the purchase of the Komatsu Grader (Model GD655-5) in accordance with the Quote Evaluation for \$238,603 (ex GST) from Komatsu Australia.
01.03.13	TP.WL.0000.000 AS.TE.19.12	Tender Award – RFT 19/12 Removal of Construction of the Tom Price Tennis Court Fence	That the CEO: 1. Approve the purchase of the Removal and Construction of the Tom Price Tennis Court Fence and associated works in accordance with the Quote Evaluation for \$89,500.00 (excluding GST) from Margaret River Fencing.
25.03.13	OR.CM.10.19	Request to exercise delegated authority for purchase of materials exceeding \$100,000.	That the CEO: 1. Approve the purchase of 97,000m2 of geofabric from Global Synthetics in accordance with the evaluation criteria. 2. Sign the corresponding purchase order (No. 19031) to the value \$130,174.00 (GST inclusive).

Consultation

Executive Manager - Operations

Statutory Environment

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

Financial Implications

The plant purchase and the fence installation are part of Councils 2012/13 Budget.

The purchase of the geofabric is subject to formal authorisation by the Onslow Social Infrastructure Working Group however verbal approvals have been given in order to progress the Onslow Airport Project.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Policy Implications

FIN12 – Purchasing and Tendering Policy

Voting Requirement

Simple Majority Required

Recommendation

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

Author: Frank Ludovico	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

11. CORPORATE SERVICES REPORTS

11.1 ONSLOW TEMPORARY OFFICES

FILE REFERENCE:	ON.SE.0352.00
AUTHOR'S NAME AND POSITION:	Lisa Hannagan A/Executive Manager - Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	21 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Onslow Administration/Library/Hall suffered catastrophic damage in a fire on Sunday 13 January 2013. The structural integrity of the building has been assessed by GHD and found to be irreparable. A tender has been called for the demolition of this building.

While the Shire is fully insured for this loss, it is expected that rebuilding of a replacement facility in Onslow could take several years and a solution needs to be found that will allow staff to function and provide ongoing service to Onslow.

It is proposed to use a mixed solution that will incorporate the "Beach House" located on lot 307 First Avenue for Administration and Library Services and the "Business House" located on Lot 263 Second Avenue to house Strategic and Economic Development.

Background

Following the fire at the Onslow Administration/Library/Hall staff are currently working from a variety of buildings in Onslow. Administrative staff are working in the central corridor of the Multi Purpose Centre (MPC), Library staff are working from a small office at the MPC, Strategic Staff are working from the Depot and Airport, Community staff are currently displaced due to other staff and some staff are working from their homes.

This situation is clearly untenable and causing problems in how we provide usual services to the Onslow community and undue stress to our staff. Suitable alternate accommodation needs to be agreed as a priority to allow staff to function and provide ongoing service to the Onslow community.

A Working Group was formed to review the limited options available and provide a recommendation on how to accommodate our staff from now until a replacement facility is available in Onslow.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Comment

A Working Group consisted of the following staff:

1. Steve Hardy, Operations Onslow
2. Amanda O'Halloran, EM Strategic Development
3. Deb Wilkes & Cindy Derschow – EM Community Development/Library Manager
4. Rob Paull, Technical Services - Town Planner
5. Richard Repsevicius, Technical Services - Special Projects Manager
6. Al Lind, Corporate Services - IT Manager
7. Jane Hathaway, Corporate Services Support Officer
8. Lisa Hannagan, A/Executive Manager Corporate Services.

The Working Group considered the following options.

- a. Existing site – Second Avenue Onslow
- b. First Avenue Beach House
- c. Second Avenue Business House
- d. Block next to the Depot – Beadon Creek
- e. MPC Carpark/Adjacent Land
- f. Mixed solution incorporating Camp/Business house and other sites
- g. Transit House

A number of considerations were looked at for each option:

- i) Land use/zoning
- ii) Land tenure
- iii) Suitability of location
- iv) Buildings, bathrooms, rooms available
- v) Headworks/utilities
- vi) Security issues
- vii) Disable access
- viii) Staff morale (in the long term)
- ix) Parking
- x) IT considerations

A summary of the Working Groups finding for each property is as follows:

Existing site – Second Avenue Onslow

This site must be cleared of the wreckage left from the fire (Tender Advertised Saturday 30 March 2013).

It is not logical to place transportable buildings on this site as it may be required for rebuilding and, from a Council approval perspective, placement of temporary buildings on this site would not conform to our own Policies.

Lot 307 First Avenue "Beach House"

This property is currently being used as a "Sharehouse" for several Shire staff. The property is zoned "Commercial Civic" and therefore could be used to house a temporary office. Certain minor modifications would need to be made to make the property suitable for use, including the addition of a transportable building in the rear yard to act as a Library.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

The staff who would need to relocate from this property can be accommodated at other locations in Onslow, including a vacant unit and at the Onslow Airport Camp.

In terms of location the property is well placed and central for community access. There is parking directly opposite the building and space for approximately 3 vehicles at the front of the building.

This solution will not accommodate all the staff.

Council planning approval would be required to install a transportable building (similar to a transportable school classroom) in the rear yard of this property and that approval will be sought under a separate Agenda Item.

Lot 263 Second Avenue "Business House"

This property is in a reasonable location, close to town and has a Commercial Civic Zoning.

At present the Business House is primarily being used by the visiting Veterinary service and consideration must be given to an alternate location for this activity if this building is used as a temporary Shire office.

The yard of this building could accommodate the Strategic Development transportable office that was not damaged in the fire and has two office spaces and toilet facilities.

This solution will not accommodate all the staff.

Council planning approval would be required to install the transportable building to house Strategic Development staff in the rear yard of this property and that approval will be sought under a separate Agenda Item.

Lot 566 Beadon Creek Rd (Block next to the Depot)

The headworks and IT costs at this location would be very high as it is approximately 4 kilometers from the centre of Onslow town.

There are no services at this block. Zoning at this location is Industrial.

The location is not suitable for easy access by the Onslow community

Lot 500 McGrath Avenue/Cnr Hooley –MPC Carpark/Adjacent Land

The IT considerations are good and headworks would be minimal at this location.

The land surrounding the Onslow Multipurpose Centre is not owned or managed by the Shire. There is little land around this building (excluding the carpark) that would be suitable to accommodate the number of transportable buildings required.

Mixed solution incorporating Camp/Business house and other sites

It is proposed to use a mixed solution that will incorporate the "Beach House" located on lot 307 First Avenue for Administration and Library Services and the "Business House" located on Lot 263 Second Avenue to house Strategic and Economic Development.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Utilizing both sites provides good access by the community to Administration and Library services and enables Strategic and Economic develop to operate from the "Business House" were community access is not as necessary.

Lot 325 Third Avenue "Transit House"

The location of this property is good but the internal design of this property is problematic (3 bathrooms and 3 toilets) and would not provide a good layout for an office.

Zoning is also an issue as this property is zoned Residential

The main issue is that accommodation is at such a premium in Onslow it is not considered good planning to be removing any accommodation availability.

Statutory Environment

Nil

Consultation

Executive Managers

Onslow Staff

Keith Atkinson – Charles Taylor Loss Adjusters

Financial Implications

The Shire is working closely with Charles Taylor Loss Adjusters who were appointed by LGIS (Local Government Insurance Services) immediately after the event.

The Shire carried full insurance as follows:

- | | |
|----------------------------|------------|
| 1. Building – | \$4.7m |
| 2. Contents – | \$525,000 |
| 3. Demolition – | \$470,000 |
| 4. Business Interruption – | \$1million |

While the Shire is required to initially pay the costs associated with getting the temporary premises ready for occupation, Business Interruption insurance will reimburse these costs.

There should be no long term financial cost to the Shire to implement this plan.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 5 - Inspiring Governance

Objective 3 - Provide a functional workplace and infrastructure

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Recommendation

That Council:

1. Endorse the proposed solution to utilise existing Shire owned properties Lot 307 First Avenue and Lot 263 Second Avenue in Onslow for the purpose of providing office accommodation for Shire staff on a temporary basis until such time as replacement offices, hall and library are rebuilt.

Author: Lisa Hannagan	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

11.2 DEBTOR WRITE OFF - DEBTOR NO.1172 - TOTAL WRITE OFF \$3947.55

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: 25 February 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

This is a request to write off bad Debts to a total value of \$3,947.55 incurred by Ann Euren, former employee of the Shire of Ashburton.

Background

The Accounts Receivable area has undergone substantial debt recovery to ensure Councils financial matters are up to date and accurate. The following Bad Debt is requested to be written off as it proves uncollectable.

Comment

Debtor No. 1172 – Ann Euren

The debt of \$3,947.55 is the costs incurred on a Shire provided mobile phone by ex-staff member Ann Euren during her employment with the Shire of Ashburton. As per the Telstra account, the majority of the debt amount owed comes from 10 x Mobile WAP/Internet Sessions Ms Euren downloaded without permission from the Shire in July 2011. The Shire was not made aware of the charges until the Telstra Bill arrived and Ann Euren was no longer employed.

It is the opinion of the Accounts Receivable Officer that after many months chasing this up through Debtors, and then further through our Debt Collection Agent Austral Mercantile, the chances of obtaining this money from Ann Euren is nil.

Austral Mercantile advised the Shire that as Ms Euren is not an Australian Citizen, and had most likely left the country, it is pointless pursuing further debt recovery action would be uneconomical. The file was closed with Austral Mercantile and a Write Off is requested from Council.

Total request to write off for Ann Euren - \$3,947.55

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Consultation

A/Executive Manager - Corporate Services
Finance Manager
Accounts Receivable Officer

Statutory Environment

Section 6.12 of the Local Government Act 1995 states:

- (1) Subject to subsection (2) and any other written law, a local government may –
- a) When adopting the budget, grant* a discount or other incentive for the early payment of any amount of money;
 - b) Waive or grant concessions in relation to any amount of money or
 - c) Write off any amount of money, which is owed to the Local Government.

* Absolute Majority Required

Financial Implications

The total amount of Debt under consideration is \$3,947.55.

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

Policy DA008 Delegated Authority – Writing Off Debts
Policy FIN13 Accounts Receivable Recovery

Voting Requirement

Absolute Majority Required

Recommendation

That Council write off the debt of Ann Euren for the sum of \$3947.55 as per Invoice No. 9755.

Author: Leah M John	Signature:
Manager: Lisa Hannagan	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

11.3 DEBTOR WRITE OFF - DEBTOR NO.163 - TOTAL WRITE OFF \$5,184.85

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: 25 February 2013

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

**PREVIOUS MEETING
REFERENCE:** Not Applicable

Summary

This is a request to write off bad Debts to a total value of \$5,184.85 incurred by Sue O'Toole, former employee of the Shire of Ashburton.

Background

The Accounts Receivable area has undergone substantial debt recovery to ensure Councils financial matters are up to date and accurate. The following Bad Debt is requested to be written off as it proves uncollectable.

Comment

Debtor No. 163 – Sue O'Toole

The debt of \$5,184.85 is made up of two amounts. \$4,846.05 is for reimbursement of relocation costs and \$338.70 for 50% reimbursement of uniform allowance spent. Both cost occurred due to final work date less than 12months from appointment as per Policy EMP04.

It is the opinion of the Accounts Receivable Officer that after many years chasing this up through Debtors, the chances of obtaining this money from Sue O'Toole is nil. The debt goes back to 2007.

Total request to write off for Sue O'Toole - \$5,184.85

Consultation

A/Executive Manager - Corporate Services
Finance Manager
Accounts Receivable Officer

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Statutory Environment

Section 6.12 of the Local Government Act 1995 states:

- (2) Subject to subsection (2) and any other written law, a local government may –
- d) When adopting the budget, grant* a discount or other incentive for the early payment of any amount of money;
 - e) Waive or grant concessions in relation to any amount of money or
 - f) Write off any amount of money, which is owed to the Local Government.

* Absolute Majority Required

Financial Implications

The total amount of Debt under consideration is \$5,184.85.

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

Policy DA008 Delegated Authority – Writing Off Debts

Policy FIN13 Accounts Receivable Recovery

Voting Requirement

Absolute Majority Required

Recommendation

That Council write off debts for Sue O’Toole totalling \$5,184.85 as per Invoice No. 1450 and Invoice No. 1252.

Author: Leah M John	Signature:
Manager: Lisa Hannagan	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

11.4 RATES DEBTOR WRITE OFF - BRILLIANT ADVENTURES AUSTRALIA PTY LTD

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: 25 March 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

This is a request for writing off rates and penalty interest of \$7,235.26. This debt relates to three Mining Tenements located within the Shire that have been outstanding since 2007. Interest and legal charges have accrued in this time.

Background

This is a request for writing off rates and penalty interest of \$7,235.26.

Tenement Holder: Brilliant Adventures Australia Pty Ltd
Assessment No: A502806
Tenement No: E08/1266 – Exploration Licence
Tenement Granted: 17/10/05
Tenement Death: Surrendered 04/07/07
Total Amount Outstanding: \$1,746.77

Tenement Holder: Brilliant Adventures Australia Pty Ltd
Assessment No: A502815
Tenement No: E08/1267 – Exploration Licence
Tenement Granted: 17/10/05
Tenement Death: Surrendered 04/07/07
Total Amount Outstanding: \$1,776.77

Tenement Holder: Brilliant Adventures Australia Pty Ltd
Assessment No: A502824
Tenement No: E08/1268 – Exploration Licence
Tenement Granted: 17/10/05
Tenement Death: Surrendered 04/07/07
Total Amount Outstanding: \$3,711.72

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Brilliant Adventures Australia Pty Ltd was the holder of mining tenements E08/1266, E08/1267 & E08/1268 from the 17th October 2005. In approximately December 2006, Brilliant Adventures Australia Pty Ltd received a sum of \$10,000 for the transfer of the tenements to Bushwin Pty Ltd however the transfers did not eventuate through the Department of Mines.

Approximately 6 months later in July 2007, it was discovered that the Tenements had not been transferred and Brilliant Adventures Australia Pty Ltd applied to surrender the tenements, this occurred with an effective date of 4/7/2007.

The Rates Officer undertook processes to recover the outstanding Rates and Interest in 2010. At this time the owner of Brilliant Adventures Australia Pty Ltd, Mr Michael Sweet, was cooperating and provided his own documents to prove the transfer of the tenements.

After reviewing the documents, the fact remains that transfers were not processed and Brilliant Adventures Australia Pty Ltd remain liable for the outstanding debt.

Comment

Brilliant Adventures Australia Pty Ltd is still registered however the owner is now believed to be based in Xiamen Fujian, China.

As the tenements are dead, interest calculations are the only levies raised against the assessments.

Consultation

A/Chief Executive Officer
A/Executive Manager - Corporate Services
Finance Manager
Finance Co-ordinator
Senior Rates Officer
Rates Officer

Statutory Environment

Section 6.12 (1) (c) of the Local Government Act 1995 states, that Council may Write Off any amount of money, which is owed to Local Government.

Financial Implications

The total amount to be written off is \$7,235.26 made up of;

A502806		
Rates	Arrears	\$742.54
Interest	Current	\$942.88
Legal Charges	Current	<u>\$61.35</u>
		\$1,746.77

A502815		
Rates	Arrears	\$742.54
Interest	Current	\$942.88
Legal Charges	Current	<u>\$91.35</u>
		\$1,776.77

A502824		
Rates	Arrears	\$1,559.98
Interest	Current	<u>\$2,151.74</u>
		\$3,711.72

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

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

Policy DA008 Delegated Authority – Writing Off Debts
Policy FIN13 Accounts Receivable Recovery

Voting Requirement

Absolute Majority Required

Recommendation

That Council write off the debt of \$7,235.26 accrued by Brilliant Adventures Australia Pty Ltd made up of the following:

Rates Assessment A502806	\$1,746.77
Rates Assessment A502815	\$1,776.77
Rates Assessment A502824	\$3,711.72
Total	\$7,235.26

Author: Leah M John	Signature:
Manager: Lisa Hannagan	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

11.5 RATES DEBTOR WRITE OFF - GLASS MOUNTAIN PTY LTD

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: 25 March 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Glass Mountain Pty Ltd owned two mining tenements, as listed below, from 2007. We are seeking to write off debts totalling \$1,172.63 in relation to rates and interest charges.

The company was placed into liquidation in 2009 and tenement death was processed in 2010.

The Shire was advised by the liquidator (Mcrath Nicol) that Glass Mountain had been fully liquidated in June 2012.

As the company has been deregistered and liquidated there are no further steps the Shire can take to recover this money.

Background

This is a request for writing off rates and penalty interest of \$1,172.63.

Tenement Holder: Glass Mountain Pty Ltd
Assessment No: A6039
Tenement No: E08/1736 – Exploration Licence
Tenement Granted: 2/8/2007
Tenement Death: Forfeited on the 29/1/2010
Total Amount Outstanding: \$402.74

Tenement Holder: Glass Mountain Pty Ltd
Assessment No: A6085
Tenement No: E08/1738 – Exploration Licence
Tenement Granted: 5/11/2007
Tenement Death: Forfeited on the 9/4/2010
Total Amount Outstanding: \$769.89

ATTACHMENT 11.5

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Comment

Glass Mountain Pty Ltd is now deregistered and liquidation has been finalised. Therefore, it is not viable to recover the outstanding rates and penalty interest on both Assessments.

Consultation

A/Chief Executive Officer
A/Executive Manager - Corporate Services
Finance Manager
Finance Co-ordinator
Senior Rates Officer
Rates Officer

Statutory Environment

Section 6.12 (1) (c) of the Local Government Act 1995 states, that Council may Write Off any amount of money, which is owed to Local Government.

Financial Implications

The total amount to be written off is \$1,172.63 made up of;

A6039		
Rates	Arrears	\$377.19
Interest	Current	<u>\$25.55</u>
		\$402.74
A6085		
Rates	Arrears	\$715.96
Interest	Current	<u>\$53.93</u>
		\$769.89

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

Policy DA008 Delegated Authority – Writing Off Debts
Policy FIN13 Accounts Receivable Recovery

Voting Requirement

Absolute Majority Required

Recommendation

That Council Write off the Glass Mountain Pty Ltd debts totalling \$1,172.63 as per Assessment A6039 and Assessment A6085.

Author: Leah M John	Signature:
Manager: Lisa Hannagan	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

11.6 RATES DEBTOR FOR WRITE OFF - DAVID GUESTS

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:	2 April 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this item.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This is a request to write off rates and penalty interest in the sum of \$1,626.17 for mining tenement PO8/481. The Debtor has been referred to the Shire's Debt Collection Agency, Austral Mercantile, in 2010 but they have been unable to locate Mr Guest. The tenement is no longer active and charges to pursue this debt will exceed the amount of the debt unless this debt is written off.

Background

This is a request for writing off rates and penalty interest of \$1,626.17

Tenement Holder:	David Guests
Assessment No:	A502628
Tenement No:	Prospecting License – P08/481
Tenement Granted:	10/06/2005
Tenement Death:	09/06/2009
Total Amount Outstanding:	\$1,626.17

ATTACHMENT 11.6

Comment

David Guests has left his address at PO BOX 1039 Willagee WA 6156 since 2010. We do not have any other contact details for him. His prospecting license was not active for the past 4 years and that the companies he dealt with are now also inactive.

Austral Mercantile has searched for David Guests unsuccessfully. To continue with the debt collection will result in more cost to the Shire and no assurance in recovering the rates and related charges. The total legal costs spent in 2010 including the costs if we proceed with General Procedure Claim will be greater than the total amount he owes.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Consultation

A/Chief Executive Officer
A/Executive Manager - Corporate Services
Finance Manager
Finance Co-ordinator
Rates Officer

Statutory Environment

Section 6.12 (1) (c) of the Local Government Act 1995 states, that Council may Write Off any amount of money, which is owed to Local Government.

Financial Implications

The total amount to be written off is \$1,626.17 made up of;

A502628		
Rates	Arrears	\$939.86
Interest	Current	<u>\$686.31</u>
		\$1,626.17

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

Policy DA008 Delegated Authority – Writing Off Debts
Policy FIN13 Accounts Receivable Recovery

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Write Off - David Guests Assessment A502628 \$1,626.17
2. Exclude assessment A502628 from interest calculations.

Author: Leah M John	Signature:
Manager: Lisa Hannagan	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

11.7 2012/2013 BUDGET REVIEW

FILE REFERENCE:	FI.BU.12.13
AUTHOR'S NAME AND POSITION:	Lisa Hannagan A/Executive Manager - Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	26 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

To present the Budget Review for 2012/2013 in accordance with the Local Government Act (Financial Management) Regulations 1996.

Background

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires local governments to conduct a budget review between 1 January and 31 March each financial year.

Regulations 33(2) and (3) require the results of the review to be submitted to Council within 30 days of the review. Council is then to consider the review to determine whether or not to adopt the review, any part of the review or any recommendations made in the review. If Council does this at this meeting, it will meet the required timeframe.

Regulation 33 A(4) requires a copy of the determination to be provided to the Department of Local Government.

Comment

The Budget Review Process was initiated in January 2013 with all Executive Managers being asked to review activities that came under their responsibility.

The Review was conducted using December 2012 actual figures. The February 2013 actual figures are included in the Review document for comparison purposes and a final re-evaluation of the projections.

Although the Review indicates that the Shire will be at surplus position at the close of the financial year, it is still very important to maintain financial controls for the remaining portion of the year. A great deal of work has been undertaken to ensure this result and any variances that may pose a significant risk to this outcome are managed.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Important issues arising from the budget review:

- Many community activities were dependent on obtaining grants to fund them. A number of grants had been unsuccessful and so events have been tailored to fit the funds available.
- Two housing projects were planned for the 2012/13 year. Lot 394 Third Avenue in Onslow (\$1.5m) and Poinsettia Street units in Tom Price (\$1.6m).

The Onslow project was is dependent on the sale of two properties. One property is still in the process of being sold and the other property lot 307 First Avenue was withheld from sale by Council at its November 2012 meeting (Minute 11346) and will be now used as a temporary office as a consequence of the fire at the Onslow administration building.

In respect of the Tom Price project, the tender for these units exceeded budget and staff are currently reviewing specifications for this development.

- Onslow Airport project. As this project will run into 2013/14 the forecast for 30 June 2013 has been adjusted to reflect the anticipated expenditure for this financial year.
- Tom Price Pavilion project As this project will run into 2013/14 the forecast for 30 June 2013 has been adjusted to reflect the anticipated expenditure for this financial year.
- In respect income some expected revenue has not been achieved.

It was anticipated that the spot rating of mine camps would earn approximately \$500,000 in revenue. With the staff disruptions and the use of a consultant for an acting executive manager role this project has not been progressed.

It was also anticipated that significant revenues would be generated from planning approvals. This again has not been achieved with an anticipated shortfall off \$400,000

Attached are detailed schedules showing the 30 June 2013 Forecast and explanations for the variance.

ATTACHMENT 11.7A

Also attached is a schedule that shows budget adjustments recommended for Council adoption.

ATTACHMENT 11.7B

Consultation

Internal consultation with Executive Management and Responsible Officers
Bob Waddell, Local Government Consultant

Statutory Environment

Local Government (Financial Management) Regulations 1996 Regulation 33A – Review of Budget.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Financial Implications

The Budget Materiality variance adopted in August 2012 of a percentage (equal to or greater than 10%) or a value (equal to or greater than \$20,000) for the 2012/2013 financial year and the Policy was used in this Budget Review.

Strategic Implications

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

Policy Implications

See Financial Implications

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Adopts the 2012/2013 Budget Review as per **ATTACHMENT 11.7A**
2. Adopts the Budget adjustments as per **ATTACHMENT 11.7B**

Author: Lisa Hannagan	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

11.8 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF FEBRUARY & MARCH 2013

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:	28 March 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:

February 2013

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

ATTACHMENT 11.8A

December 2012

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

ATTACHMENT 11.8B

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Consultation

A/Executive Manager - Corporate Service
Other Executive Managers
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

Recommendation

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

Author: Leah M John	Signature:
Manager: Lisa Hannagan	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

12.1 DELEGATED AUTHORITY - LANDGATE APPLICATION FOR NEW ISSUE OF DUPLICATE CERTIFICATE OF TITLE, LOT 555 AND LOT 556 BEADON CREEK ROAD, ONSLOW.

FILE REFERENCE:	ON.BD.555
AUTHOR'S NAME AND POSITION:	Emma Heys Economic & Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	31 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Delegated authority is being sought for the Commissioner and A/Chief Executive Officer to sign and affix the Shire of Ashburton common seal in a Landgate application for new issue of "duplicate certificate of title" for Lot 555 and Lot 556 Beadon Creek Road, Onslow.

Background

At the October 2012 Council Meeting, Council moved to facilitate the sale of Lots 555 and 556 Beadon Creek Road, Onslow to Beston Parks Land Co Pty Ltd (trading as Discovery Holiday Parks).

The transfer of the certificate of titles from seller to buyer is a settlement requirement for the sale of land.

Searches conducted at the Shire's Tom Price, Onslow and Paraburdoo offices were unable to locate the duplicate certificate of title for Lot 555 and Lot 556 Beadon Creek Road, Onslow.

An application is now being made to Landgate for new issue of duplicate certificate of title for Lot 555 and Lot 556 Beadon Creek Road, Onslow.

**ATTACHMENT 12.1A
ATTACHMENT 12.1B
ATTACHMENT 12.1C**

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Comment

In accordance with the requirements of Sections 48B, subsection 5 and Section 192 of the Transfer of Land Act 1893, the application to Landgate for the new issue of duplicate certificate of title for Lot 555 and Lot 556 Beadon Creek Road, Onslow must be drawn in the name of the Shire and the statutory declaration made by an authorised officer of the Shire, namely the A/Chief Executive Officer.

Section 192 of the Transfer of Land Act 1893 also requires the execution clause and seal of the Shire of Ashburton to be used.

Authorisation is being sought for the Commissioner and A/Chief Executive Officer to sign and affix the Shire of Ashburton common seal in the application for new issue of duplicate certificate of title for Lot 555 and Lot 556 Beadon Creek Road, Onslow.

Consultation

Landgate

Statutory Environment

Local Government Act 1995 (as amended) "Execution of Documents" Section 9.49A.
Transfer of Land Act 1893 (as amended) "Duplicate of Certificate of Title" Section 48B, subsection 5 and "Defective documents, rejection of" Section 192.

Financial Implications

Landgate administrated requisition costs total eighty (\$80.00) dollars. This has been budgeted in the "Purchase of Land – Lot 555 and Lot 556 Beadon Creek Road", account ASL001.

Strategic Implications

'Living Life' Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 - 'Economic Prosperity'

Objective 01 - 'Strong Local Economies': Facilitate timely release of land to support the local economy.

Policy Implications

ELM13 - Affixing of the Shire of Ashburton Common Seal

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Authorise the Commissioner and Acting Chief Executive Officer to sign and affix the Shire of Ashburton common seal in the Landgate application for new issue of duplicate certificate of title for Lot 555 and Lot 556 Beadon Creek Road, Onslow.

Author: Emma Heys	Signature:
Manager: Amanda O'Halloran	Signature:

13. TECHNICAL SERVICES REPORTS

13.1 REQUEST FROM CHEVRON FOR WHEATSTONE PLANNING APPROVAL EXEMPTION IN THE ANSIA MUAIC

FILE REFERENCE: PS.TP.7.10

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

NAME OF APPLICANT/RESPONDENT: Chevron Australia Pty Ltd

DATE REPORT WRITTEN: 23 March 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Chevron Australia Pty Ltd is seeking to streamline its statutory planning obligations for the Wheatstone LNG project and in particular, works within the Ashburton North Strategic Industrial Area (ANSIA) eastern Multi User Access and Infrastructure Corridor (MUAIC).

The ANSIA MUAIC is reserved under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') as 'Other Purposes – Infrastructure' reserve. Essentially, works within the reserve for non-government operatives (i.e. Chevron) require planning approval under CI 3.2.3 as follows:

“The erection, construction, major improvement or alterations to infrastructure, within the infrastructure reserve, require the planning approval of Local Government.”

However, CI 3.2.4 of the Scheme provides an alternative to planning approval by way of an agreement with the Shire and 'operators' within the reserve.

Accordingly, Chevron is seeking an agreement under CI 3.2.4. In this regard, if acceptable to LandCorp and other users as identified by LandCorp, there could be an agreement with the key agencies, Chevron and the Shire as to the types of infrastructure to be placed in the corridor. In this regard, LandCorp would be responsible for determining the exact alignments for that infrastructure.

The Shire administration contacted Land Corp and Dampier Port Authority (DPA) staff in August 2012 to determine interest in the proposal. Essentially, no objection was provided by LandCorp and advice from DPA that as it would not be an operator within the MUAIC, it considered that it would not need to be a signatory to such an agreement.

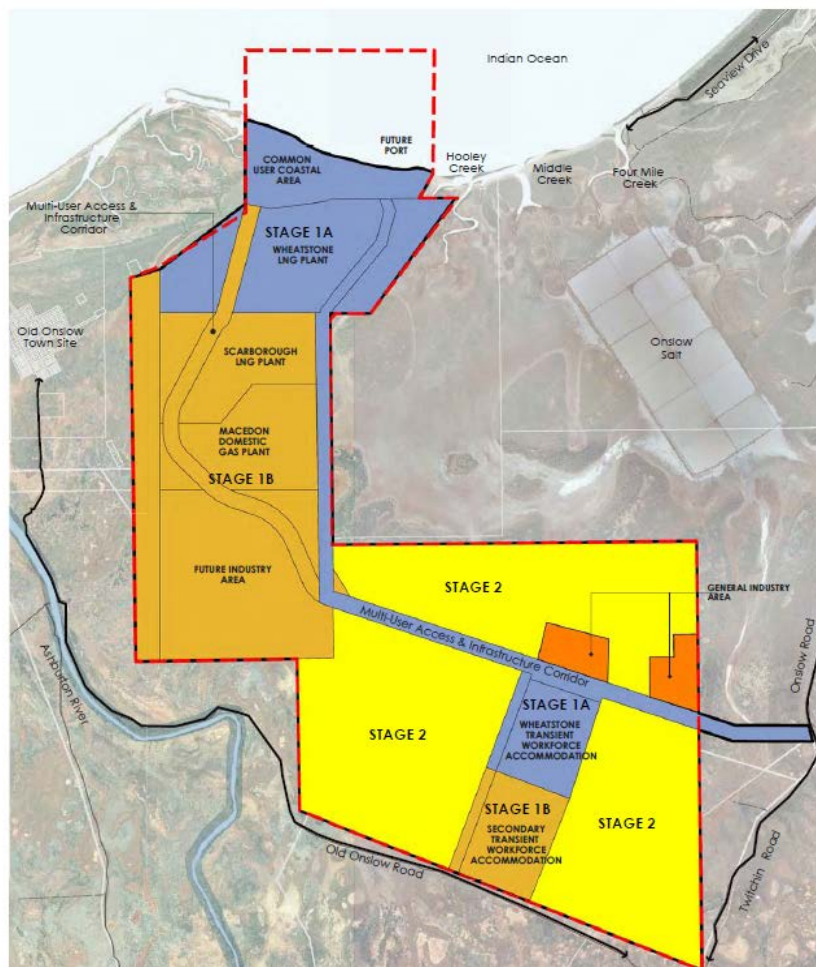
AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

In principle, no objection is offered to formally investigating with the Department of State Development and LandCorp (along with other users as suggested by these agencies) in relation to establishing an Agreement under Clause 3.2.4 of the Scheme.

Background

The Ashburton North Strategic Industrial Area (ANSIA) has been established to provide sites for Liquefied Natural Gas (LNG) development, hydrocarbon industry, port/Common User Coastal Area (CUCA) area, Multi User Access and Infrastructure Corridor (MUAIC), Transient Workers Accommodation (TWA) site and general industry.

The MUAIC system is designed to accommodate the various requirements for transport and transmission of utilities/products within the ANSIA. The corridors will allow transportation and connectivity between the industries, joint or shared operations, and will provide unencumbered access/ connectivity to the Port/CUCA.



The eastern MUAIC will provide the primary road artery connecting all of the industrial uses with the Port/CUCA facilities, the TWA, and the regional road network. The eastern MUAIC is approximately 300m in width (reducing to approximately 210m at the southern boundary of the Wheatstone site).

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

This eastern corridor will be created by the Foundation Proponent. The eastern MUAIC dividing Wheatstone reduces to 210 m, as agreed with the State. The corridor will provide for the provision of planned and future access, both of vehicles and infrastructure, for the medium to long term development in the ANSIA.

In addition to the eastern MUAIC, there is also unencumbered access to the Port via a western MUAIC that will provide future access to the Port in response to further development of the ANSIA. The future western MUAIC is proposed to be 300m in width.

The secondary western MUAIC (300m) will ultimately be designed to serve a similar function as the eastern MUAIC, although its primary purpose is to provide an alternative connection, by road and for other utilities, between the gas producers, future industrial uses and the Port/CUCA. This corridor will not be created in the first development stage; it will be created at a future stage of development, as and when demand necessitates.

The eastern MUAIC is reserved under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') as 'Other Purposes – Infrastructure' reserve. Essentially, works within the reserve for non-government operatives (i.e. Chevron) require planning approval under CI 3.2.3 as follows:

"The erection, construction, major improvement or alterations to infrastructure, within the infrastructure reserve, require the planning approval of Local Government."

However, CI 3.2.4 of the Scheme provides an alternative to planning approval by way of an agreement with the Shire and 'operators' within the reserve:

"3.2.4 The requirement for planning approval in subclause 3.2.3 may be extinguished if development is in accordance with a Local Government endorsed agreement between operators of infrastructure within the reserve."

Proposal

Chevron Australia Pty Ltd is seeking to streamline its statutory planning obligations for the Wheatstone LNG project and in particular, works within the eastern MUAIC.

ATTACHMENT 13.1

Chevron is seeking an agreement under CI 3.2.4. In this regard, if acceptable to LandCorp and other users as identified by LandCorp, there could be an agreement with the key agencies, Chevron and the Shire as to the types of infrastructure to be placed in the corridor. In this regard, LandCorp would be responsible for determining the exact alignments for that infrastructure.

Chevron advise:

"Chevron has and continues to work closely with the Authorities responsible for the MUAIC (LandCorp, Department of Regional Development and Lands, Department of State Development and Dampier Port Authority) in planning the location and alignment of both our temporary and permanent infrastructure. We believe this rigorous process provides the necessary consultation and approval for Chevron infrastructure in the MUAIC and therefore are seeking the exemption under Clause 3.2.4."

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Comment

The Shire administration contacted Land Corp and Dampier Port Authority (DPA) staff in August 2012 to determine interest in the proposal. Essentially, no objection was provided by LandCorp and advice from DPA that as it would not be an operator within the MUAIC, it considered that it would not need to be a signatory to such an agreement.

Essentially Council would need to determine whether a planning application within the MUAIC adds benefit to the process of establishing the MUAIC.

In principle, no objection is offered to formally investigating with the Department of State Development and LandCorp (along with other users as suggested by these agencies) in relation to establishing an Agreement under Clause 3.2.4 of the Scheme.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Statutory Environment

Planning and Development Act

Shire of Ashburton Local Planning Scheme No. 7 ('Scheme')

Financial Implications

Should the Agreement be established, no planning approvals would be required for works within the MUAIC. Due to the nature of the works, the anticipated fee would be the maximum planning fee payable under the Planning and Development Regulations 2009 (\$32,185).

It is unlikely that the Shire could require a fee under the Planning and Development Regulations 2009 (or the Local Government Act) although it could seek to recoup costs for the Agreement. Accordingly, should the Agreement be entered into, the Shire would essentially waive any fees that it would have otherwise received through the planning process.

Strategic Implications

The new Strategic Industrial Area at Ashburton North will have significant impact upon the Shire and in particular, the strategic direction for Onslow.

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

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Recommendation

That Council:

1. Advise Chevron Australia Pty Ltd that with respect to correspondence dated 5 March 2013 seeking exemption from planning approval for Wheatstone projects works within the Multi User Access and Infrastructure Corridor (MUAIC) under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') (ATTACHMENT 13.1) That Council:
 - a) Is prepared to investigate with the Department of State Development and LandCorp (along with other users as suggested by these agencies) in relation to establishing an Agreement under Clause 3.2.4 of the Scheme;
 - b) Require Chevron's written commitment that it will pay the costs of the Shire Administration in investigating and (if required by Council) preparation of any Agreement.
2. Request the A/Chief Executive Officer to provide Council with a further Report once the outcomes to 1. above have been established.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.2 APPLICATION FOR PROSPECTING LICENCES 47/1326 & 47/1327 - HAMERSLEY IRON PTY LTD WITHIN THE TOM PRICE TOWNSITE

FILE REFERENCE:	RD.MI.03.00
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Hamersley Iron Pty Ltd and Department of Mines and Petroleum
DATE REPORT WRITTEN:	24 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire is in receipt of application under the Mining Act 1978 for Prospecting Licences 47/1326 and 47/1327 from Hamersley Iron Pty Ltd within the Tom Price Townsite.

Under Sections 23 to 26 of the Mining Act 1978 mining may be carried out on certain classes of land with the written consent of the Hon Minister for Mines and Petroleum. In respect to town sites, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the local municipality and the Minister for Planning and Infrastructure before he can grant consent to mine.

The Department of Mines and Petroleum advise that any approval will have the following endorsement and condition imposed upon the above tenements:

“Endorsement: The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land.

Condition: Access to the surface of land within Tom Price Townsite for exploration purposes being subject to the approval of the local Authority or relevant reserve vestees, and exploration activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Director, Environment, DMP.”

Both applications are considered to in keeping with the operation of the Tom Price mine which is strategically important to the development and operation of Tom Price. Importantly, the applications are reasonably removed from sensitive land uses such as residential development, hospitals, schools etc.

Accordingly no objection is offered to the approval of applications for Prospecting Licence 47/1326 and 47/1327.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013



Representation of Prospecting Licences 47/1326 and 47/1327 over Aerial Photo – Courtesy Google maps

The Department of Mines and Petroleum advise that any approval will have the following endorsement and condition imposed upon the above tenements:

“Endorsement: The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land.

Condition: Access to the surface of land within Tom Price Townsite for exploration purposes being subject to the approval of the local Authority or relevant reserve vestees, and exploration activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Director, Environment, DMP.”

Comment

Both applications are considered to be in keeping with the operation of the Tom Price mine which is strategically important to the development and operation of Tom Price. Importantly, the applications are reasonably removed from sensitive land uses such as residential development, hospitals, schools etc.

Accordingly no objection is offered to the approval of applications for Prospecting Licences 47/1326 and 47/1327.

Consultation

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

Statutory Environment

Planning and Development Act 2005
Mining Act 1978

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Financial Implications

There are no financial implications relevant to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 03 - Unique Heritage and Environment
Objective 01 - Flourishing Natural Environments
Objective 02 - Leading Regional Sustainability
Objective 03 - Celebration of History and Heritage

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

Recommendation

That Council:

1. With respect to applications for Prospecting Licences 47/1326 and 47/1327 advise the Department of Mines and Petroleum that Council has no objection to:
 - a) the issue of Prospecting Licences 47/1326 and 47/1327; and
 - b) supports the inclusion of the following endorsement and condition on any approval:

“Endorsement: The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land.

Condition: Access to the surface of land within Tom Price Townsite for exploration purposes being subject to the approval of the local Authority or relevant reserve vestees, and exploration activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Director, Environment, DMP.”

Author: Rob Paul	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.3 REQUEST FOR PURCHASE AND AMALGAMATION OF PORTION OF LEASE 1213357 (LOT 30) AND LEASE K560303 (LOT 500) INTO FREEHOLD LOT 72 - METTAWANDY PLACE, PARABURDOO, SHIRE OF ASHBURTON

FILE REFERENCE:	PA.MW.500
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/ RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	20 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Department of Regional Development and Lands (RDL) is seeking comment from the Shire with respect to the potential sale of portions of Leasehold Lots 30 and 500 by amalgamation into adjoining freehold Lot 72 Mettawandy Place, Paraburdoo. Lot 72 is established for transport depot, warehouse and light industrial use with Lot 500 essentially informal storage. Both Lot 72 and Lot 500 is zoned 'Industry' under the Shire of Ashburton Local Planning Scheme where such use can be approved by the local government.

Portion of Lot 30 is already being used for informal storage and for transport depot with some apparent light industrial use. However Lot 30 is zoned 'Rural' where light industrial use is prohibited while transport depot and warehouse are discretionary.

Whilst there is no objection in principle to the sale and amalgamation as described, the land should be one predominant zone – which should be 'Industry'. This will provide clarity for both the purchaser and the Shire in addressing permissible land use and operations.

Background

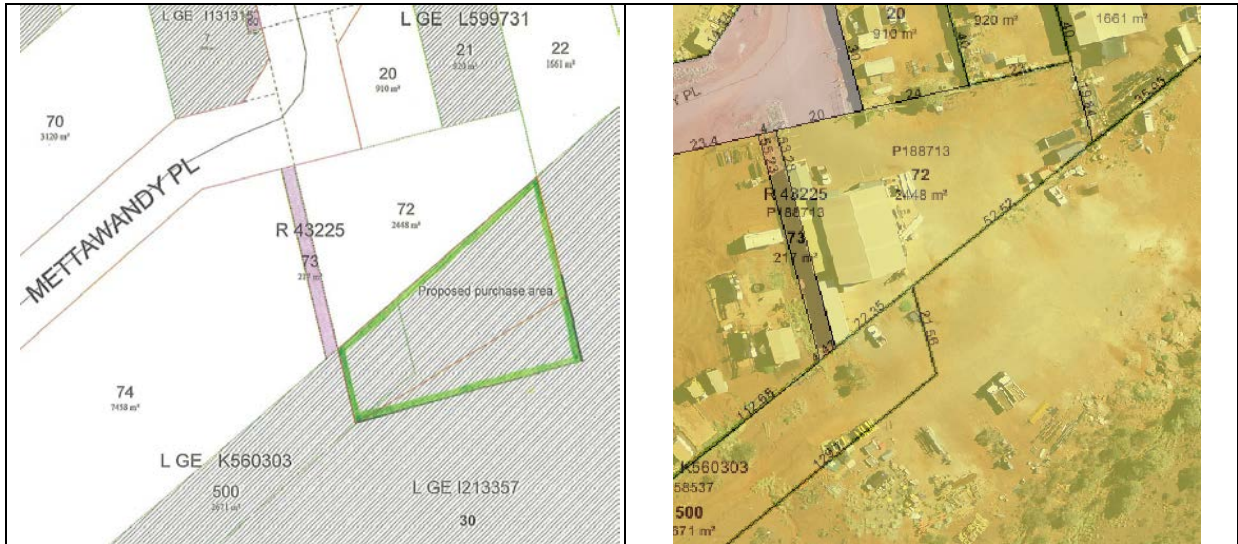
The Department of Regional Development and Lands (RDL) is seeking comment from the Shire with respect to the potential sale of portions of Leasehold Lots 30 and 500 by amalgamation into adjoining freehold Lot 72 Mettawandy Place, Paraburdoo.

Lot 72 is established for transport depot, warehouse and light industrial use with Lot 500 essentially informal storage. Portion of Lot 30 is already being used for informal storage and for transport depot with some apparent light industrial use.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

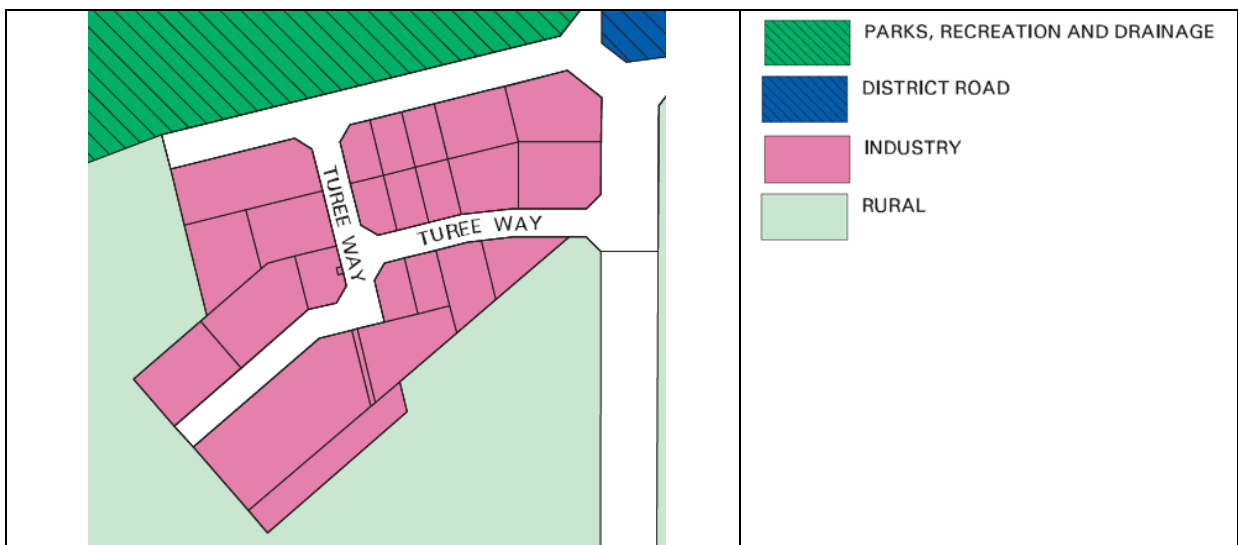
RDL advise:

“The land, known as portions of Lot 30 on Deposited Plan 241590 and Lot 500 on Deposited Plan 58537 is shown bordered green on the enclosed plan”.



Comment

Both Lot 72 and Lot 500 are zoned 'Industry' under the Shire of Ashburton Local Planning Scheme No 7 ('Scheme') where such use can be approved by the local government.



Lot 30 is zoned 'Rural' where light industrial use is prohibited however transport depot and warehouse is discretionary. No planning approvals have been sought or issued over Lot 30.

Whilst there is no objection in principal to the sale and amalgamation as described, the land should be one predominant zone – which will be 'Industry'. This will provide clarity for both the purchaser and the Shire in addressing permissible land use and operations. In addition, as land owner, RDL should ensure that the necessary approvals over Lots 30 and 500 are in place – irrespective of the sale of land.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Conclusions

Accordingly, RDL should be advised that Lot 500 and portion Lot 30 are currently being used for informal storage and for transport depot purposes that appear to be unauthorised by the Shire and which should be the subject of a planning approval.

In relation to the position of the Shire to the potential sale of portions of Lots 30 and 500 by amalgamation into adjoining freehold Lot 72 Mettawandy Place, Paraburdoo, the Administration considers that the land should be one predominant zone - which should be 'Industry'. This will provide clarity for both the purchaser and the Shire in addressing permissible land use and operations. Lot 30 should be the subject of rezoning to 'Industry' prior to the finalisation of any sale, and the recommendation contains a requirement to do so.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Statutory Environment

Planning and Development Act

Shire of Ashburton Local Planning Scheme No. 7

Land Administration Act

Financial Implications

There are no financial implications.

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Community Goals

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Recommendation

That Council:

1. With respect to the respect to the potential sale of portions of Lots 30 and 500 by amalgamation into adjoining freehold Lot 72 Mettawandy Place, Paraburdoo, advise the Department of Regional Development and Lands (RDL) that:
 - a) Lot 500 and portion Lot 30 are currently being used for informal storage and for transport depot purposes that appear to be unauthorised by the Shire and which should be the subject of a planning approval. RDL should ensure that the necessary approvals over Lots 30 and 500 are in place – irrespective of the sale of land.
 - a) The Shire has no objection to the sale of the land subject to the rezoning of this land to 'Industry'. This will provide clarity for both the purchaser and the Shire in addressing permissible land use and operations. Lot 30 should be the subject of rezoning to 'Industry' prior to the finalisation of any sale.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.4 FURTHER REQUEST FROM CHEVRON FOR THE CLOSURE OF COMMUNITY ACCESS TO HOOLEY CREEK VIA LAND

FILE REFERENCE:	PS.TP.7.10
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Chevron Australia Pty Ltd
DATE REPORT WRITTEN:	23 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.1, Minute No. 11356 Ordinary Meeting of Council 21 November 2012 Agenda Item 13.4, Minute No. 11286 Ordinary Meeting of Council 19 September 2012 Agenda Item 13.6, Minute No. 11227 Ordinary Meeting of Council 20 June 2012 Agenda Item 16.1, Minute No. 11164 Ordinary Meeting of Council 18 April 2012

Summary

The Onslow community currently has access to a coastal site near the mouth of Hooley Creek which is accessed by traversing existing tracks in the south eastern corner of Urala Station. The Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), Ashburton North Strategic Industrial Area Structure Plan (ANSIA Structure Plan) and Wheatstone Development Plan include provisions that require an equivalent access to the coast in the event of the current informal access to Hooley Creek not being available due to development in the ANSIA.

The community of Onslow has agreed that the alternate access would be at Secret Creek. The State's lead agency for Ashburton North (Department of State Development) has been seeking to achieve unfettered community access to Secret Creek for over 8 months. However, the access arrangements are still to be secured.

Chevron has made several attempts to influence the State and the Shire to close access to Hooley Creek prior to the establishment of an alternate community access to the coast. Previous attempts have not been supported by either the Council or the Shire Administration on the basis that closure before the provision of alternate access would not be keeping with the statutory planning processes and would not keep faith with the community and visitors of Onslow.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Chevron has again sought the 'temporary' closure of access to Hooley Creek based on public safety and a safe workplace. However, the nature of the closure is unlimited and has the effect of permanent closure. Although the Shire Administration has some sympathy to Chevron's position in seeking to secure the closure of the land based access to Hooley Creek, the Shire needs to be cognisant of commitments Council and Chevron have made to the Onslow community to keep land access open to Hooley Creek until unfettered access to Secret Creek is available.

The responsibility for public safety and a safe workplace at the Wheatstone site is Chevron's. Importantly, Chevron has been aware of the requirement to maintain Hooley Creek land access from the outset of planning for the Wheatstone Project.

It is recommended that Council again decline to accept the closure of Hooley Creek until the alternate access to Secret Creek is secured.

Background

The community currently has access to a coastal site near the mouth of Hooley Creek which is accessed by traversing existing tracks in the south eastern corner of Urala Station.

The Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), Ashburton North Strategic Industrial Area Structure Plan (ANSIA Structure Plan) and Wheatstone Development Plan all include provisions that require an equivalent access to the coast in the event of the current informal access to Hooley Creek not being available due to development in the ANSIA. These provisions take the following forms;

Scheme provision:

"APPENDIX 11 ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA (ANSIA)

9. *When considering a request to initiate rezoning of land within the ANSIA to "Strategic Industry" or other zone or reservation identified within the ANSIA Structure Plan, the local government shall only initiate an Amendment when it is satisfied that the proponent has prepared a structure plan dealing with the following matters:*

r) Should Hooley's Creek be unavailable for the community to freely access, suitable alternative arrangements providing unlimited community access to the coast shall be determined;"

ANSIA Structure Plan:

"8 Alternatives to Hooley Creek

Prior to the issue of any Planning Approval that, as a result such approval limits community access to Hooley Creek and/or approval of a Development Plan(s), the Department of State Development will provide evidence to the Shire that unlimited community access to the coast at a site similar to Hooley Creek has been established to the satisfaction of the Shire. Such evidence shall demonstrate consultation with the community regarding coastal access during the advertising of the ANSIA Structure Plan."

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Wheatstone Development Plan:

"10 Hooley Creek

Prior to the approval of any development and/or any subdivision that, as a result such approval, limits community access to Hooleys Creek and/or approval of a development plan(s), the Department of State Development (DSD) will provide evidence to the Shire that unlimited community access to the coast at a site similar to Hooley Creek has been established to the satisfaction of the Shire. Such evidence shall demonstrate consultation with the community regarding coastal access during the advertising of the ANSIA Structure Plan."

February 2012

At the Council meeting of February 2012, Council addressed the "Chevron Development Plan" where it also addressed the issue of access to an alternative to Hooley Creek. Council's resolution in relation to Hooley Creek was as follows:

"2. Request the Chief Executive Officer to:

- c) write to the Department of State Development seeking an update as to the progress of alternatives to Hooley Creek."*

April 2012

At the 18 April 2012 Council meeting, Council resolved as follows:

- "a) Thank DSD for its correspondence and efforts in pursuing an alternative to Hooley Creek.*
- b) That Council is not in a position to comment on the suitability of the western banks of the Ashburton River and to Secret Creek as an alternative to Hooley Creek until DSD completes its community consultation with the broader Onslow community.*
- c) Invites DSD to inform Council on the outcomes of the further community consultation.*
- d) Until the views of the community are established and (assuming the site location is confirmed) unfettered access is confirmed, the Shire is unable to determine whether the Scheme and Structure Plan provisions associate with an alternative to Hooley Creek has been complied. Until this is undertaken, it is not be possible for the Shire to accept closure of community access to Hooley Creek.*
- e) That Council is not willing to accept any cost in relation to establishing an alternative to Hooley Creek. In this regard, it is considered that either the State or Chevron Australia should be responsible for any costs associated with achieving and developing unfettered access to the alternative site."*

June 2012

At the 20 June 2012 Council meeting, a response from DSD with respect to the above Council resolution was presented. Council, at the 20 June 2012 meeting, resolved as follows:

"1) With respect to correspondence received from the Department of State Development (DSD) dated 30 May 2012 in relation to its efforts in determining an alternative to Hooley Creek, request the Chief Executive Officer to advise DSD as follows:

- a) Thank DSD for its correspondence and efforts in pursuing an alternative to Hooley Creek noting that through DSD's consultation the community of*

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Onslow has identified Secret Creek as an acceptable alternative to Hooley Creek.

- b) Advise DSD that in her role as a Councillor, the informal consultation undertaken by the Shire President with the local community, has revealed that Secret Creek is not considered by the Onslow community as an alternative to Hooley Creek, as the community has been provided the same informal access to Secret Creek as Hooley Creek for a number of years. The denial of access to Hooley Creek is a lost recreation asset for the community of Onslow.*
- c) In order to further the development at the Ashburton North Strategic Industrial Area, that Council is willing to support DSD in its efforts to achieve unfettered access to Secret Creek and once this is achieved, Council will support the closure of vehicle access to Hooley Creek subject to the State and Chevron accepting all necessary establishment costs.*

After construction of the road and establishment of a 'road reserve', the Shire will accept responsibility for maintenance of the road.

However, the consultation undertaken by the Shire President with the Onslow community reveals a strong desire to achieve a larger recreation area for the current and expanded Onslow community. In this regard, upon the review of Pastoral Leases in 2015, the Council is likely to seek to have the Uralla Pastoral Lease modified to ensure unfettered community access to Secret Creek and other coastal areas (potentially to Locker Point, depending upon consultation with the community). DSD is requested to assist the Council in its efforts to achieve such access for the community.

- d) Write to BHPB in relation to 1c) above requesting a meeting with relevant BHPB representatives, DSD, the Shire President and the Chief Executive Officer to further discuss community access to the coast.*
- e) Remind DSD that Council is not willing to accept any cost in relation to establishing access to Secret Creek.*
- f) That the Shire will make DSD's correspondence of 30 May 2012 available on the Shire's Website and will be published in the Onslow Times newspaper.*

That the Chief Executive Officer provides BHPB, Chevron Australia and Dampier Port Authority with a copy of DSD's correspondence of 30 May 2012 and Shire's correspondence to DSD."

September 2012

Council, at the 19 September 2012 Ordinary meeting, resolved as follows:

"That Council:

- 1. Determine that as the preferred access to Secret Creek is for community recreation and tourist purposes, a public access route (PAR) pursuant to Section 64 of the Land Administration Act 1997 is considered to be the most appropriate form of access.*

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

2. *Request the Chief Executive Officer to provide the Department of State Development (DSD) with a copy of the Shire report and advise DSD of 1. above.*

November 2012

Council at the 16 November 2012 Ordinary meeting was advised that DSD had responded to the Council's resolution by advising that its preference is to:

"... closely align the actions of the declaration of the PAR and the Shire acceptance of the Department meeting the requirements of Condition 8 of the Ashburton North Strategic Industrial Area Structure Plan (the Hooley Creek condition).

It is the Department's view that upon the declaration of the PAR, the Department has satisfied Condition 8.

Given the expected PAR declaration in December, the date of the last Council meeting for this year on 12 December, and a gap in the new-year before the next Council meeting, would the Council please give consideration to delegating the necessary authority to the Shire's Chief Executive Officer with the effect that upon the declaration of the PAR, the Shire accepts the Department has met its responsibilities in regard to condition 8 and the track to Hooley Creek can be closed."

Council agreed that establishment of the PAR from Old Onslow Road through to Secret Creek would achieve the requirements of the Scheme, *Structure Plan* and *Development Plan* and resolved as follows:

- "1. Subject to the following conditions, the Chief Executive Office is authorised to determine that Clause 9 (r) of Appendix 11 to the Shire of Ashburton Local Planning Scheme No. 7, condition 8 of the Ashburton North Strategic Industrial Area Structure Plan and condition 10 of the Wheatstone Development Plan are 'cleared' where the Shire is informed in writing that the:*
 - a) Department of State Development accepts responsibility for any costs incurred by the Shire for the establishment of the public access route from the fenced boundary of Urala Station through to Secret Creek for community recreation and tourist purposes; and*
 - b) Public access route has been declared and available for public access pursuant to relevant provisions of the Land Administration Act 1997."*

December 2012

On 19 December 2012, Chevron wrote to the Shire Administration requesting the Chief Executive Officer to 'temporarily' close community access by land to Hooley Creek through the Wheatstone Project. However, it was clear from the request that should the request be accepted it would result in the total closure of land access to Hooley Creek. From the Chevron correspondence, Chevron was not anticipating re-opening Hooley Creek for land access.

On 20 December 2012, the Chief Executive Officer wrote to Chevron declining to accede to the request from Chevron.

ATTACHMENT 13.4A

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

January 2013

By correspondence dated 11 January 2013, Chevron again requested the Chief Executive Officer to 'temporarily' close community access by land to Hooley Creek through the Wheatstone Project. This correspondence is yet to be responded.

January 2013

By Email on 23 January 2013, the Shire was advised by DSD that when the advertising period for the PAR closed in December 2012 there was one objection received. The DSD officer advised:

"Notwithstanding earlier advice from RDL that the only entity entitled to object to a PAR declaration is the pastoral lease holder, in December, RDL required DSD to obtain legal advice about Native Title Act future act consequences before the PAR declaration could be finalised.

Preliminary advice received from the State Solicitor's Office suggests that it is desirable to obtain the consent" (of the objector).

DSD had written to the objector outlining what the PAR involves and requesting the objector's consent. The Shire is not aware of any further update on the matter.

March 2013

By correspondence dated 20 March 2013, Chevron has again requested the Chief Executive Officer to 'temporarily' close community access by land to Hooley Creek through the Wheatstone Project. This correspondence is yet to be responded.

ATTACHMENT 13.4B

Comment

The community of Onslow has agreed that the alternate access would be at Secret Creek. As the State's lead agency for Ashburton North, DSD has been seeking to achieve unfettered community access to Secret Creek for over 8 months. However, the access arrangements are still to be secured.

Chevron has made strenuous and continuous attempts to influence the State and the Shire to close access to Hooley Creek prior to the establishment of an alternate community access to the coast.

Previous attempts have not been supported by either the Council or the Shire Administration on the basis that closure before the provision of alternate access would not be keeping with the statutory planning processes and would not keep faith with the community and visitors of Onslow.

Chevron has again sought the 'temporary' closure of access to Hooley Creek based on public safety and a safe workplace. However, the nature of the closure is unlimited and has the effect of permanent closure. Although the Shire Administration has some sympathy to Chevron's position in seeking to secure the closure of the land based access to Hooley Creek, the Shire needs to be cognisant of commitments Council and Chevron have made to the Onslow community to keep land access open to Hooley Creek until unfettered access to Secret Creek is available.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

The responsibility for public safety and a safe workplace at the Wheatstone site is Chevron's. Importantly, Chevron has been aware of the requirement to maintain Hooley Creek land access from the outset of planning for the Wheatstone Project. If as suggested by Chevron that the community and workers at the Wheatstone project be 'at risk', then it is incumbent on Chevron to cease operations on that component of the project until the site is safe.

It is recommended that Council again decline to accept the closure of Hooley Creek until the alternate access to Secret Creek is secured. In addition, it is appropriate for Council to again request DSD to strenuously pursue the PAR for Secret Creek.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Statutory Environment

Planning and Development Act

Shire of Ashburton Local Planning Scheme No. 7 ('Scheme')

Land Administration Act

Financial Implications

There are no financial implications relevant to this matter.

Strategic Implications

A new Strategic Industrial Area at Ashburton North will have significant impact upon the Shire and in particular, the strategic direction for Onslow. The Shire supports the direction of the Federal and State governments.

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

Recommendation

That Council:

1. Advise Chevron Australia Pty Ltd that with respect to correspondence dated 20 March 2013 seeking consent to temporarily close community access to Hooley Creek, that the request is declined for the same reasons as provided in the A/Chief Executive Officer's correspondence to Chevron dated 20 December 2013 (**ATTACHMENT 13.4B**)
2. Request the Department of State Development (DSD) to strenuously pursue the Public Access Route for Secret Creek in order to allow community land access to Hooley Creek to be closed.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.5 EXTENSION OF ADOPTION PERIOD - LOCAL PLANNING POLICY - ONSLOW INTERIM TOWN CENTRE DESIGN GUIDELINES

FILE REFERENCE: PS.DV.21.00

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

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 20 March 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.12, (Minute No: 11122) Ordinary Meeting of Council 15 February 2012
Agenda Item 13.4, (Minute No: 11031) Ordinary Meeting of Council 21 September 2011

Summary

At Council meeting of 15 February 2012, Council resolved to adopt the Local Planning Policy 'Onslow Interim Town Centre Design Guidelines' (LPP) to facilitate a high standard of sustainable built form and high quality aesthetics within the Onslow Town Centre. The LPP has been used in considering a number of planning applications within the Onslow townsite area.

The intent of the LPP was that it would be for an initial 12 month period to enable it to be reviewed in light of its usefulness and input into the design of buildings in Onslow.

It is considered that the LPP does serve a useful purpose and provide guidance for Council, applicants, the community and the Pilbara Development Assessment Panels in planning applications.

It is recommended that LPP be adopted for a further two year period and then further reviewed.

Background

Between 26-28 July 2011 the Shire hosted a LandCorp inspired 'enquiry by design' process (also referred to as a 'Charette') in Onslow. Several land planning and design workshops and focus groups sessions were undertaken to explore potential developments including residential expansion, parks and recreation and development issues in the town centre.

One of the clear outcomes from the 'Charette' was the need for design guidelines for the land in Onslow zoned 'Commercial and Civic' under the Scheme.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

At Council meeting of 21 September 2011, Council resolved to adopt for community consultation, draft *'Local Planning Policy Onslow Interim Town Centre Design Guidelines'* (*LPP*) The draft *LPP* was referred to land owners in the 'Commercial and Civic' zone as well as published in the Pilbara News (twice) along with notification at the Shire offices and on the Shire Website. One submission was received during the advertising period.

At Council meeting of 15 February 2012, Council resolved to adopt the *LPP*. The guidelines associated with the *LPP* are designed to facilitate a high standard of sustainable built form and high quality aesthetics within the Onslow Town Centre that correspond to the local Onslow character. A number of these objectives have been drawn directly from the Onslow Townsite Strategy to ensure consistency with Council policy.

The *LPP* seeks to ensure the following objectives are met:

"That the town centre:

- 1. Is a flood-mitigated commercial, civic and mixed use centre;*
- 2. Is vibrant and lively and has a character that melds the old with the new;*
- 3. Offers opportunities for a range of commercial, civic, residential, mixed use and tourism activities;*
- 4. Is accessible and well connected to neighbouring residential areas;*
- 5. Connects with the beachfront and maximises ocean vistas;*
- 6. Encourages buildings that are commensurate with the scale of existing Onslow buildings;*
- 7. Ensures designs respond to the identified character themes for Onslow;*
- 8. Incorporates larger developments that are composed of a combination and aggregation of smaller scaled elements and as groups of separate buildings.*
- 9. Buildings are not expressed as a large single mass with long, unbroken horizontal elements, large wall planes, continuous rooflines, balconies, materials and colours;*
- 10. Building massing has a vertical rhythm with regular vertical design elements, scaled to respond to the scale of existing Onslow buildings. This includes separating building forms with spaces between buildings;*
- 11. Roof forms are visible and pitched to create a varied skyline; and.*
- 12. Upper level floors of buildings are reduced in size from floors below and are treated to reduce their visual impact."*

The purpose of the *LPP* is to ensure that the character of Onslow's built form is reflected in any future growth of the Town Centre. . A copy of the policy is attached

ATTACHMENT 13.5

At the time of the adoption by Council, the intent of the *LPP* was that it would be an assessment process for an initial 12 month period to enable the *LLP* to be reviewed in light of its usefulness and input into the design of buildings in Onslow. The initial period has expired and Council needs to determine whether the *LPP* should be retained or abandoned.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Comment

The preparation and adoption of design guidelines for development within the Town Centre is still a priority. More specifically, it acknowledges the pressures of growth are managed and that community expectations are met.

The process of assessment of an application is that the Shire initially considers an application under the provisions of the *LPP* and assesses whether the design requires an architectural review.

Where this is the case, the application and plans are referred to TPG Urban Design and Town Planning consultants (who prepared the Guidelines associated with the *LPP*) and who assess the application in light of the Guidelines and recommend (if necessary) where improvements are required. This process has been carried out in relation to five planning applications (two of which will soon be determined by the Pilbara JDAP) and in the three already considered, resulted in modifications that have in the opinion of the Shire administration, improved the overall design and characteristics of the Planning Approval.

Conclusions

It is considered that the *LPP* serves a very useful purpose and provides guidance for Council, applicants, the community and the Pilbara Development Assessment Panels in ensuring planning applications address the character of Onslow's built form.

It is recommended that *LPP* be adopted for a further two year period and then further reviewed.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Statutory Environment

Planning and Development Act

Shire of Ashburton Local Planning Scheme No.7

Financial Implications

There are some financial implications relative to this issue however the costs are generally covered from the fees associated with the respective planning application. In assessing an application under the *LPP*, the Shire Administration would engage TPG Urban Design and Town Planning consultants on a two-step basis:

1. The Shire requests an informal response (not a report), that it considers when assessing the application. The Shire would not make the report available to any other party. Typically the cost is \$500.
2. The Shire requests formal report, usually where the Shire has clear concerns and where the application is subject to a DAP application or SAT application. This would be at a negotiated price although the Shire notes that disbursements may be necessary if requested to attend the DAP. Any contact with the applicant would be first approved by the Shire.

Should any application lead to a SAT hearing, additional arrangements would be made with TPG.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

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 Onslow Interim Town Centre Design Guidelines*' establishes the design policy and criteria for development in the Onslow Town Centre. Without the *LPP* there would be no clear and consistent policy for the Shire, the community, developers or the Pilbara JDAP.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Resolve that no modification to the adopted *Local Planning Policy Onslow Interim Town Centre Design Guidelines*' be made.
2. Adopt '*Local Planning Policy Onslow Interim Town Centre Design Guidelines*' (**ATTACHMENT 13.5**) as Local Planning Policy under the provisions of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').
3. Give the public notice of Council's decision (2. above) as is required by the Scheme.
4. Request the A/Chief Executive Officer to monitor *Local Planning Policy Onslow Interim Town Centre Design Guidelines*' and report back to Council on or before April 2015 concerning the implementation of the *Policy*.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.6 PROPOSAL TO FREEHOLD RESERVE 40617 BEING LOT 244 ON DEPOSITED PLAN 91689, FORTESCUE - SHIRE OF ASHBURTON

FILE REFERENCE:	NP.MLSM
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	20 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Department of Regional Development and Lands (RDL) is seeking the views of the Shire with respect to a request from the Ngurrawaana Group Aboriginal Corporation to freehold Reserve 40617.

Reserve 40617 has an area of 200ha and is currently held under management order since 2004 for the purpose of "Use and Benefit of Aboriginal Inhabitants" with power to lease for any term, subject to the consent of the Minister for Lands by the Ngurrawaana Group Aboriginal Corporation.

There is no public access to the site. Accordingly, the land is not connected to a road reserve with the only clear means of access being via a Water Corp access track and an informal track to the settlement. This does raise concern to the Shire that should the land be freeholded, then the Shire may in some way become responsible for road access.

The Department of Planning manages the Planning for Aboriginal Communities Program on behalf of the WAPC, in partnership with the Department of Housing. The Program provides a town planning service to Aboriginal communities in WA, in accordance with State Planning Policy No.3.2 – Aboriginal Settlements.

The Ngurawaana DRAFT Layout Plan No.1 was prepared in 2011 but has not yet endorsed by the community and exists only in draft format. The objectives of State Planning Policy No.3.2 – Aboriginal Settlements are:

- To provide for the recognition of Aboriginal settlements through local planning schemes and strategies.
- To collaboratively plan for the orderly and coordinated development of Aboriginal settlements.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

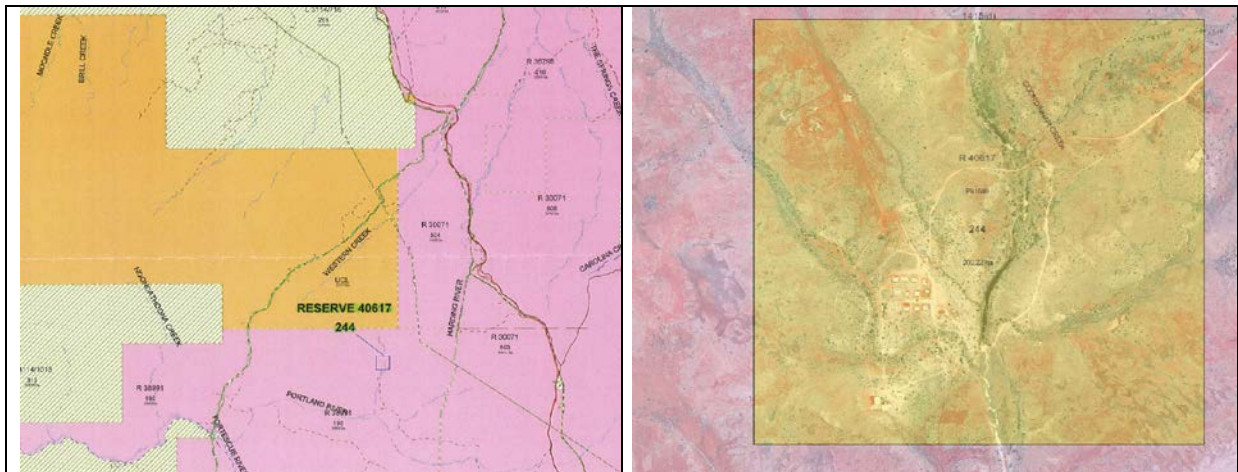
The Shire's Shire of Ashburton 10 Year Community Plan 2012-2022 commits the Shire to community development of aboriginal communities and therefore if the 'freeholding' of land is a means to achieve community benefit, then the principle at least should be supported.

Whilst the Shire Administration does not oppose the Reserve 40617 being freehold, it should not be undertaken where there is an expectation the Shire would resume responsibility for roads, rubbish and other infrastructure and community services beyond that are currently provided

It is also appropriate to advise RDL that the views of the Department of Planning be sought in relation to modifying land tenure for communities such as Ngurawaana.

Background

The Department of Regional Development and Lands (RDL) has received a request from the Ngurrawaana Group Aboriginal Corporation to freehold Reserve 40617.



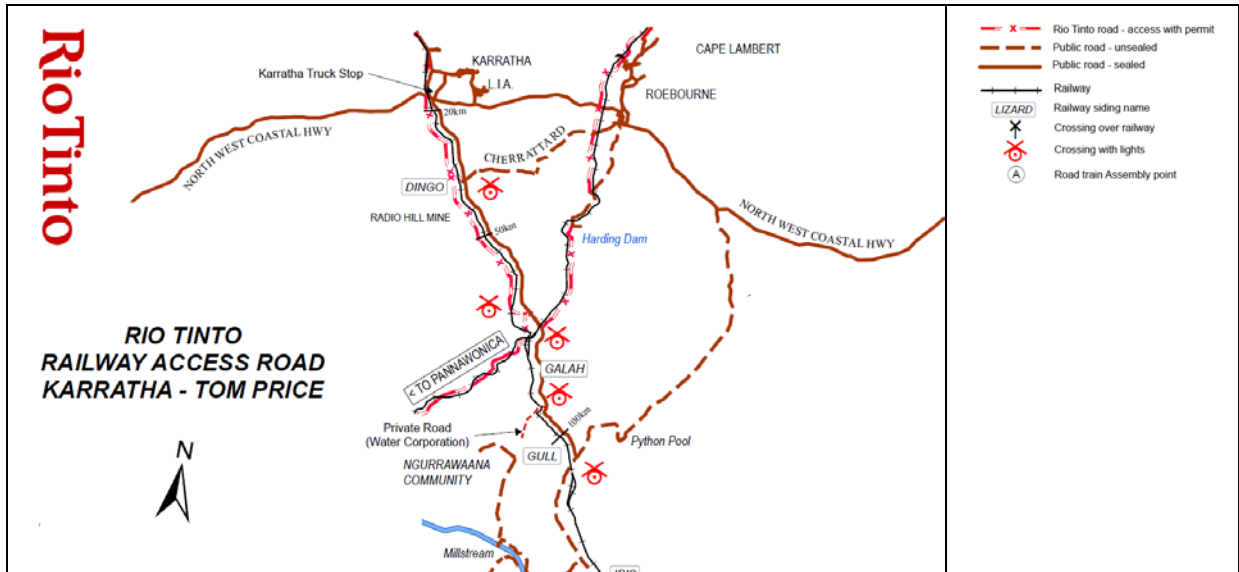
Source: RDL

Source: Landgate 2007

Reserve 40617, being Lot 244 on Deposited Plan 91689, has an area of 200ha and is currently held under management order since 2004 for the purpose of "Use and Benefit of Aboriginal Inhabitants" with power to lease for any term subject to the consent of the Minister for Lands by the Ngurrawaana Group Aboriginal Corporation. No advice has been provided to explain the reasons for the request to freehold the land.

It would appear that the land is not connected to a road reserve. Land access to the site is via a Water Corp access track and an informal track. The latter is of a particularly poor standard

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013



Source: RTIO 2012

RDL is seeking the views of the Shire with respect to the request.

The Department of Planning manages the Planning for Aboriginal Communities Program on behalf of the WAPC in partnership with the Department of Housing. The Program provides a town planning service to Aboriginal communities in WA, in accordance with State Planning Policy No.3.2 – Aboriginal Settlements. The Ngurawaana DRAFT Layout Plan No.1 was prepared in 2011 but has not yet endorsed by the community and exists only in draft format.

ATTACHMENT 13.6A

State Planning Policy 3.2 Aboriginal Settlements was published in the Government Gazette on 11 May 2011, revoking the first published version. The Policy defines Aboriginal settlement as being:

“a discrete place that is not contiguous with a gazetted town, is inhabited or intended to be inhabited wholly or principally by persons of Aboriginal descent, as defined under the Aboriginal Affairs Planning Authority Act 1972, and which has no less than 5 domestic dwellings and/or is supported by essential services that are provided by one or more state agency(s).”

ATTACHMENT 13.6B

The objectives of State Planning Policy No.3.2 – Aboriginal Settlements are:

- To provide for the recognition of Aboriginal settlements through local planning schemes and strategies.
- To collaboratively plan for the orderly and coordinated development of Aboriginal settlements.

Section 7.3 of the Policy states:

“If the WAPC considers that land tenure changes are required in order to implement an endorsed Layout Plan it may request that the Minister for Planning recommend that the Minister for Lands modify land tenure in accordance with that Layout Plan.”

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Comment

The lack of public access to the site raises concerns to the Shire in that should the land be freehold, then the Shire may in some way be responsible for road access. The resolution of this issue needs to form part of freeholding process.

Conclusions

The Shire's Shire of Ashburton 10 Year Community Plan 2012-2022 commits the Shire to community development of aboriginal communities and therefore if the 'freeholding' of land is a means to achieve community benefit, then the principle at least should be supported.

Whilst the Shire Administration does not oppose the Reserve 40617 being freehold, it should not be undertaken where there is an expectation the Shire would resume responsibility for roads, rubbish and other infrastructure and community services beyond that are currently provided.

It is also appropriate to advise RDL that the views of the Department of Planning be sought in relation to modifying land tenure for communities such as Ngurawaana.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Statutory Environment

Planning and Development Act

Shire of Ashburton Local Planning Scheme No.7

WAPC State Planning Policy 3.2

Financial Implications

The freeholding of the reserve may have some significant costs on the Shire, potentially in relation to the provision of road access, rubbish removal and community services.

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

"Our commitment to ABORIGINAL Australians:

The land comprising the Shire of Ashburton has been home to Aboriginal Australians for millennia. Sustained by bonds of kinship, language, culture and connection to the land, the local Aboriginal people have demonstrated autonomy and innovation in adapting to a harsh environment. Council acknowledges the first custodians of this region, the richness of their culture and the responsibility of all Australians to respect Aboriginal heritage.

The Shire of Ashburton is working actively to translate challenges to opportunities and to mitigate impacts where necessary. Some of this activity includes:

- *Proactively managing the changing responsibilities in the area of service provision to remote Aboriginal communities"* (page 12)

The proposed priorities for the next 10 years are outlined below and detailed in Appendix A.

- *Remote Aboriginal Communities facilities requirements*
 - *Upkeep of community infrastructure*

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

- *Upgrade basketball courts*
- *Shade structures*
- *Skate parks*
- *Access to playgroups, early learning and schools. (Page 23)*

(Extract from Appendix A)

ABORIGINAL COMMUNITIES

The following priorities were identified by participants during consultations with representatives from some Aboriginal communities. This list represents some but not all of the requirements most Aboriginal communities. Further engagement is planned to prepare for the transfer of Commonwealth Government Services.

Immediate Priorities

- *Additional housing and housing upgrades*
- *Reliable and daily transport to towns*
- *Access to playgroups, early learning and schools*
- *Respite housing*
- *Relevant training programs linked to employment*
- *Effective engagement with community leaders*
- *Leadership development*
- *Developing effective and responsive relationships with Aboriginal corporations, government, service providers and NGOs*
- *Community partnerships with the Shire*
- *Road maintenance*
- *Shade structures*
- *Upkeep of community infrastructure (basketball)*
- *Skate parks*

Other Requirements

- *Shire representation at Aboriginal corporation meetings*
- *Shire leadership in facilitating annual forums between service providers*
- *Enterprise development*
- *'Back to Country' Camps*
- *Projects to strengthen culture and language*
- *Women's, men's and youth programs*
- *Seating*
- *Water quality*
- *Recycling*
- *Signage*
- *Improved street lighting*
- *New airport/airstrip for Royal Flying Doctor Service (RFDS)*
- *RV dump"*

Community Goals

Goal 01 - Vibrant and Active Communities

Objective 03 - Connected, Caring and Engaged Communities

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Policy Implications

Whilst there is no local government policy, communities are addressed through State Planning Policy 3.2

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. With respect to the request from the Ngurrawaana Group Aboriginal Corporation to freehold Reserve 40617, the Department of Regional Development and Lands (RDL) be advised that:
 - a) Whilst the Shire of Ashburton does not oppose the Reserve 40617 being made freehold, it should not be undertaken where there is an expectation the Shire would resume responsibility for roads, rubbish and other infrastructure and community services beyond those that are currently provided; and
 - b) The views of the Department of Planning be sought in relation to modifying land tenure for communities such as Ngurawaana.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.7 EXTENSION OF ADOPTION PERIOD - PERCENT FOR PUBLIC ART LOCAL PLANNING POLICY

FILE REFERENCE:	OR.CM.01.00
AUTHOR'S NAME AND POSITION:	Rob Paull Shire's Town Planning Consultant
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	30 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.12.73 – Ordinary Meeting of Council 15 December 2010 Agenda Item 13.11.76 – Ordinary Meeting of Council 17 November 2009 Agenda Item 13.12.48 – Ordinary Meeting of Council 16 December 2008

Summary

At its Ordinary meeting of 16 December 2008, Council adopted the 'Local Planning Policy Percent for Public Art' (LPP) for final approval in accordance with the provisions of the Shire's Local Planning Scheme No. 7 ('Scheme'). It also resolved that the policy be reviewed 12 months later.

The LPP was reviewed at its Ordinary meeting of 17 November 2009 where Council resolved not to modify the Planning Policy but directed that a further report monitoring the Policy be provided to Council in 12 months. At Ordinary meeting of 15 December 2010 Council extended the LPP for a further two years.

Since its adoption three instances of the Policy implementation has been undertaken which included the Shire's multi-purpose community complex at Onslow. The intent is that commercial developments include public art as part of the overall proposal. It is open for developers to provided public art through a cash contribution to the Shire, however this has not been favoured by either the Shire (as a developer) or commercial applicants.

It is considered that the LLP serve a useful incentive for public art to be part of development proposals and it is recommended that LPP be adopted for a further two year period and then further reviewed.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Background

At its Ordinary meeting of December 2008, Council adopted *Local Planning Policy Percent for Art Local Planning Policy* ('LPP') with the objective of protecting and enhancing the amenity and identity of the public domain in Tom Price, Onslow, Paraburdoo, major commercial and community buildings, entry points, squares, foreshores and parks within the Shire of Ashburton through:

- promotion of civic, community and cultural identity by introducing public art which makes streets, open spaces and buildings more locally distinctive;
- enhancing a sense of place by encouraging public art forms which reinforce and highlight European and Indigenous history, cultural heritage and contemporary traditions;
- promotion of community reflection, inspiration, celebration and well being;
- improving visual amenity by use of public art to screen unattractive views and improve the appearance of places; and
- improving the functionality of the public domain through the use of public art to provide appropriate street furniture functions.

ATTACHMENT 13.7

Since its adoption three instances of the Policy implementation has been undertaken which included the Shire's multi-purpose community complex at Onslow. The intent is that commercial developments include public art as part of the overall proposal. It is open for developers to provide public art through a cash contribution to the Shire, however this has not been favoured by either the Shire (as a developer) or commercial applicants.

The relevant condition for the Planning Approval for 'public art' is generally as follows:

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

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

The adoption of the *LPP* by Council in December 2010 required a review process after 2 years. The period has expired and Council needs to determine whether they *LPP* should be retained or abandoned.

Comment

It is generally accepted that public art contributes to the attractiveness of a place to residents, businesses and tourism, encouraging and underpinning sustainable economic, social and environment values.

The *LPP* offers a clear and concise approach to the process, while also incorporating community considerations such as opportunities for local artists and public art. At this stage, Council has not deliberated on any 'private' planning applications where the Policy would normally be applied.

Conclusions

Council has clearly shown commitment to the purpose and the practice of the Policy with the inclusion of the public art contribution for its own community building proposal in Onslow. A

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

review of the Policy by Council in 2009 and 2010 reiterated Council's desire to retain the Policy as adopted.

It is considered that the LLP serves a useful incentive for public art to be part of development proposals and it is recommended that LPP be adopted for a further two year period and then further reviewed.

Consultation

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

Statutory Environment

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

Financial Implications

The rate of one percent applied on developments with construction values over \$1,000,000 will result in a minimum contribution of \$10,000. The rate and threshold is an industry standard. The Shire's Capital Works is also subject to the Policy; this will require a portion of the allocated budget to be considered and may result in monies being set aside for all eligible proposals.

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 Percent for Art Local Planning Policy establishes the policy and criteria for development to encourage public art in commercial developments.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Resolve that no modification to the adopted '*Local Planning Policy Percent for Art Local Planning Policy*' be made.
2. Adopt '*Local Planning Policy Percent for Art Local Planning Policy*' (**ATTACHMENT 13.7**) as Local Planning Policy under the provisions of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').
3. Give the public notice of Council's decision (2. above) as is required by the Scheme.
4. Requests the A/Chief Executive Officer to continue monitoring '*Local Planning Policy Percent for Art Local Planning Policy*' and report back to Council on or before April 2015 concerning the implementation of the *Policy*.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.8 LPP21 - GUIDELINES FOR URBAN DEVELOPMENT POLICY

FILE REFERENCE:	PS.TP.07.00
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	31 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

It is recommended that Council adopts LPP21 - Guidelines for Urban Development Policy as a Policy of Council.

Proposal

With the anticipated development for Onslow and potentially, Tom Price formal development guidelines need to be established as a reference guide for the Shire Administration and developers, involved in subdivisional design and construction. As the basis for assessing and approving the installation of infrastructure relevant to the Shire the recommended guidelines are the latest version of the "Local Government Guidelines for Subdivisional Development (Edition 2.1)" (*Guidelines*) document produced by the Institute of Public Works Engineering Australia (WA Division Inc.) (IPWEA).

ATTACHMENT 13.8A
ATTACHMENT 13.8B

Comment

The *Guidelines* will generally underlie and support subdivision conditions applied by the Western Australian Planning Commission (WAPC) pursuant to the *Planning and Development Act 2005*. The *Guidelines* encompass current legislation and best practice minimum engineering standards. They are intended to guide local government and the development industry through engineering specification, construction and post construction subdivision approval.

It is understood that IPWEA has committed to update the guidelines on a biannual basis however the Council reserves the right to review any updated edition of the *Guidelines* before it is considered for adoption under this Policy they can be interpreted as setting out the minimum requirements that should be accepted by a local government in granting clearance of the engineering conditions imposed on a subdivision by the Western Australian Planning Commission (WAPC). The Commission is the subdivision approval authority in Western Australia, acting under the *Planning and Development Act 2005*.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

The Guidelines:

- Are intended to balance specifications for land affordability whilst maintaining life expectancies for major infrastructure, and they shall not form the basis of a construction contract. The developer is to provide adequate and sound infrastructure which is not in the long-term detriment of the local community or government.
- Prescribe the use of best practice to set minimum standards applicable to the design and construction of roads, drainage, pathways, earthworks and public open space. Developers are encouraged to discuss their proposals with the WAPC and the local government at an early stage. These guidelines are not intended to restrict or prevent innovative solutions or improvements in best practice.

Consultation

A/Chief Executive Officer

A/Executive Manager technical Services

Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Town Planning Scheme No. 7

Policy Implications

The “*Local Government Guidelines for Subdivisional Development*” will provide the policy direction of the Shire.

Financial Implications

There are no strategic implications that relate to this matter.

Strategic Implications

There are no strategic implications that relate to this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council adopts LPP21- Guidelines for Urban Development Policy as per **ATTACHMENT 13.8A** as a Policy of Council.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.9 PROPOSED ELECTRICAL WORKS WITHIN LOCAL ROAD RESERVE AND RESERVE NO. 40065 'PUBLIC RECREATION' PARABURDOO

FILE REFERENCE:	UT.EL.1
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	20 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Hamersley Iron Pty Ltd is proposing to install an underground cable and associated electrical works within Reserve No. 40065 (vested in the Shire for 'Public Recreation') and Rocklea Road reserve.

These works will involve installing a conduit and low voltage cable that will run from the sub-station at the front of the Paraburdoos Hospital to a new supply pillar near the southern-east corner of this site, within Reserve No. 40065. From this point a second cable will be run across the Reserve to provide a power supply outlet that will facilitate relocation of the Paraburdoos 'Burger Bus' (a Hamersley Iron initiative to provide a fast food option for the residents of Paraburdoos).

With the development of the sports pavilion on Clem Thompson Oval in Tom Price, extensive delays and cost have been incurred due to the placement of electrical cables by Hamersley Iron Pty Ltd that appear to date back to when Tom Price was a closed town. Hence the Shire Administration does not wish to establish similar long term constraints on other reserves, including Reserve No. 40065.

The 'Burger Bus' is considered to be an iconic eatery for Paraburdoos and the provision of power will enable the efficient operation of the outlet. However the route sought is not supported as it may interfere with any future development of the Reserve. An alternate arrangement would be to bring the power down the boundary of the Reserve and to connect the van at right angles to the boundary.

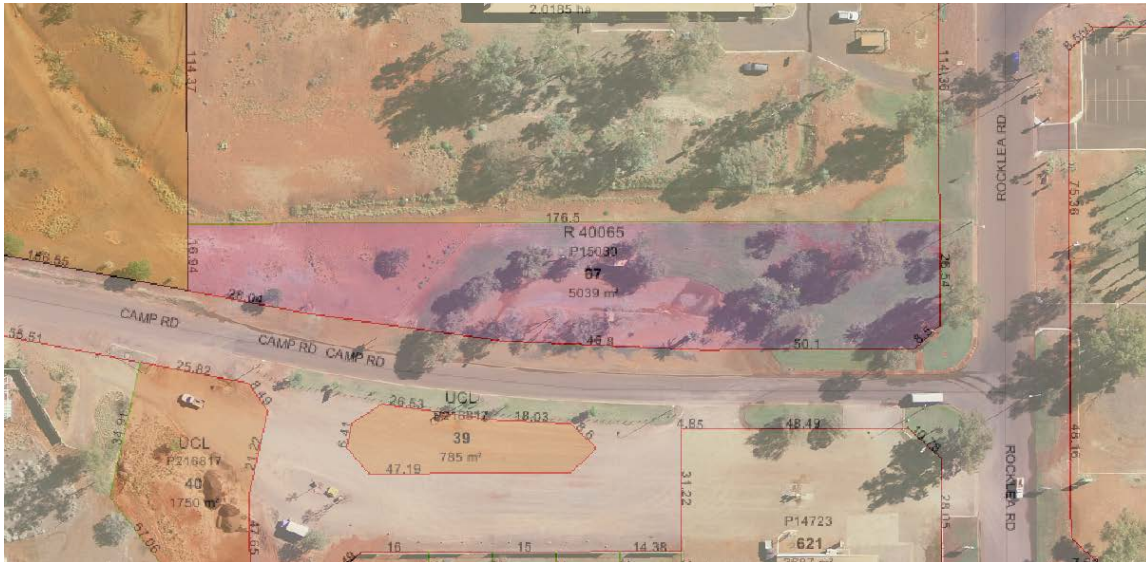
In addition, Hamersley Iron Pty Ltd will need to indemnify the Shire from any injury or impact from the cabling (and Shire costs for establishing the indemnity), agree to remove the power cable upon the written direction of the Shire should the van (or its replacement) be removed for the site in the future.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Subject to the above requirements, the proposal is supported by the Shire Administration.

Background

Reserve No. 40065 (vested in the Shire for 'Public Recreation') is located to the north west corner of Camp Road and Rocklea Road, Paraburdoo.



Hamersley Iron Pty Ltd is proposing to install an underground cable and associated electrical works within Reserve No. 40065 (vested in the Shire for 'Public Recreation') and Rocklea Road reserve.

These works will involve installing a conduit and low voltage cable that will run from the sub-station at the front of the Paraburdoo Hospital to a new supply pillar near the southern-east corner of this site, within Reserve No. 40065. From this point Hamersley Iron Pty Ltd propose a second cable will be run across the Reserve to provide a power supply outlet that will facilitate relocation of the Paraburdoo 'Burger Bus' (a Hamersley Iron initiative to provide a fast food option for the residents of Paraburdoo).

ATTACHMENT 13.9A

Comment

With the development of the sports pavilion on Clem Thompson Oval in Tom Price, extensive delays and cost have been incurred due to the placement of electrical cables by Hamersley Iron Pty Ltd that appear to date back to when Tom Price was a closed town. Hence the Shire Administration does not wish to establish similar long term constraints on other reserves, including Reserve No. 40065.

The 'Burger Bus' is considered to be an iconic eatery for Paraburdoo and the provision of power will enable the efficient operation of the outlet. However the route sought is not supported as it may interfere with any future development of the Reserve. An alternate arrangement would be to bring the power down the boundary of the Reserve and to connect the van at right angles to the boundary.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Conclusions

Provided Hamersley Iron Pty Ltd:

- locates the cable generally in accordance with the plan included as **ATTACHMENT 13.9B**;
- indemnifies the Shire from any injury or impact from the cabling (including any Shire costs for establishing the indemnity); and
- agrees in writing to remove the power cable upon the written direction of the Shire of Ashburton should the van (or its replacement) be removed for the site in the future;

the proposal is supported by the Shire Administration.

Consultation

A/Chief Executive Officer
A/Executive Manager - Technical Services
Hamersley Iron Pty Ltd

Statutory Environment

Land Administration Act

Financial Implications

There are no financial implications.

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Community Goals

Goal 01 - Vibrant and Active Communities

Objective 03 - Connected, Caring and Engaged Communities

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Recommendation

That Council:

1. With respect to the request from Hamersley Iron Pty Ltd to install an underground cable and associated electrical works within Reserve No. 40065 (vested in the Shire for 'Public Recreation') and Rocklea Road reserve, the Shire of Ashburton agrees to the installation only where the following is carried out:
 - a) Hamersley Iron Pty Ltd:
 - i. locates the cable generally in accordance with the plan included as **ATTACHMENT 13.9B**;
 - ii. indemnifies the Shire from any injury or impact from the cabling (including any Shire costs for establishing the indemnity); and
 - iii. agrees in writing to remove the power cable upon the written direction of the Shire of Ashburton should the van (or its replacement) be removed for the site in the future;

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.10 PROPOSAL BY LANDCORP FOR DEVELOPMENT LEASE, WORKS OUTSIDE OF THE DEVELOPMENT LEASE AND ROAD CLOSURES, ONSLOW

FILE REFERENCE:	PS.TP.7.21 ON.WS.571
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	LandCorp
DATE REPORT WRITTEN:	23 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Item 13.3 Minute No. 1191 Ordinary Meeting of Council 16 May 2012

Summary

Land Corp has requested the Shire provide its views on a number of matters relating to the expansion of Onslow as follows:

1. 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.
2. Works to be undertaken outside the boundary of the 'development lease' area on portion of Lot 16 (Airport land), 302 (portion of the Shire's Refuse site) and 500 (undeveloped land fronting Onslow Road).
3. Part closure of close portions of Eagle Nest Drive and Watson Drive/UCL 215, Onslow.

No objection is offered to the 'development lease' as this is a reasonable means to undertake necessary subdivision works while LandCorp is acquiring the land from the State.

Lot 16 (Airport land owned by the Shire)

LandCorp propose a 'swale' over Lot 16 which may impact upon the subdivision and development of the Shire's Airport Business Park. On this basis, LandCorp will need to provide detailed information as to the design and construction needs, along with addressing the long term responsibility of the 'swale' and any legal matters.

Subject to the receipt of such information and clarification that it does not negatively impact the development of the Shire's Airport Business Park, no objection is proposed, however, such works and necessary details would need to be formalised through a planning process.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Lot 302 (Portion of the Shire's Refuse site – Reserve 38336)

LandCorp wish to develop a temporary road over a portion of the Shire's Refuse site.

Subject to detailed information as to the design, construction needs along with acceptance by Land Corp for fencing, legal and rehabilitation requirements, no objection is recommended to the proposed temporary road. However such works and necessary details would need to be formalised through a planning process.

Lot 500 (undeveloped land fronting Onslow forming Road and Reserve 19291 managed by the Shire of Ashburton for 'Common' purposes).

LandCorp also propose a to incorporate this lot into 'swale' over land managed by the Shire of Ashburton for 'Common' purposes. Subject to detailed plans and engineering assessments and any legal matters, no objection is seen to undertaking work outside the 'development lease'.

It is noted that Chevron Australia has consent from Main Roads in relation to a water standpipe in the vicinity. In addition, in October 2011, the Shire issued Planning Approval for a water pipeline over Reserve 19291. Such works and necessary details would need to be formalised through a planning process. In addition, LandCorp would need to negotiate with Chevron to ensure that it does not impact the water pipeline.

No objection is recommended to initiating the road closure process for portions associated with Eagle Nest Drive as they are seen as minor to the operation of the road. It is noted, however the closure of Chevron site was a matter for consideration of Council in May 2012 when it resolved as follows:

"2. Chevron site road closure plan

- i. Defer consideration of the road closure request as identified in **ATTACHMENT 13.3B** until LandCorp addresses alternative road reserve access to Macedon Road."*

The issue for the Shire is that the road closure sought could result in preventing any future access to Macedon Road. LandCorp correctly note that the issue of such access is to be resolved as part of the overall subdivision that creates 220 lots and the Chevron site.

In this regard it is recommended that the process of road closure be commenced for this portion of road reserve however after advertising it be referred back to Council before recommending support for closure to the Minister for Lands. This would enable LandCorp to identify and establish alternate access to the Shire's land fill and Rodeo site before road closure is undertaken.

Background

Land Corp has requested the Shire provide its views on a number of matters as follows:

"Development Lease

We are in the process of acquiring the land from the State, but as that process may take some time we have requested the Department of Regional Development and Lands to provide us with a development lease to cover the interim period to allow us to commence development.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

The attached plans show the proposed development lease area, and identifies an area in light blue hatching that requires the Shire's consent. The area the subject of this request is described as part Lot 303 (R19291), which has a Management Order to the Shire of Ashburton and requires your consent to relinquish the management order before the lease can be signed.

Accordingly, we would appreciate your written response to the Minister for Lands confirming your agreement to cancel the Management Order held over part Lot 303, as identified on the attached plans."

ATTACHMENT 13.10A

"Permission to undertake works

As part of the subdivision works, some work will need to be undertaken outside the boundary of the development lease area, which requires your consent. The two particular areas shown on the attached plan in purple are:

- 1. Part Lot 302, being the eastern side of the tip site where we will be constructing the temporary access road to join the current road to allow continued public access to the tip. The balance of the temporary road will be within our development lease and acquisition area.*
- 2. The construction of a drainage swale along the eastern boundary of Onslow Road to allow stormwater from the subdivision to drain south towards the natural discharge point at the curve in Onslow Road.*

We would appreciate your written authorisation to undertake the abovementioned work over land within your control."

ATTACHMENT 13.10B

"Road closures

There are portions of road that need to be closed to allow us to undertake the development. These portions are:

- 1. Part of the Chevron site. In May 2012 the Council resolved to defer consideration of the road closure of the portions within the Chevron site until alternative road reserve access to Macedon Road is confirmed. This matter has now been agreed and will be reflected in the WAPC conditions to be issued shortly.*
- 2. Within the current Eagle Nest Road small portions of road need to be closed as shown on the attached plan. These areas are shown in red in future lots 166,176,177 and 178."*

ATTACHMENT 13.10C

Comment

Development Lease

No objection is offered to the 'development lease' as this is reasonable means to undertake necessary subdivision works while LandCorp is acquiring the land from the State.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Permission to undertake works

- *Lot 16 (Airport land owned by the Shire)*
LandCorp propose a 'swale over Lot 16 which may impact upon the subdivision and development of the Shire's Airport Business Park. On this basis, LandCorp will need to provide detailed information as to the design and construction needs, along with addressing the long term responsibility of the 'swale'. Subject to the receipt of such information and clarification that it does not negatively impact the development of the Shire's Airport Business Park, no objection is proposed, however such works and necessary details would need to be formalised through a application (to the Shire) or a subdivision application (to the WAPC).
- *Lot 302 (Portion of the Shire's Refuse site – Reserve 38336)*
LandCorp wish to develop a temporary road over a portion of the Shire's Refuse site. Subject to detailed information as to the design, construction needs along with acceptance by Land Corp for fencing and rehabilitation requirements, no objection is proposed, however, such works and necessary details would need to be formalised either through a planning application (to the Shire) or a subdivision application (to the WAPC).
- *Lot 500 (undeveloped land fronting Onslow forming Road and Reserve 19291 managed by the Shire of Ashburton for 'Common' purposes).*
LandCorp also propose to incorporate this lot into 'swale' LandCorp propose a 'swale' over land managed by the Shire of Ashburton for 'Common' purposes. Subject to detailed plans and engineering assessments, no objection is seen to undertaking work outside the 'development lease'.

It is noted that Chevron Australia has consent from Main Roads in relation to a water standpipe in the vicinity. In addition, in October 2011, the Shire issued Planning Approval for a water pipeline) over Reserve 19291. Such works and necessary details would need to be formalised either through a planning application (to the Shire) or a subdivision application (to the WAPC). In addition, LandCorp would need to negotiate with Chevron to ensure that it does not impact the water pipeline.

Road closures

- *Part closure of roads associated with the Chevron site*
The closure of roads associated with the Chevron site was considered by Council on 16 May 2012 where it resolved as follows:

"2. Chevron site road closure plan

- Defer consideration of the road closure request as identified in ATTACHMENT 13.3B until LandCorp addresses alternative road reserve access to Macedon Road."*

The issue for the Shire is that the road closure sought could result in preventing any future access to Macedon Road. LandCorp correctly note that the issue of such access is to be resolved as part of the overall subdivision that creates 220 lots and the Chevron site.

In this regard it is recommended that the process of road closure be commenced for this portion of road reserve however after advertising it be referred back to Council before recommending support for closure to the Minister for Lands. This would enable

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

LandCorp to identify and establish alternate access to the Shire's land fill and Rodeo site before road closure is undertaken.

- *Part closure of portions of road associated with Eagle Nest Drive*
No objection is recommended to initiating the road closure process for portions associated with Eagle Nest Drive as they are seen as minor to the operation of the road.

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..

It is noted, however detailed information and appropriate operational measures will be required before any 'sign off'. It is not anticipated that such matters would need the further consent of Council as they can reasonably be dealt with by the Shire Administration.

In addition, road closure matters can be pursued to a point of initiation and advertising but the *closure of roads associated with the Chevron site* should be referred back to Council before final adoption and referral to the Minister for Lands.

Consultation

A/Chief Executive Officer
A/Executive Manager - Technical Services
Executive Manager - Operations
Executive Manager - Strategic and Economic Development
A/Partnership/Revitalisation Manager
Waste Coordinator

Statutory Environment

Planning and Development Act
Shire of Ashburton Local Planning Scheme No. 7
Land and Administration Act Section 58

Financial Implications

Any costs associated with the road closure and or necessary arrangements over land under the care and control of the Shire can be recovered from the proponent (LandCorp).

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

Absolute Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Recommendation

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.

- b) Permission to undertake works

Council provide the following comments, observations and authorisations:

- i. *Lot 16 (Airport land owned by the Shire)*

The proposed 'swale over Lot 16 will require more information as it may impact upon the subdivision and development of the Shire's Airport Business Park.

On this basis, subject to detailed information as to the design and construction needs, along with addressing the long term responsibility of the 'swale', any legal or other costs, no objection is offered. It is noted, however such works and necessary details would need to be formalised either through a planning application (to the Shire) or a subdivision application (to the WAPC).

- The A/Chief Executive Officer is authorised to sign any necessary applications on behalf of the Shire of Ashburton that would enable LandCorp to progress the proposed swale.
- Should any agreement for Land Corp to access to the land or to develop the land be required, the matter be referred back to Council for consideration.

- ii. *Lot 302 (Portion of the Shire's Refuse site – Reserve 38336)*

Subject to detailed information as to the design, construction needs along with acceptance by Land Corp for fencing, legal or other costs and rehabilitation requirements, no objection offered. However such works and necessary details would need to be formalised either through a planning application (to the Shire) or a subdivision application (to the WAPC).

- The A/Chief Executive Officer is authorised to sign any necessary applications on behalf of the Shire of Ashburton that would enable LandCorp to further the proposed temporary road.
- Should any agreement for Land Corp to access to the land or to develop the land be required, the matter be referred back to Council for consideration.

- iii. *Lot 500 (undeveloped land fronting Onslow forming Road and Reserve 19291 managed by the Shire of Ashburton for 'Common' purposes).*

Subject to detailed plans and engineering assessments and acceptance by Landcorp for any legal or other costs that the Shire may incur, no objection is offered to undertaking work outside the 'development lease'. It is noted that

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Chevron Australia has consent from Main Roads in relation to a water standpipe in the vicinity.

In addition, in October 2011, the Shire issued Planning Approval for a water pipeline (and presumably Regional Development and Lands) over Reserve 19291. Such works and necessary details would need to be formalised either through a planning application (to the Shire) or a subdivision application (to the WAPC). In addition, LandCorp would need to negotiate with Chevron to ensure that it does not impact the water pipeline.

- The A/Chief Executive Officer is authorised to sign any necessary applications on behalf of the Shire of Ashburton that would enable LandCorp to further the proposed works/swale.
- Should any agreement for Land Corp to access to the land or to develop the land be required, the matter be referred back to Council for consideration.

c) Road closures

i. *Part closure of road reserves associated with the Chevron site*

- In accordance with Section 58 of the Land Administration Act 1997 publishes the public notice of intention to close portion of road associated with Watson Drive and UCL 215, Onslow as defined in
- **ATTACHMENT 13.10C** in a newspaper circulating in its district and invite representations on the proposed closure within a period of 35 days from the publication.
- That upon completion of the advertising, the matter be referred back to Council for consideration before referral to the Minister to close the road.

ii. *Part closure of portions of road reserves associated with Eagle Nest Drive*

- In accordance with Section 58 of the Land Administration Act 1997 publishes the public notice of intention to close portion of road associated with Eagle Nest Drive, Onslow as defined in
- **ATTACHMENT 13.10C** in a newspaper circulating in its district and invite representations on the proposed closure within a period of 35 days from the publication.
- That should no objections be received the Council delegate to the A/Chief Executive Officer the power to resolve to make request to the Minister to close the road.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.11 CANCELLATION OF DEED OF VARIATION TO ENVIRONMENTAL HEALTH SERVICE AGREEMENT WITH DEPARTMENT OF HEALTH

FILE REFERENCE:	HS.AHHS.EV.00.00
AUTHOR'S NAME AND POSITION:	Keith Pearson A/Executive Manager - Technical Services
NAME OF APPLICANT/RESPONDENT:	Department of Health
DATE REPORT WRITTEN:	27 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire of Ashburton (SOA) entered into a Service Agreement with the Dept of Health (DoH) for the provision of a range environmental health (EH) services to the Aboriginal communities located within its boundaries. The Term of that Agreement was two years from 2010, although it has subsequently been extended to the end of the current financial year.

A Deed of Variation (DOV) was entered into in May 2012, effectively providing an additional \$40,000 to the SOA to allow for an expansion of its existing funded Aboriginal EH program.

The Shire has not been able to provide the additional level of service in accordance with the conditions of the DOV.

Initially the IBN Corporation (IBN), a local aboriginal corporation, approached the SOA and the DoH offering to partner with the SOA in the provision of EH services to Wakathuni and Bellary Springs communities. More recently, however, IBN has offered to take responsibility for the provision of the additional services which were to be provided with the funding provided by the DOV. Further, it has offered to add a similar dollar amount to the \$40,000 offered as part of the original DOV above

The DoH has now requested that the Shire relinquish its claim to the \$40,000 provided under the DOV in order that the funds can be given to IBN.

It is recommended that the Shire agree to this request.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Background

The Shire of Ashburton (SOA) entered into a Service Agreement with the Dept of Health (DoH) for the provision of a range environmental health (EH) services to the Aboriginal communities located within its boundaries. The Term of that Agreement was two years from 2010, although it has subsequently been extended to the end of the current financial year.

The Shire will receive \$118,911 from DoH in the current financial year as a result of this service agreement. The Shire contributes a further \$59,455 to this funding, which is used to meet the direct and indirect costs incurred by the Shire as a result of it employing a qualified Aboriginal Environmental Health Officer to service the aboriginal communities within the Shire.

A Deed of Variation (DOV) was entered into in June 2012, effectively providing an additional \$40,000 to the SOA to allow for an expansion of its existing funded Aboriginal EH program. Under the terms of the deed the Shire is required to contribute additional funding to the EH program at the rate of \$1.00 for every \$2.00 of grant funding received. (ie \$20,000)

A copy of the DOV is attached

ATTACHMENT 13.11

The Shire has not been able to provide the additional level of service in accordance with the conditions of the DOV.

Initially the IBN Corporation (IBN). a local aboriginal corporation, approached the SOA and the DoH offering to partner with the SOA in the provision of EH services to Wakathuni and Bellary Springs communities. More recently, however, IBN has offered to take responsibility for the provision of the additional services which were to be provided with the funding provided by the DOV. Further, it has offered to add a similar dollar amount to the \$40,000 offered as part of the original DOV above

The DoH has now requested that the Shire relinquish its claim to the \$40,000 provided under the DOV in order that the funds can be given to IBN subject to;

“ a condition of the Grant be that IBN Corporation coordinate and liaise with the SOA on all aspects of the additional services to promote and ensure that the EH services are not provided in isolation from or duplicating existing SOA EH services”

Comment

It was initially assumed that the extra funding available to the Shire would enable it to employ a part time Aboriginal Environmental Health Officer to assist the existing officer to undertake the expanded EH services, however, it was not possible to fill the new position.

A possible solution was subsequently identified when IBN commenced a training program for Aboriginal Environmental Health Workers. Initially three trainees obtained basic qualifications in EH services, and three more trainees are nearing completion of their training.

Discussions took place between the three parties (SOA, IBN and DoH) with the objective of developing a program whereby the IBN trainees undertook EH tasks in the settlements under the supervision of Shire staff. Unfortunately, it proved difficult to reach an agreement which was acceptable to all parties

The DoH now proposes that it redirect the \$40,000 funding available to the Shire, through the DOV, to IBN

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

This proposal appears to be an administratively efficient way of providing the expanded EH services to the settlements. Furthermore, such an arrangement would not preclude the Shire's EH staff providing guidance and assistance to IBN's EH staff as a part of the Shire's existing Service Agreement with the DoH.

It is recommended that Council agree to cancelling the DOV agreed to with the MoH and relinquish it's right to claim the \$40,000 funding under the agreement in order that the funds can be directed to IBN.

Consultation

A/Chief Executive Health Officer
Building and Environmental Health Co-ordinator
Department of Health
IBN Corporation

Statutory Environment

Service Agreement No C05683 between Shire of Ashburton and Department of Health. (1 July 2010)
Deed of Variation No 1 to Service Agreement (1 May 2012)

Financial Implications

By relinquishing the grant associated with Deed of Variation No 1 the Shire would forfeit grant income of \$40,000 but would not have to match the grant to the tune of \$20,000, due to the recipient of the DoH grant being required to match the grant funding at the rate of \$1.00 for every \$2.00 of grant funding received.

The existing program will continue unaffected.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 04 – Distinctive and Well Serviced Places
Objective 01 – Quality Public Infrastructure

Policy Implications

HTH02 Aboriginal Environmental Health Strategy

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Recommendation

That Council advise the Department of Health that the Shire of Ashburton:

1. Agrees to the termination of the Deed of Variation No 1 to the Service Agreement No C05683 between the Shire of Ashburton and the Department of Health (dated 1 May 2012) (**ATTACHMENT 13.11**) in relation to providing Environmental Health Services to Aboriginal Communities, and
2. Supports the redirection of the \$40,000 funding provided for in the Deed of Variation, referred to in 1 above, to the IBN Corporation for the purposes of undertaking Environmental Health Services in Aboriginal settlements within the Shire.

Author: Keith Pearson	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.12 REQUEST FOR COMMENT FROM DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS ON REMOVAL OF MEMORIAL ON TITLE - BEADON BAY VILLAGE CARAVAN PARK

FILE REFERENCE:	RE.BD.R.34101
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Department of Regional Development and Lands
DATE REPORT WRITTEN:	30 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Lot 557 Parsley Street Onslow forms part of the Beadon Bay Caravan Park where a memorial imposed by the (then) Minister for Planning and Infrastructure requires that 80% of the caravan park must be set aside for the use of caravans with 10% of this area being able to be used for chalets and other short term tourist accommodation. The 20% balance of the site can be used for transient workforce accommodation.

The owner of the lot Discovery Holiday Parks (DHP) has requested that the Minister for Lands remove the memorial.

The request to remove the memorial is not opposed however there is no statutory means for Council to require the land be used, in part, for a caravan park.

Background

The Beadon Bay Caravan Park is located on Lots 557 and 563 Beadon Creek Road, Onslow. Lot 557 has an area of approximately 27,691m² 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.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

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

In June 2012, Council issued Planning Approval to construct three, two storey buildings accommodating 96 transient workers accommodation units along with a two storey 'mess' on Lot 557. The application was referred to a number of agencies including the Department of Regional Development and Lands (RDL). In considering the applications, the Shire Administration reports to Council noted:

"A memorial on the title has been established by the State Government limiting the number of transient workforce accommodation units on the land. This is essentially a 'private treaty' between the State and the landowner and does not involve the Shire."

RDL advise that Lot 557 has a memorial that imposes that 80% of the caravan park must be set aside for the use of caravans with 10% of this area being able to be used for chalets and other short term tourist accommodation. The 20% balance of the site can be used for transient workforce accommodation.

The land subject of the application is zoned 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and include in the 'Onslow Coastal Hazard Area'.

Proposal

RDL has referred a request from Discovery Holiday Parks (DHP) to Council where DHP seeks approval to remove the memorial over the Beadon Bay caravan park at Onslow (Lot 557 on Deposited Plan 173181) restricting the use of the land for transient workforce accommodation. RDL advise:

"The development proposal from DHP over the site suggests that the caravan park will be extended and additional accommodation for Tourists and Temporary workers will also be provided. I understand that the Shire of Ashburton (Shire) is aware of the proposal and that the previous Shire Chief Executive Officer had provided his support informally to the Department of Regional Development and Lands for the removal of the memorial to allow the proposal from DHP to proceed."

Prior to considering the request from DHP, I would appreciate advice from the Shire as to whether you support the removal of the memorial over the caravan park. If so, is the Shire confident that planning approvals will continue to support the use of the site in part as a caravan park."

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Comment

In considering applications over the Lot 557 in recent years, the Shire/Council has been aware of the memorial over the land restricting the use of the land for transient workforce accommodation. The inclusion of the memorial was an initiative of the State Government and was not a requirement of the Shire or Council. In this regard, the request to remove the memorial is not opposed.

However, in relation to the request for comment from RDL concerning whether the Shire is *"... confident that planning approvals will continue to support the use of the site in part as a caravan park.."*, there is no statutory means for Council to require the land be used in part for a caravan park use.

Conclusion

It is noted that the applications sought and approvals issued over Lot 557 do not totally seek to use Lot 557 as 'transient workforce accommodation'. However it would be open for the landowner to seek planning consent for any particular use that the 'Tourism' zone and 'Onslow Coastal Hazard Area' provides.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Executive Manager - Strategic and Economic Development

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

Land Administration Act

Financial Implications

There are no financial implications.

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.

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Recommendation

That Council:

1. Advise the Department of Regional Development and Lands (RDL) that in relation to the request from Discovery Holiday Parks (DHP) to remove the memorial over the Beadon Bay caravan park at Onslow (Lot 557 on Deposited Plan 173181) restricting the use of the land for transient workforce accommodation that the request to remove the memorial is not opposed however there is no statutory means for Council to require the land be used, in part, for a caravan park.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.13 MODIFICATIONS TO PLANNING APPLICATION - PROPOSED 8 UNIT MULTIPLE DWELLING AT LOT 1 (No 3) BACKBEACH ROAD, ONSLOW

FILE REFERENCE:	ON.BB.1 20120758 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/ RESPONDENT:	Evan Investments (Trust Owner) D. A. Burke Builders (Applicant)
DATE REPORT WRITTEN:	31 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.7, Minute No. 11441 Ordinary Meeting of Council 15 February 2013

Summary

At the Council meeting of 15 February 2013, conditional Planning Approval was issued for a 'multiple dwelling' comprising eight (8) units with six two storey and two single story units. Seven units are two bedroom with one single bedroom unit at Lot 1 (No 3) Backbeach Road, Onslow.

Condition 2(iii) required amended plan providing one covered parking space to each unit. The Applicant has requested that Condition 2(iii) be deleted on the basis that:

"...the design using separation between blocks 1-2 to keep each buildings area to below 500sqm, negating the need for expensive additional infrastructure. To have the unit parks 5-8 covered would reduce the buildings separation below required."

There is no statutory requirement for covered car bays for multiple dwellings although in Onslow's climate such arrangements make sense. However, It is understood that the additional infrastructure is required due to Onslow's limited water supply and water pressure. The fire fighting requirements are different should the covered car bays not be required.

On this basis, there is no objection to the request to delete Condition 2(iii) of 20120758 (P).

Background

At the Council Meeting of 15 February 2013, conditional Planning Approval was issued for a 'multiple dwelling' comprising eight (8) units with six two storey and two single story units. Seven units are two bedroom with one single bedroom unit at Lot 1 (No 3) Backbeach Road, Onslow.

Condition 2(iii) required amended plan providing one covered parking space to each unit.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Proposal

Although the Applicant was provided with a copy of the Shire Report and recommendation before the 15 February 2013 Council meeting, upon review, the Applicant has requested that Condition 2(iii) be deleted on the basis that:

"...the design using separation between blocks 1-2 to keep each buildings area to below 500sqm, negating the need for expensive additional infrastructure. To have the unit parks 5-8 covered would reduce the buildings separation below required."

Condition 2(iii) states:

"2. The development is to be generally carried out in accordance with the submitted plans and modified to the requirements of the responsible authority as follows:

iii. One covered parking space to each unit."

Comment

There is no statutory requirement for covered car bays for multiple dwellings although in Onslow's climate such arrangements make sense. However, It is understood that the additional infrastructure is required due to Onslow's limited water supply and water pressure. The fire fighting requirements are different should the covered car bays not be required.

On this basis, there is no objection to the request to delete Condition 2(iii) of 20120758 (P).

Consultation

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

Statutory Environment

Shire of Ashburton Local Planning Scheme No. 7 ('Scheme')
Planning and Development Act 2005

Financial Implications

There are no financial implications relevant 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 relevant to this matter.

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Recommendation

That Council modify Planning Approval 20120758 (P) to delete Condition 2(iii) as follows:

"2. *The development is to be generally carried out in accordance with the submitted plans and modified to the requirements of the responsible authority as follows:*

iii. One covered parking space to each unit."

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.14 PLANNING APPLICATION - ADDITIONAL TRANSIENT WORKFORCE ACCOMMODATION AND TOURIST ACCOMMODATION, THEVENARD ISLAND

FILE REFERENCE:	IS.THVD.000 20130066 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Property Development Solutions/ Mackerel Islands Pty Ltd
DATE REPORT WRITTEN:	3 April 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.4 (Minute: 11379), Ordinary Meeting of Council 13 December 2012 Agenda Item 13.5 (Minute: 11287), Ordinary Meeting of Council 19 September 2012 Agenda Item 13.2 (Minute: 11251), Ordinary Meeting of Council 18 July 2012

Summary

Situated 83 kilometres south west of Barrow Island and 20 kilometres from the mainland, Thevenard Island is leased by the State for 21 years to Mackerel Islands Pty Ltd for tourist purposes.

Application for Planning Approval has been lodged for an additional nine (9), four bed transient workforce accommodation (TWA) units (for 36 persons), and three (3), three bed tourist units 'eco-tents' (for 9 persons) on Thevenard Island.

The Applicant has advised that the proposed location of the additional TWA units is located adjacent to existing Club Thevenard facilities and that this area was previously the location of single bed donga units occupied by WAPET oil facilities during the construction of the offshore oil fields and onshore processing plant. It is the view of the Applicant that the site for the TWA is cleared and level and this application therefore does not contemplate removal of any existing vegetation.

The application was advertised through the Pilbara News, notice boards at the Onslow and Tom Price Shire offices and placement on the Shire's Website. Only the submission from the DEC was received.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

The use and development is not opposed however the TWA component should be limited to a period of five years in line with the approval issued in December 2012. Importantly, the ratio of TW and tourist use of the proposal reflects the direction of the Minister for Lands requirement of no more than 80% TWA and 20% tourism.

It is appropriate that should Planning Approval issue that Council write to the Minister requesting that appropriate arrangements are undertaken with the proponent to ensure that re-investment opportunities are established that benefit the whole of the community.

Background

Situated 83 kilometres south west of Barrow Island and 20 kilometres from the mainland, Thevenard Island is leased by the State for 21 years to Mackerel Islands Pty Ltd for tourist purposes.

Mackerel Islands Pty Ltd advise that they own the facilities on Thevenard Island which is contained within Lot 142 on Land Register Vol 3054 Fol 953 contained in Deposited Plan 217262, comprising a land area of 10.17 hectares.

Mackerel Islands Pty Ltd also advises that the lease has recently been extended for a period of 21 years, with a further option of 21 years. The Company also advises that it held leases on Thevenard and Direction Islands since 1968. Mackerel Islands Pty Ltd operates tourist facilities comprising 15 self contained beachfront cabins, 30 double rooms at Club Thevenard, a general store, licensed restaurant, licensed tavern and recreation facilities including games room, swimming pool and dive shop.

In June 2012, an incomplete application for planning approval was lodged by Mackerel Islands Pty Ltd for 'temporary' (five year) use of facilities on Thevenard Island for transient workforce accommodation associated with the construction period of the Wheatstone LNG plant and port development.

At the Council Meeting of 18 July 2012, Council considered an application for Planning Approval lodged by Mackerel Islands Pty Ltd for the 'temporary' (five year) use of facilities on Thevenard Island for transient workforce accommodation associated with the construction period of the Wheatstone LNG plant and port development.

Council at the September 2012 Ordinary meeting resolved as follows:

"That Council:

- 1. Note the advertising carried out in relation to Planning Application Shire Ref: 20120510(P) and acknowledge the submissions as provided in ATTACHMENT 13.5B to this Report.*
- 2. Request the Chief Executive Officer to write to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development and provide him with the submissions received in relation to Planning Application Shire Ref: 20120510(P) and request his advice as to whether the State of Western Australia agrees to the use of Thevenard Island for transient workforce accommodation and what (if any) arrangements are intended to ensure re-investment in new accommodation and amenities on the Island so as to provide a long-term legacy for tourism once the dredging/construction and transient workforce accommodation is complete.*

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

3. *Request the Chief Executive Officer to write to the Minister for Environment, Chevron Australia and the Department of State Development seeking comment on Planning Application Shire Ref: 20120510(P) with respect to the claim from Mackerel Islands Pty Ltd that the "...dredging and construction of the Wheatstone project will fundamentally change the amenity of the islands and surrounds, and will not be an appealing prospect for tourists and that attempting to operate for tourists during this period will significantly damage and undermine the reputation of the region and the Mackerel Islands as a pristine, frontier getaway."*
4. *Request that the Chief Executive Officer write to Mackerel Islands Pty Ltd (via Property Development Solutions) advising of Council's resolutions."*

Council at the December 2012 Ordinary meeting resolved as follows:

"That Council:

1. *Note the late correspondence provide by Property Development Solutions (Applicant for transient workforce accommodation at Thevenard Island) and inparticular, the draft correspondence from the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development advising of the conditions associated with the development agreement.*
2. *Subject to the receipt of signed correspondence from the Minister reflecting the information and direction of the draft referred to in 1. above, authorise the Acting Chief Executive Officer to issue planning approval for the transient workforce accommodation at Thevenard Island in accordance with Delegation DA 35 and to include any conditions relevant to the Application and appropriate to an Approval that the Acting Chief Executive Officer sees fit.*
3. *Request the Acting Chief Executive Officer to write to Chevron Australia requesting that it openly clarify it accommodation needs for Wheatstone and if they are different to the adopted Wheatstone Construction Workforce Management Plan (WCWMP) that it seek to revise the WCWMP accordingly."*

Subsequent to the Council decision, the Shire Administration received confirmation from the Minister for Lands and planning approval was issued reflecting the Council resolution.

Proposal

Application for Planning Approval has been lodged for an additional nine (9), four bed transient workforce accommodation (TWA) units (for 36 persons), and three (3), three bed tourist units 'eco-tents' (for 9 persons) on Thevenard Island.

ATTACHMENT 13.14

The Applicant has advised that the proposed location of the additional TWA units is located adjacent to existing Club Thevenard facilities and that this area was previously the location of single bed donga units occupied by WAPET oil facilities during the construction of the offshore oil fields and onshore processing plant. It is the view of the Applicant that the site for the TWA is cleared and level and this application therefore does not contemplate removal of any existing vegetation.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

With respect to the tourist 'eco-tents', these are to be located adjacent to the area set aside for tourist accommodation.

The Applicant advises that the "...existing infrastructure, including power, water and waste water historically catered for units in this location, and therefore no additional infrastructure is required to service these units."

With respect to the need for the accommodation, the Applicant also notes as follows:

"Chevron has recently advised that it is currently contemplating using facilities on Thevenard Island for an initial period of approximately 2.5 years. This is significantly less than the 4.5 year proposal that was considered previously, and has the potential to impact on the level of investment able to be directed into the development of facilities on Thevenard Island.

This opportunity will enable Mackerel Islands Pty Ltd to mitigate the loss of income and therefore maintain the level of investment contemplated by the Development Agreement.

The approval issued 21st December 2012 required, among other things, for 20% of accommodation to remain available for tourist purposes. As such, this Development Application proposes to construct permanent Eco Tents in the location identified by the Masterplan and as detailed in the Development Agreement, which will result in a total of 25 beds being available for tourist use on Thevenard Island."

Comment

The Island is reserved under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') as 'Conservation, Recreation and Nature Landscape' and planning approval is required for the use and the development. Clauses relevant to the reserve and the Scheme are as follows:

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

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

In this regard, the Shire sought the advice from the Department of Environment and Conservation (DEC) who offer no objection provided the development is reflected in an Environmental Management Plan and that this forms a condition of any planning approval.

The Application was signed by the owner (representative from the Department of Regional Development on behalf of the State of Western Australia) who under the terms of the licence/lease for the Island has control over the implementation of any works and development.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Conclusion

As with the Planning Approval issued in December 2012, it is clear that Mackerel Islands Pty Ltd perceive that the 'temporary' (five year) use of facilities on Thevenard Island for transient workforce accommodation will derive a commercial benefit to the company, as well as a long term positive legacy for the Island and the community.

As reflected in the Approval, Council was of a view that such individual or commercial benefit to a company is not a matter for local government. It was left to the Minister for Lands to ensure arrangements were in place to ensure re-investment in new accommodation and amenities once the transient workforce accommodation was complete.

The use and development is not opposed however the TWA component should be limited to a period of five years in line with the approval issued in December 2012. Importantly, the ratio of TW and tourist use of the proposal reflects the direction of the Minister for Lands requirement of no more than 80% TWA and 20% tourism.

It is appropriate that should Planning Approval issue that Council write to the Minister requesting that appropriate arrangements are undertaken with the proponent to ensure that re-investment opportunities are established that benefit the whole of the community.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Executive Manager - Strategic and Economic Development

The application was advertised through the Pilbara News, notice boards at the Onslow and Tom Price Shire offices and placement on the Shire's Website. Due to timing difficulties, the proposal was not advertised in the Onslow Times. Only the submission from the DEC was received.

Statutory Environment

Shire of Ashburton Local Planning Scheme No. 7

Financial Implications

None anticipated

Strategic Implications

"The Shire of Ashburton Tourism Destination Development Strategy".

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 03 – Well Managed Tourism

Policy Implications

LPP 17 - Local Planning Policy – 'Transient Workforce Accommodation'

The *Local Planning Policy* provides guidance for the establishment of transient workforce accommodation within the Shire. In preparing the Policy, use of Thevenard Island for transient workforce accommodation would not have been envisaged.

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Recommendation

That Council:

1. **APPROVE** nine (9), four bed transient workforce accommodation (TWA) units (for 36 persons), and three (3), three bed tourist units 'eco-tents' on land known as Lot 142 on Land Register Vol 3054 Fol 953 contained in Deposited Plan 217262, Thevenard Island for in accordance with the following conditions:
 1. Prior to the establishment of the TWA and tourist units as approved, the proponent shall provide to the requirements of the Department of Environment and Conservation to the satisfaction of the Shire of Ashburton an Environmental Management Plan that clearly defines the location of the development and addresses the protection and management of environmental assets in relation to the activities and is subsequently implemented.
 2. This Planning Approval expires on 31 December 2017 or other period as agreed by the Chief Executive Officer and the structures be removed with 60 days of the expiry date.
 3. A Fire Management Plan shall be prepared by the applicant and adopted by Council and thereafter implemented to the Shire's satisfaction.
 4. All storm water produced on the site shall be disposed to the satisfaction as directed by the Shire. Plans must be submitted showing details of the drainage layout, showing the pipes direction, invert levels, grade size and the locations of any pits.
 5. A comprehensive effluent plan and drainage plan shall be submitted to Council and such plan(s) approved. All works to be constructed as per the approved plan.
 6. This tourist use of this Planning Approval shall not be staged and shall be established and made available for tourist use in association with the TWA use.
 7. The land use and development shall be undertaken generally in accordance with the approved plans to the satisfaction of the Shire of Ashburton.

Advice Notes

- i. 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).
- ii. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following web site <http://www.dia.wa.gov.au/Heritage/default.aspx>.
- iii. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.

- iv. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or on <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

2. Request the A/Chief Executive Officer to write to the Minister for Lands advising him of the Planning Approval (as referred to in 1. above) requesting that appropriate arrangements are undertaken with the proponent to ensure that re-investment opportunities are established that benefit the whole of the community.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.15 PLANNING APPLICATION - OVER SIZED SHED AT LOT 540 MONTEBELLO AVENUE, PARABURDOO

FILE REFERENCE:	PA.MO.0540 20130062 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	W Randall
DATE REPORT WRITTEN:	31 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Application for Planning Approval has been lodged for an over sized outbuilding (54m²) with a wall height of 3.0m on land zoned Residential R20 at Lot 540 Montebello Avenue, Paraburdoo.

The shed requires Planning Approval because the wall height is 0.6m above the Acceptable Development requirements under the Residential Design Codes (RCodes). The lot is owned by RTIO along with all adjoining land. RTIO does not object to the Application.

The wall height of 3.0m is considered acceptable and will not result in detriment to the amenity of the locality. Accordingly, conditional Planning Approval is recommended.

Proposal

Application for Planning Approval has been lodged for an over sized outbuilding (54m²) with a wall height of 3.0m on land zoned Residential R20 at Lot 540 Montebello Avenue, Paraburdoo. The proposed 'colourbond' outbuilding is 3.8m in height although the wall height is 3.0m – some 0.6m above the Acceptable Development requirements under the Residential Design Codes (RCodes). The proposed shed is to be sited at the rear of the lot with setbacks of 1.0m south boundary and 1.5m to the eastern boundary.

ATTACHMENT 13.15

Comment

The size of the shed is larger than what is normally considered necessary for residential purposes. The issue as to an appropriate maximum size of a residential shed has been determined by Council pursuant to the adopted Local Planning Policy.

An important aspect in favour of the Application is that the application was supported by the land owner who is also the owner of adjoining land (RTIO). The impacts of the shed are essentially its wall height however these impacts are generally confined to the local area.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Local Planning Policy-Outbuildings Assessment Policy was adopted by Council in June 2009 where Clause 4.5 of the Policy states:

“4.5 Consideration of oversized and / or overheight outbuildings

An 'oversized' or 'overheight' outbuilding may require prior Planning Approval and in most cases assessment of the application will require consultation with adjoining and affected landowners.

An application will be refused unless it is determined that the outbuilding will not have an undesirable impact when assessed in accordance with the following:

- *Size of the lot*
- *Zoning of the lot*
- *Materials of construction*
- *Height of the proposed building*

- *Visibility from nearby vantage points*
- *Intended use of the building*
- *Effect on adjoining properties and written comments from affected landowners*
- *Effect on streetscape*
- *Any other circumstances and factors affecting the application*
- *Other Scheme matters including, Structure Plan, Policies or State Planning Policies*

Applicants are required to supply supporting documentation on the above issues to assist in determining the application.”

The wall height of 3.0m is considered acceptable and will not result in detriment to the amenity of the locality.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7

Residential Design Codes.

Policy Implications

Local Planning Policy – Outbuildings Assessment Policy seeks to establish a local planning policy for the outbuildings in the residential areas of Shire.

Financial Implications

There are no strategic implications that relate to this matter.

Strategic Implications

There are no strategic implications that relate to this matter

Voting Requirement

Simple Majority Required

Recommendation

That Council:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

1. **APPROVE** Application for Planning Approval for an over sized outbuilding at Lot 540 Montebello Avenue, Paraburdoo generally in accordance with the plans submitted and subject to the following conditions:
 1. This Planning Consent lapses if the development is not substantially commenced 10 April 2014.
 2. The design, materials and colours of both the existing and proposed development are to be matched to the satisfaction of the Shire of Ashburton. Details to be submitted prior to or with the building licence application.
 3. The external walls and roofing shall not include the use of zincalume.

Author: Rob Paul	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.16 REQUEST FOR ACCESS TO SHIRE ROAD RESERVES FOR WATER SUPPLY INFRASTRUCTURE

FILE REFERENCE:	UT.WA.1
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	The Metal Group
DATE REPORT WRITTEN:	31 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Onslow Water Supply Scheme is currently operating close to full capacity. While meeting all current service obligations, the Water Corporation at this stage cannot guarantee the availability of water services for additional connections.

The Metal Group has suggested an alternative water supply arrangement for Onslow that involves a private water supply to be sourced from groundwater as part of an aquifer storage and recovery scheme consisting of weirs along the Ashburton River, south of Minderoo Homestead.

The Metal Group advise that to transfer the water to Onslow, a 400mm diameter pipeline is proposed along Twitchen Road, Old Onslow Road and Onslow Road covering an estimated 40km to Onslow.

The proposal is considered to be a positive contribution to providing infrastructure to Onslow and there is no objection, in principle, to using Twitchen Road and/or Old Onslow Road for water supply infrastructure provided matters associated with detailed location and indemnification to the Shire of such works are addressed.

Background

The Onslow Water Supply Scheme is currently operating close to full capacity. While meeting all current service obligations, the Water Corporation at this stage cannot guarantee the availability of water services for additional connections.

Initially, additional bores, a booster pump station and upgrading of the transfer pipeline is proposed to increase the capacity by approximately 60% by servicing an additional 200 services (460 people) up from the current 370 services with such works expecting to be

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

completed by September 2013. In light of the severe limitations in Onslow, this development plan advocates limiting the establishment of private swimming pools.

The Shire understands, however, that the Water Corporation will also likely require a new tank and booster pump station to be commissioned prior to providing all or a portion of the additional 200 services which is programmed for completion by mid 2014.

An alternative source will need to be investigated to ultimately service the expected growth.

Under the State Development Agreement, Chevron Australia Pty Ltd is required to provide water infrastructure to service the Onslow townsite, as a part of the Wheatstone LNG/Domestic Gas project, however, the source and timing schedule for this water supply is still to be determined.

Proposal

The Metal Group has suggested an alternative water supply arrangement for Onslow that involves a private water supply sourced from groundwater as part of an aquifer storage and recovery scheme consisting of weirs along the Ashburton River, south of Minderoo Homestead.

The Metal Group advise that to transfer the water to Onslow, a 400mm diameter pipeline is proposed along Twitchen Road, Old Onslow Road and Onslow Road covering an estimated 40km to Onslow.

ATTACHMENT 13.16A
ATTACHMENT 13.16B

Comment

Essentially, Chevron has the obligation to provide an upgraded water and power infrastructure for Onslow, which is essential for the development of Onslow, however, the Department of State Development is responsible for ensuring the delivery of the infrastructure.

The Metal Group provided a briefing to the Shire Administration and the Commissioner whereby the proposal was discussed, however, the proposal the company is short on detail and has not provided any assessment on any potential impacts on roads under the care and control of the Shire (i.e. Twitchen Road and Old Onslow Road).

Onslow Road is under the care and control of Main Roads WA and any such access would require Main Roads WA approval. Planning Approval for the infrastructure will also be required as the works involved are not 'public works' and therefore, not exempted under the Shire of Ashburton Town Planning Scheme No. 7.

Conclusion

The Metal Group's proposal is a positive contribution to providing infrastructure to Onslow. A significant concern of the Shire and the Onslow community is that infrastructure particularly reticulated water, will arrive too late to result in development opportunities for commercial and residential development for the town.

There is no objection in principle to using Twitchen Road and/or Old Onslow Road for water supply infrastructure however matters associated with detailed location and indemnification to the Shire of such works will be necessary.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Consultation

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

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
Land Administration Act

Financial Implications

There are no financial implications.

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.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Advise The Metal Group that with respect to their proposal for an alternative water supply arrangement for Onslow involving a private water supply to be sourced from groundwater as part of an aquifer storage and recovery scheme consisting of weirs along the Ashburton River, south of Minderoo Homestead and the use of Twitchen Road and Old Onslow Road to transfer the water to Onslow, that:
 - i. the proposal is considered to be a positive contribution to providing infrastructure to Onslow; and
 - ii. there is no objection in principle to use Twitchen Road and/or Old Onslow Road for water supply infrastructure however matters associated with detailed location and indemnification to the Shire of such works will need to be addressed.

Author: Rob Paul	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.17 PLANNING APPLICATION - PROPOSED RESIDENTIAL BUILDING AT LOT 920 NO. 14 PAYNE WAY, ONSLOW

FILE REFERENCE:	ON.PY.0920.00 20130027 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	M and P Charles (Owner/Applicant)
DATE REPORT WRITTEN:	31 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Application for Planning Approval has been submitted for Lot 920 (No. 14) Payne Way, Onslow to operate a "residential building" use within the existing dwelling on the subject site.

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

The Application reflects the provisions of the adopted 'Local Planning Policy - Conversion of Dwellings to Residential Buildings'.

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

Background

Lot 920 (No. 14) Payne Way, Onslow is occupied by a four (4) bedroom dwelling and outbuilding (that serves the dwelling).

Council resolved at the August 2009 meeting that draft '*Local Planning Policy - Conversion of Dwellings to Residential Buildings*' would be adopted. Final advertising of the adopted Policy in accordance with the Scheme took place on 16 September 2009.

Proposal

Application has been submitted by the owner of Lot 920 (No. 14) Payne Way, Onslow Onslow to operate a "residential building" use within the existing dwelling on the subject site.

Comment

The proposed use fits within the definition of a 'dwelling', in the Shire's Local Planning Scheme No. 7 ('Scheme') as:

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

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

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

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

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

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

Planning Policy

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

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

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

Clause 4.5 of the Policy states:

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

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

- ii) *to ensure that any such uses will not adversely impact on residential amenity values currently enjoyed by those in surrounding properties;*
 - iii) *car parking provision of one car for each bedroom within the facility shall be provided on the site two of which may be in tandem formation. Where a greater number of cars is required these will be examined in each case as to the position of the bays and their likely impact on the street and neighbouring properties; and*
 - iv) *residences must be connected to the Water Authority's reticulated water supply.*
- b) *Should Council consider Approval of an Application, the following will apply:*
- i) *approval is a particular approval, and is not transferable without prior written approval of Council;*
 - ii) *where the existing standard of a dwelling is considered by Council to be inappropriate, consent may not be granted until the dwelling is upgraded to a satisfactory standard. If, after inspection, the dwelling is considered to be unsafe or inadequate for Residential Building use, the application will be refused;*
 - iii) *smoke alarms along with emergency response plans (i.e. fire escape route maps, cyclone evacuation contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling;*
 - iv) *any approval granted will be for a limited period of one (1) year such that the Council may be assured that the use will not result in any unreasonable impact on adjoining properties;*
 - v) *car parking spaces shall be well constructed, kerbed and drained to the satisfaction and specifications of the Shire; and*
 - vi) *vehicles with operating audible reversing warning systems will be prohibited;*
 - vii) *in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date."*

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

Location

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

Residential Amenity

The proposal's greatest potential for an adverse impact on the residential amenity of the surrounding area is noise generation and car parking. It is considered that both these issues can be adequately addressed in the manner set out below. As further protection against inappropriate activity on the site, however, it is recommended that Council, if it decides to

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

grant approval, should initially limit any approval it may issue to a period of twelve months after which time the use could be reviewed.

Noise Generation

Noise made by guests has the greatest potential to impact on the amenity of the local area. This is the case if the establishment is not well managed. In the event of Council deciding to issue a planning approval it would be appropriate to include a condition that ensures a manager oversees the use. Vehicles with operating audible reversing warning systems or systems that cannot be switched off should not be permitted.

Essential Services and Waste Disposal

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

Traffic Implications

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

It is noted that the Local Planning Policy states: *“car parking spaces shall be well constructed, kerbed and drained to the satisfaction and specifications of the Shire”*;

However in this instance, the parking area proposed is unsealed, reflecting the same arrangement for adjoining properties. In this regard, it is not recommended that the driveway and parking areas not be sealed on the basis of there not being any objections and reflecting the informal arrangements for adjoining land.

Emergency Escape Plan

It is suggested that Approval be granted, a condition should be included that provides information to residents on cyclone evacuation contingency should be required.

Building Modifications

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

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Executive Manager - Strategic and Economic Development

The application was advertised for 14 days through a sign on site and notification to adjoining and opposite landowners and notice boards at the Onslow Shire offices.

Statutory Environment

Planning and Development Act

Shire of Ashburton Local Planning Scheme No.7

Financial Implications

There are no financial implications relative to this issue.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

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

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

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. **APPROVE** to use the existing dwelling at Lot 920 (No. 14) Payne Way, Onslow for the purposes of a residential building subject to the following conditions:
 1. The development shall comply with the Shire of Ashburton's Local Planning Scheme No. 7, the Health Act, the Building Code of Australia, the West Australian Fire Board Regulations and any other relevant Acts, Regulations and Local Laws.
 2. Not more than four guests shall be accommodated within the premises at any one time.
 3. Prior to the use commencing, a site plan draw to scale and showing four (4) onsite parking spaces in accordance with Appendix 9 of the Scheme shall be submitted to and approved in writing by the Shire of Ashburton.
 4. Prior to the use commencing, an Emergency Escape Plan shall be prepared providing information and the method of advising residents of cyclone evacuation contingency should be required and approved in writing by the Shire of Ashburton.
 5. All car parking generated by the use shall occur within the boundaries of the property.
 6. Vehicle parking, manoeuvring and circulation areas are to be suitably constructed, drained and maintained to the satisfaction of the Shire of Ashburton.
 7. Car parking and vehicle circulation areas shall be available for these purposes at all times and shall not be used for any other purpose.
 8. Vehicles with operating audible reversing warning systems or systems that cannot be switched off are not permitted.
 9. The use shall not continue beyond twelve calendar months of the date of granting this approval, without the written approval of Council. When assessing whether the use is to be approved for a period beyond twelve calendar months, Council shall have regard to whether the use has had any adverse impact on the amenity of the surrounding area.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

10. The use shall be managed to the satisfaction of Council at all times. A condition of this approval is that the person/s with management responsibility shall be responsible for the operation of Lot 920 (No. 14) Payne Way, Onslow.
11. The name or names of those persons with management responsibility for the use are to be provided in writing to Council prior to the use commencing. The person/persons shall reside in Onslow. Council shall be advised in writing of any change in manager prior to the event occurring.

Advice Note

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

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

13.18 PLANNING APPLICATION - PROPOSED RESIDENTIAL BUILDING LOT 651 (No. 11), SIMPSON STREET, ONSLOW

FILE REFERENCE:	ON.SI.0651.00 20130048 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/ RESPONDENT:	A. Asphar (Owner/Applicant)
DATE REPORT WRITTEN:	31 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The owner of Lot 651 (No. 11), Simpson Street, Onslow seeks Planning Approval to operate a "residential building" use (for 4 persons) within the existing dwelling on the subject site.

The Shire's Local Planning Scheme No. 7 ('Scheme') zones the land Residential with a R Code of 12.5 (although it is proposed to be recoded R20 in Amendment No. 13) and lists the proposed use "residential building" as a land use which Council may permit after public notice of the application. Advertising has taken place in accordance with the Scheme provisions and one (1) submission was received reflecting that of an objection. The matters raised generally relate to amenity concerns from previously experiencing living next to FIFO workers.

The Application reflects the provisions of the 'Local Planning Policy - Conversion of Dwellings to Residential Buildings' adopted by Council on 18 August 2009.

It is recommended that the "residential building" use within the existing dwelling be approved subject to a number of conditions (including a requirement that operation of the use to be reviewed after a period of six (6) months).

Background

Lot 651 (No. 11), Simpson Street, Onslow is occupied by a 4 bedroom dwelling with carparking on site. This area of Simpson Street has an unusually wide verge area, which appears to provide informal parking arrangements for the Onslow Primary School and for occupants of the dwelling.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

It should be noted that over a 12 month period, the Shire received complaints that the dwellings was being used for Fly In Fly Out (FIFO) accommodation and that disturbance was being caused from parking due to the use of the site. Inspections carried out by Shire Staff at the time revealed that the use was likely to be unauthorised however the level of information required for any prosecution was beyond the scope of the Shire's resources. However the alleged unauthorised use ceased for a period and the agent for the Lot was advised that planning approval for 'residential building' if it was to be used for FIFO occupants.

Relevant to the Application is 'Local Planning Policy - Conversion of Dwellings to Residential Buildings' which was adopted for final approval by Council on 18 August 2009. The intent of the Policy is to ensure that a rigorous assessment of such applications is undertaken to ensure that such uses do not impact upon the residential amenity of the locality.

Proposal

Application has been submitted by the owner of Lot 651 (No. 11), Simpson Street, Onslow to operate a "residential building" use within the existing dwelling on the subject site.

ATTACHMENT 13.18A

Comment

The proposed use fits within the definition of a 'dwelling', in the Shire's Local Planning Scheme No. 7 ('Scheme') as:

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

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

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

a) temporarily by two or more persons, or

b) permanently by seven or more persons,

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

The subject land is zoned Residential in the Local Planning Scheme No. 7 ('Scheme') with an R Coding of 12.5 (although it is proposed to be recoded R20 in Amendment No. 13). Within such a zone a Residential Building is a 'D' use which is a use that Council may, at its discretion, permit after public notice of application has been given. Advertising has taken place in accordance with the Scheme provisions and one (1) submission was received (reflecting that of an objection) from the adjoining landowner.

Submission

The Submission (objection) relates to the perceived impact the proposal would have upon the amenity of the local area and has been summarised as follows:

- *It is the wrong thing to put an office within the house and the residential area of Simpson Street.*

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

- *Offices such as the one proposed in the plan should be on a commercial block strongly against the fact we have to put up with such Contractors and inappropriate behavior and work vehicles up and down our driveway*
- *There are several reasons for us not agreeing with this planning application going ahead next-door as these relate to the previous occasions where there were contractors working out of the House on 11 Simpson St in the year of 2012.*
- *I feel my family and I will be strongly affected if this goes ahead due to the built up of public vehicles parking along this unoccupied stretch of free space that the shire is yet to deal with this.*
- *The public is using this area daily for public parking for the school.*
- *I feel this needs to be re-enforced to the public that this is NOT a public parking area and to park in the designated parking areas on the other side of the school. There has been two occasions now where my daughter has walked out of our drive way and a car has sped past her as the vehicle veered to the parking area. This is a huge hazard concern to me. Seriously is it going to take a child to be run over before anything will done about this problem?*
- *Another perfect example was voting day - I was locked in my own drive way, as a bus full of workers parked across my drive way leaving no room for me to tow my boat out, I then had to wait for the driver to come back from voting with the rest of the bus load. I have also attached pictures to support this*
- *This problem really is getting worse by the day*
- *Overall my higher concerns relating to this issue are the welfare of my kids and what they are exposed to! Last year - a young Male urinated over the balcony from 11 Simpson in front of us whilst I was cleaning my car.*
- *I feel these workers have no respect for the neighbors and privacy is a big one as their regular 'hang out' area is in the same comer on the balcony closest to our house, which is the side of our kids bedrooms. Peering into our yard and late nights with music, laughing and party lights left on overnight shining through the kids rooms.*
- *The house sits a lot higher than ours - which impacts the amenity (of the objectors) site.*

The full submission is included as **ATTACHMENT 13.18B**.

Shire Administration response

The Application submitted did originally include plans showing an office use. When this was queried with the Applicant, the 'office' was removed from the plans. Should Planning Approval be issued, it should include a condition that use of an office is not permitted.

The general issue of parking and the use of the verge for parking associated with the school and as a 'turn-around' for larger vehicles was brought to the attention of the Shire by the objector some 12 months ago. The Shire responded that it would erect bollards in the verge area immediately abutting the objectors dwelling and the lot subject of the Application. This is still to be undertaken. It is considered that this arrangement would greatly assist in limiting the impact of the verge area on the objector.

It is clear that the objector has experienced inconsiderate neighbours from the previous use of Lot 651 (No. 11), Simpson Street. It is noted however that inconsiderate neighbours are not solely due to FIFO workers. However it is suggested that conditional approval in this instance may provide greater control over the occupants than if the dwelling was rented to persons that did not make up the definition of 'residential dwelling'.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

In preparing this Report, the summarised version of the submission (excluding the submitters name and address) was provided to the Applicant for a response. By Email, the Applicant's Agent Mr Tim Gross advised:

"Many of the issues that were raised by the objection are just not relevant to the application, which I am sure the council acknowledges, as they are mainly around the school activity and people parking or driving in front of the properties that front Simpson Street, including 11 Second Avenue.

Having personally monitored this activity over the past few days, there definitely are a large number of cars that do drive and park directly in front of the 2 to 3 houses that are directly opposite the school on Simpson Street."

Correspondence from the company wishing to use the property for 'residential building' purposes 'Jan De Nul Pty Ltd' is included as **ATTACHMENT 13.18C**.

Planning Policy

The proposal is also subject to the provisions of Council Policy *PLA10 – Non-Residential Land Users in Residential Areas*. Council should give consideration to the contents of the policy when considering the subject development application. The Policy states that any application is to be considered on its individual merits, having regard to the following criteria.

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

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

Clause 4.5 of the Policy states:

- "a) Applications will be examined with regard to the following:
- i) potential for increased levels of noise, disturbance and car parking and the likely greater impact on the residential amenity of neighbouring or nearby dwellings;
 - ii) to ensure that any such uses will not adversely impact on residential amenity values currently enjoyed by those in surrounding properties;
 - iii) car parking provision of one car for each bedroom within the facility shall be provided on the site two of which may be in tandem formation. Where a greater number of cars is required these will be examined in each case as to the position of the bays and their likely impact on the street and neighbouring properties; and
 - iv) residences must be connected to the Water Authority's reticulated water supply.
- b) Should Council consider Approval of an Application, the following will apply:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

- i) *approval is a particular approval, and is not transferable without prior written approval of Council;*
- ii) *where the existing standard of a dwelling is considered by Council to be inappropriate, consent may not be granted until the dwelling is upgraded to a satisfactory standard. If, after inspection, the dwelling is considered to be unsafe or inadequate for Residential Building use, the application will be refused;*
- iii) *smoke alarms along with emergency response plans (i.e. fire escape route maps, cyclone evacuation contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling;*
- iv) *any approval granted will be for a limited period of one (1) year such that the Council may be assured that the use will not result in any unreasonable impact on adjoining properties;*
- v) *car parking spaces shall be well constructed, kerbed and drained to the satisfaction and specifications of the Shire; and*
- vi) *vehicles with operating audible reversing warning systems will be prohibited;*
- vii) *in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date.”*

Considering the Application in light of the adopted Council Policy PLA10, *Non-Residential Land Uses in Residential Areas and Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings*, the following comments are made.

Location

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

Residential Amenity

The proposal's greatest potential for an adverse impact on the residential amenity of the surrounding area is noise generation and car parking. It is considered that both these issues can be adequately addressed in the manner set out below.

As further protection against inappropriate activity on the site, however, it is recommended that Council, if it decides to grant approval, should initially limit any approval it may issue to a period of six (6) months after which time the use could be reviewed. This is lesser period than the Policy suggests. However given the previous concerns raised from the use of the dwelling it is recommended that an initial review period is required.

Noise Generation

Noise made by guests has the greatest potential to impact on the amenity of the local area. This is the case if the establishment is not well managed. In the event of Council deciding to issue a planning approval it would be appropriate to include a condition that ensures a manager oversees the use. Vehicles with operating audible reversing warning systems or systems that cannot be switched off should not be permitted.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Essential Services and Waste Disposal

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

Traffic/Parking Implications

While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site. Parking on site needs to be a condition of any Planning Approval.

Emergency Escape Plan

If the Application is approved an acceptable 'fire escape plan' information to residents on cyclone evacuation contingency should be required.

Building Modifications

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

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Executive Manager - Strategic and Economic Development

The application was advertised for 14 days through a sign on site and notification to adjoining and opposite landowners and notice boards at the Onslow Shire offices.

Statutory Environment

Planning and Development Act

Shire of Ashburton Local Planning Scheme No.7

Policy Implications

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

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

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

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Recommendation

That Council:

1. **APPROVE** to use the existing dwelling at Lot 651 (No. 11), Simpson Street, Onslow for the purposes of a residential building subject to the following conditions:
 1. The development shall comply with the Shire of Ashburton's Local Planning Scheme No. 7, the Health Act, the Building Code of Australia, the West Australian Fire Board Regulations and any other relevant Acts, Regulations and Local Laws.
 2. The use hereby approved does not permit office or any other commercial use of the site.
 3. Not more than four guests shall be accommodated within the premises at any one time.
 4. Prior to the use commencing, a site plan draw to scale and showing four (4) onsite parking spaces in accordance with Appendix 9 of the Scheme shall be submitted to and approved in writing by the Shire of Ashburton.
 5. Prior to the use commencing, an Emergency Escape Plan shall be prepared providing information and the method of advising residents of cyclone evacuation contingency should be required and approved in writing by the Shire of Ashburton.
 6. All car parking generated by the use shall occur within the boundaries of the property.
 7. Vehicle parking, manoeuvring and circulation areas are to be suitably constructed, drained and maintained to the satisfaction of the Shire of Ashburton.
 8. Car parking and vehicle circulation areas shall be available for these purposes at all times and shall not be used for any other purpose.
 9. Vehicles with operating audible reversing warning systems or systems that cannot be switched off are not permitted.
 10. The use shall not continue beyond six calendar months of the date of granting this approval, without the written approval of Council. When assessing whether the use is to be approved for a period beyond six (6) calendar months, Council shall have regard to whether the use has had any adverse impact on the amenity of the surrounding area.
 11. The use shall be managed to the satisfaction of Council at all times. A condition of this approval is that the person/s with management responsibility shall be responsible for the operation of Lot 651 (No. 11), Simpson Street, Onslow.
 12. The name or names of those persons with management responsibility for the use are to be provided in writing to Council prior to the use commencing. The

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

person/persons shall reside in Onslow. Council shall be advised in writing of any change in manager prior to the event occurring.

Advice Note

1. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).
2. Request the A/Chief Executive Officer to undertake the necessary consultation and action to construct means to lessen the impact from dust and the like on properties abutting the road reserve verge in the vicinity of Lot 651 (No. 11), Simpson Street, Onslow.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

14. OPERATIONS REPORTS

14.1 RFT 03/13 - SUPPLY AND DELIVERY OF REFUSE TRUCK

FILE REFERENCE:	AS.TE.03.13
AUTHOR'S NAME AND POSITION:	Fiona Keneally Executive Manager - Operations
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	28 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.5 (Minute No. 11271) – Ordinary Meeting of Council 15 August 2012

Summary

The commercial rubbish collection in Tom Price and Paraburdoo is currently undertaken with rear loading refuse truck (Plant Identification Number PTR15) which is a 2005 model Isuzu FVZ 1400 fitted with a 2005 McDonald Johnston JP5 compactor unit. The truck and unit's utilization is currently 6900 hours and 200,000 kilometres.

It is proposed to replace this truck and unit as part of the current plant replacement schedule during the 2012/13 Financial Year and the delegated authority to purchase requires Council approval.

Background

A capital expenditure request was submitted for consideration and approved by Council as part of the 2012/13 Adopted Budget.

In accordance with the Shire of Ashburton FIN 12 Purchasing and Tender Policy and WALGA Procurement Handbook, this purchase is exempt from the tender advertising process as it is under a WALGA Preferred Supplier Contract.

Quotes were sought from WALGA Preferred Suppliers for the purchase of the Refuse Truck

- Isuzu - Major Motors
- Hino -WA Hino
- Iveco - Skipper Trucks

Evaluation was undertaken by Mark Reid, Allan Monson and Fiona Keneally

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Comment

Quotations were evaluated and is demonstrated as follows –

SHIRE OF ASHBURTON QUOTE EVALUATION - PURCHASE OF A REFUSE TRUCK

Item	WA Hino	Major Motors	Skipper Trucks
Price (out of 10)	10	9.5	0
Delivery Times (out of 10)	5	5	0
Maintenance and Quality (out of 10)	8	9	0
Price (50%)	50	47.5	0
Delivery Times (10%)	5	5	0
Maintenance, Life and Quality (40%)	32	36	0
Overall Score	87	88.5	0
Quotation Price (Inclusive of GST)	\$362,669.65	\$369,754.00	No Quote

The approved budget for the replacement of the refuse truck is \$385,000.00 (Inclusive of GST).

The Isuzu was chosen as it is the only one with local technical support, it has superior engine power and economy and has the most ergonomically designed cabin.

Both of the refuse trucks have the same McDonald Johnston JP5 Compactor Body, it is only the truck itself that draws a comparison -

- WA Hino - Hino 500 series 2628 long : Engine power 206 KW and 824 NM of torque
- Major Motors - Isuzu FH FVZ 1400 long : Engine power 221 KW and 981 NM of torque

The Isuzu has a power advantage as well as local support through Tom Price Mechanical. It also is considered to have a better designed cab for the operators and superior additional equipment.

The existing refuse truck and compactor will be sold at auction within six month of delivery of the new truck and compactor. Anticipated revenue is \$60,000 (which is within budget expectations)

Consultation

Executive Manager – Operations
Capital Works Manager
Waste Co-ordinator

Statutory Environment

Local Government Act 1995 S3.57 Tenders for Providing Goods and Services and S5.42 Delegation of powers and duties to the Chief Executive Officer.

Financial Implications

This expenditure forms part of the approved 2012/2013 Budget under Road Plant Purchases; Asset Renewal (GL 124954).

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 4 – Distinctive and well serviced places

Objective 1 - Quality Public Infrastructure – Provide and maintain affordable infrastructure that services the current and future needs of the community, environment, industry and business.

Policy Implications

DA001 – Delegation – the value of the truck purchase is beyond the authority delegated to the CEO in this delegation.

FIN04 – Buy Local – Regional Price Preference Policy

FIN12 – Purchasing & Tender Policy

FIN14 – Shire of Ashburton Tender Assessment Criteria Policy

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Approve the purchase of the Isuzu FVZ 1400 Refuse Truck and McDonald Johnston compactor in accordance as per Tender RFT 03/13 for \$369,754.00 (Inclusive of GST) from Major Motors.

Author: Fiona Keneally	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

14.2 REQUEST TO HOLD SPECIAL MEETING OF COUNCIL

FILE REFERENCE:	OR.CM.10.19
AUTHOR'S NAME AND POSITION:	Fiona Keneally Executive Manager - Operations
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 April 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 6.1 (Minute No. 7) – Special Meeting of Council 21 March 2013

Summary

The opening of the Onslow Aerodrome Runway is scheduled for 1 July 2013. To meet this date there are two key aspects that require Council decision out of the advertised Ordinary Meeting of Council schedule –

1. Awarding the tender for the provision of bituminous and asphalt supply and services for Onslow Aerodrome and
2. Endorsement of The Memorandum of Understanding (MOU) between the Shire of Ashburton and Onslow Salt Pty Ltd defining land use and asset access on adjoining and overlapping leases/ land to facilitate the diversion of the Onslow Town water main.

It is proposed that a Special Meeting of Council be held on 1 May 2013 to allow for preparation of relevant documentation and progression of works to meet project timeframes.

Background

The opening date of the Onslow Aerodrome runway is heavily dependent on the timing of bituminous and asphalt works. Following endorsement of the construction methodology by Council at the 21 March 2013 Special Council Meeting, a purpose specification is currently being designed by technical specialists (ARRB Group Ltd).

On receipt of this specification, Tenders for the Provision of Bituminous and Asphalt Supply and Services will be invited. It is expected that Tenders for the above will close on the 24 April 2013.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Simultaneously, the execution of the Memorandum of Understanding between the Shire of Ashburton and Onslow Salt Pty Ltd (OSPL) to facilitate the water mains diversion is essential in order to meet Onslow Aerodrome Redevelopment timeframes and deadlines. In particular, the water mains diversion is to take place around the proposed new airstrip and as such, current construction cannot be completed until the water mains diversion is complete.

Comment

It is proposed to hold a Special meeting of Council on Wednesday 1 May 2013 at 2.00pm by teleconference for the purpose of determining the following –

1. Awarding of Tender Provision of Bituminous and Asphalt Supply and Services for Onslow Aerodrome and Associated Works.
2. The Memorandum of Understanding (MOU) between Shire of Ashburton and (OSPL) which ensure that access to aerodrome land that is overlapped by OSPL Mining leases can be accessed by the Shire to undertake the diversion of water main works required to facilitate the Onslow Aerodrome Redevelopment and further ensure that OSPL's assets on the leases are accessible by OSPL at all times.

The recommended date of the Special Meeting of Council will allow for the evaluation of the tender and the preparation of reports and progression of works to meet project timeframes.

Consultation

A/Chief Executive Officer
Executive Manager - Strategic & Economic Development
Construction Manager Onslow Aerodrome Redevelopment

Statutory Environment

Section 5.25 of the Local Government Act and Regulation 14A of the Administration Regulations 1996.

Financial Implications

Nil

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 02 – Enduring Partnerships
Objective 01 – Strong Local Economies
Goal 04 – Distinctive and Well Serviced Places
Objective 03 – Well Planned Towns

Policy Implications

Nil

Voting Requirement

Absolute Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

Recommendation

That Council:

1. Convene a Special meeting of Council on Wednesday 1 May 2013 commencing at 2:00pm for the purpose of:
 - a. Awarding the tender for the provision of bituminous and asphalt supply and services for Onslow Aerodrome; and
 - b. Endorsement of The Memorandum of Understanding (MOU) between the Shire of Ashburton and Onslow Salt Pty Ltd defining land use and asset access on adjoining and overlapping leases/ land to facilitate the diversion of the Onslow Town water main
2. Approve the use of instantaneous communications for the Special meeting in the following locations;
 - a. Tom Price Council Chambers, Central Rd, Tom Price
 - b. Onslow Multi-Purpose Centre, corner of McGrath Rd and Hooley Ave; and
 - c. City of Kalgoorlie Boulder Conference Room, 577 Hannan St Kalgoorlie

Author: Fiona Keneally	Signature:
Manager: Frank Ludovico	Signature:

15. COMMUNITY DEVELOPMENT REPORTS

There are no Community Development reports for this meeting.

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

There are no New Business of an Urgent Nature reports for this meeting.

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.*

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

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

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: 27 March 2013

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

**PREVIOUS MEETING
REFERENCE:** 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.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

**17.2 CONFIDENTIAL ITEM - CONTRACT RENEWAL EXECUTIVE
MANAGER CORPORATE SERVICES**

FILE REFERENCE:	OR.MT.2
AUTHOR'S NAME AND POSITION:	Felicia Mudge Manager Organisational Development
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	31 March 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Confidential Agenda Item 16.10.16 – Ordinary Meeting of Council 27 October 2009.

Please refer to Confidential Item Attachment under separate cover.

AGENDA - ORDINARY MEETING OF COUNCIL 10 APRIL 2013

18. COUNCILLOR AGENDA ITEMS

There are no Council Agenda Items for this meeting.

19. PILBARA REGIONAL COUNCIL REPORT

There are no Pilbara regional Council reports for this meeting.

20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 8 May 2013, at the Onslow Multi-Purpose Centre, Cnr McGrath Road and Hooley Avenue, Onslow, commencing at 1.00 pm.

21. CLOSURE OF MEETING