

**SHIRE OF ASHBURTON**

**ORDINARY COUNCIL MEETING**

**MINUTES**

**(Public Document)**

**Onslow Sports Club,  
Lot 535 Third Avenue, Onslow**

**11 December 2013**

# MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 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 11 December 2013 at Onslow Sports Club, Lot 535 Third Avenue, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley  
**CHIEF EXECUTIVE OFFICER**

### **DISCLAIMER**

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

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## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

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

The Shire President declared the meeting open at 1.00 pm.

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

The Shire President welcomed members of the public gallery.

### 3. **ATTENDANCE**

#### 3.1 **PRESENT**

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr I Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr A Bloem	Tom Price Ward
Cr P Foster	Tom Price Ward
Cr A Eyre	Ashburton Ward
Cr D Wright	Pannawonica Ward
Mr N Hartley	Chief Executive Officer
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Ms A Serer	Strategic Revitalisation and Relationship Manager
Mr F Ludovico	Executive Manager, Corporate Services
Ms D Wilkes	Executive Manager, Community Development
Mr T Davis	Executive Manager, Technical Services
Mr R Paull	Principal Town Planner
Mrs C Newby	CEO & Councillor Support Officer
<b>Mentors</b>	
Ms J Law	Manager, Advice & Support, Department of Local Government
Cr K Chappel	Shire President, Morawa Shire Council
Mr D Burnett	Chief Executive Officer, City of Kalgoorlie-Boulder

#### 3.2 **APOLOGIES**

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

Cr C Fernandez Tom Price Ward

### 4. **QUESTION TIME**

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

There were no questions from the public.

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

At the Ordinary Meeting of Council held on 11 December 2013, there were no Public Questions taken on notice.

**MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013**

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

There were no applications for leave of absence.

**6. PETITIONS / DEPUTATIONS / PRESENTATIONS**

**6.1 PETITIONS**

There were no petitions presented to Council.

**6.2 DEPUTATIONS**

There were no deputations presented to Council.

**6.3 PRESENTATIONS**

The Shire President thanked the mentors for their support over the past six months presented each of them with a small gift of appreciation.

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

**7.1 ORDINARY MEETING OF COUNCIL HELD ON 20 November 2013**

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr A Eyre**

**That the Minutes of the Ordinary Meeting of Council held on 20 November 2013, as previously circulated on 26 November, be confirmed as a true and accurate record.**

**CARRIED 8/0**

**8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

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

**9. DECLARATION BY MEMBERS / MOVE AGENDA ITEMS "EN BLOC"**

**9.1 DECLARATION OF INTEREST**

That Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster and Bloem have given due consideration to all matters contained in the Agenda presently before the meeting.

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### 9.2 MOVE AGENDA ITEMS 'EN BLOC'

MINUTE: 11711

#### Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Dias

That Council adopts en bloc the following officer recommendations contained in the Agenda for the Ordinary Meeting of Council 16 October 2013.

Item No.	Agenda Title
10.1	PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS
10.2	ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF NOVEMBER
12.2	SHIRE OF ASHBURTON COUNCIL APPROVED AUTHORISATIONS
12.4	RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF OCTOBER & NOVEMBER 2013
14.1	PLANNING APPLICATION FOR TEMPORARY CONSTRUCTION FACILITIES IN THE FORM OF WAREHOUSING, WORKSHOP AND LAYDOWN AREA TO SUPPORT THE CONSTRUCTION OF THE GORGON PROJECT LNG PLANT ON RESERVE 11648, BARROW ISLAND
14.2	REQUEST BY THE DEPARTMENT OF LANDS FOR COMMENT - APPLICATION FOR LICENCE TO OCCUPY CROWN LAND FOR LAYDOWN - WHEATSTONE PROJECT - SECTION 91 LAND ADMINISTRATION ACT 1997- CHEVRON AUSTRALIA PTY LTD
14.4	MODIFICATION TO LOCAL PLANNING POLICY LPP15 PARKING & SETBACK - FIRST AVENUE, ONSLOW
14.5	DRAFT LANDCORP ONSLOW EXPANSION DEVELOPMENT PLAN AND DRAFT AMENDMENTS NO. 21 AND 22 TO PLANNING SCHEME NO. 7 FOR FINAL APPROVAL

CARRIED EN BLOC 8/0

Crs White, Rumble, Dias, Foster, Wright, Thomas, Eyre and Bloem voted for the motion

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### 10. CHIEF EXECUTIVE OFFICER REPORTS

#### 10.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS

MINUTE: 11711

FILE REFERENCE: OR.MT.1

AUTHOR'S NAME AND POSITION: Casey Newby  
CEO & Councillor Support Officer

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 December 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 1.1 (Minute 11477) - Ordinary Meeting of Council 10 April 2013

#### Summary

The 2012 D epartment of Local Government Probity Audit (Recommendation 34) recommended that a review be under taken of the processes for 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. T he 2012 D epartment of Local Government Probity Audit recommended that a review be undertaken of the processes for 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 decisions take longer to action than others.

The Information Bulletin is a document used for operational use 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**



## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### **Consultation**

A/Chief Executive Officer  
Executive Management Team

### **Statutory Environment**

Not Applicable

### **Financial Implications**

Not Applicable

### **Strategic Implications**

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

### **Policy Implications**

Not Applicable

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Dias**

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

**CARRIED EN BLOC 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### 10.2 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF NOVEMBER

MINUTE: 11711

FILE REFERENCE: OR.DA.00.00  
AS.AS.00000.000  
PS.TP.07.00

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

Susan Babao  
Administration Assistant, Planning & Health Services

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 December 2013

DISCLOSURE OF FINANCIAL INTEREST: The authors have no financial interest in the proposal.

PREVIOUS MEETING REFERENCE: Not Applicable

#### Summary

The purpose of this agenda item is to report back to Council actions performed under delegated authority for the month of November 2013.

This report includes all actions performed under delegated authority for:

- The Use of the Common Seal.
- Development Approvals Issued.
- Approval to Purchase Goods and Services by the Chief Executive Officer (CEO).

#### Background

##### The Use of the Common Seal

At the 11 April 2006 Council Meeting, Council noted the contents of a report which outlined a proposal to regularly inform Council (by way of an Agenda Item), of details relating to the use of the Common Seal.

Since September 2011 details regarding the use of the Common Seal were presented to Council in the Information Bulletin.

Details of the use of the Common Seal for the month of November 2013 are set out below.

##### Planning Delegations

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

Details of delegations undertaken for the month of August 2013 are set out below.

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### Approval to Purchase Goods and Services by the Chief Executive Officer

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 limit placed on the CEO for the acceptance of tenders.

At the 13 February 2013 Council Meeting, minute number 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.

Details of approvals to Purchase Goods and Services by the Chief Executive Officer under delegated authority are set out below.

### **Comment**

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

This report is prepared for each Council meeting.

### The Use of the Common Seal

The Common Seal has been affixed to the following documents for the month of November 2013:

Seal 545 Deed of Release & Discharge –Michelle Baxter

### Planning Delegations

Planning Delegations undertaken for the month of November 2013.

A	<b>Advertising and Determining Applications for Planning Approval</b>				
	ADV. OR DET. APP.	DATE	APPLICANT	DESCRIPTION	DEVELOPMENT LOCATION
	- none				
B	<b>Advertising Draft Development Plans</b>				
	- none				
C	<b>Advertising Extension for Town Planning Scheme Amendments and Development Plans</b>				
	- none				
D	<b>Subdivision and Development Design</b>				
	- none				
E	<b>Consideration of WAPC Referrals of Applications for Subdivision Approval</b>				
	- WAPC1234-13 (Lot 909 McGrath Ave, Onslow)				
	- WAPC148599 (Lot 16 DP 161140, Onslow Road, Onslow)				
F	<b>Clearance of Local Government Conditions associated with Subdivision Approval</b>				
	- WAPC146249 (Lot 929 Otway Court, Onslow)				
G	<b>Issue of Certificates (Strata Titles)</b>				
	- none				
H	<b>Directions regarding unauthorised development</b>				
	- none				
I	<b>Responsible Authority Reports to the Development Assessment Panel</b>				
	DATE	APPLICANT	DESCRIPTION	DEVELOPMENT LOCATION	
	18-Nov-13	TPG Town Planning, Urban Design and Heritage	3 Storey Residential Development (20130204 (P))	Lot 341 & 342 Second Ave, Onslow	
	18-Nov-13	Design Right Pty Ltd	9 x 1 Bedroom Multiple Dwellings - Residential (13-5)	Lot 502 House 21 First Ave, Onslow	

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### Approval to Purchase Goods and Services by the Chief Executive Officer

This following table presents a summary of the Approvals to Purchase Goods and Services by the CEO Under Delegated Authority for the month of November 2013.

Approval Date	File Ref	Title	Decision
			There were no approvals to purchase goods and services.

### **Consultation**

#### The Use of the Common Seal

Chief Executive Officer

#### Planning Delegations Issued

Chief Executive Officer

Executive Manager, Technical Services

### Approval to Purchase Goods and Services by the Chief Executive Officer

Not applicable

### **Statutory Environment**

#### The Use of the Common Seal

Local Government Act 1995, S9.49A Execution of documents.

#### Planning Delegations Issued

Clause 9.3 of the Shire of Ashburton Town Planning Scheme No. 7

Local Government Act 1995, S5.45 – Other matters relevant to delegations under this Division,

S5.70 – Employees to disclose interest relating to advice or reports, S5.71 – Employees to disclose interests relating to delegated functions.

### Approval to Purchase Goods and Services by the Chief Executive Officer

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

### **Financial Implications**

#### The Use of the Common Seal

There are no financial implications related to this matter.

#### Planning Delegations Issued

There are no financial implications related to this matter.

### Approval to Purchase Goods and Services by the Chief Executive Officer

There are no financial implications related to this matter.

### **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**

#### The Use of the Common Seal

ELM 13 – Affixing the Shire of Ashburton Common Seal.

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### Planning Delegations Issued

There are no policy implications related to this matter.

### Approval to Purchase Goods and Services by the Chief Executive Officer

FIN12 – Purchasing and Tendering Policy.

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Dias**

**That Council accept the report “10.2 Actions Performed Under Delegated Authority for the Month of November 2013”.**

**CARRIED EN BLOC 8/0**

**11. COMMUNITY DEVELOPMENT REPORTS**

**11.1 AREA W OVAL (\*MINNA OVAL) REDEVELOPMENT**

MINUTE: 11720

**FILE REFERENCE:** RO.AREW

**AUTHOR'S NAME AND POSITION:** Deb Wilkes  
Executive Manager Community Development

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

**DATE REPORT WRITTEN:** 27 November 2013

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

The residents of Area W in Tom Price have been requesting an upgrade for their oval for a number of years. Community consultation on this project was undertaken in 2012, and in the 2013/14 budget Council approved an expenditure of \$350,000. In addition, the Corporate Business Plan includes a further \$350,000 in 14/15 and \$300,000 in 15/16, in recognition that this is a large project requiring considerable spending and will need to be undertaken over a period of time. Attached is a concept Master Plan, based on feedback from the consultation process, for Council's consideration and approval

**Background**

Several years ago a Master Plan for the redevelopment of the Area W oval was undertaken by Roxby architects. This plan though, never proceeded beyond the concept stage and did not progress to community consultation.

In July 2012, the Shire of Ashburton conducted a community consultation exercise, that some 20 people attended, to look at community needs and expectations for the area, and to prioritise these needs.

Based on that feedback, and the budget constraints, a new draft Master plan is attached for Council consideration and approval.

**ATTACHMENT 11.1**

\*Footnote - The agenda had a typographical error on the title. This has been changed from "Minha Oval" to "Minna Oval".

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### **Comment**

The community consultation process revealed that a playground was a very high priority for those in Area W. Although there is a well utilised playground in the school grounds that form part of the oval, the school, and residents have expressed concern that when the older children frequent this playground there have been issues of anti-social behaviour. This is a particularly challenging issue as the current school playground is not fenced or in any other way contained, making it almost impossible to stop afterhours access to the playground.

To address this concern the first priority is to construct a playground that targets older children, ages 8 – 14. This playground would be based on some of the principles from playgrounds such as the Kings Park Nature Playground and quite different in structure and purpose to the more traditional playgrounds that we have in the Shire of Ashburton. It is anticipated this will attract children away from the traditional school playground as the new playground would offer different and more appropriate play possibilities for children of this age group.

Once approval to commence work is given, consultation will need to be held with the potential users of the playground to finalise the design and components (within the allocated budget).

Stage 1 would also include a bridge to connect the car parking area to the playground (ie over the storm water swale). Several comments were received about filling in the swale (and enclosing drainage as part of that process) but cost estimates indicate this would take most of the budget allocated for the entire redevelopment (around \$800,000).

Stage 2 would include other priorities such as BBQ areas and upgrading the current change room facilities, while stage 3 includes another pedestrian bridge, seating and a half basketball court to add to the general amenity of the area.

There are other suggestions from the community not included in this plan, and they have been listed as future works for when more funding become available.

### **Consultation**

Executive Management Team  
Tom Price Community  
Josh Byrnes and Associates

### **Statutory Environment**

Nil

### **Financial Implications**

\$350,000 has been allocated in the 2013/14 budget towards this project.

A further \$350,000 and \$300,000, respectively, have been identified in the Corporate Business Plan for 2014/15 and 2015/16.

Depending on the final design, approximately \$10,000 + CPI per year over the next 10 years would need to be allocated for asset management costs, with replacement costs being likely after 10 years.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 01 – Vibrant and Active Communities  
Objective 01 – Connected, caring and engaged communities  
Objective 02 – Active people, clubs and associations

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### Policy Implications

ENG09 Asset Management Policy

### Voting Requirement

Simple Majority Required

### Officer's Recommendation

That Council accept the Area W Oval concept Master Plan as per ATTACHMENT 11.1 and endorses the operationalisation of this plan within approved budgets constraints.

### Council Decision

**MOVED: Cr D Dias**

**SECONDED: Cr L Rumble**

**That Council does not accept the Area W Oval concept Master Plan as per ATTACHMENT 11.1 and this matter be reconsidered at the midyear Budget Review.**

**CARRIED 5/3**

**Crs White, Rumble, Thomas, Dias and Wright voted for the motion  
Crs Foster, Bloem and Eyre voted against the motion**

### Reason for Change of Recommendation:

Cr Dias wants to ensure that Council had a clear view of the expenses across the board as the Budget had not been adopted in complete consultation.



## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### 11.2 PLAYGROUNDS PRIORITISED FOR UPGRADES, REPAIRS, REMOVAL OR REPLACEMENT

**MINUTE:** 11721

**FILE REFERENCE:** CS.CS.04.04

**AUTHOR'S NAME AND POSITION:** Mabel Gough  
Facility Manager

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

**DATE REPORT WRITTEN:** 20 November 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 15.1 (Minute: 11467) – Ordinary Meeting of Council 13 March 2013

#### **Summary**

Following a council recommendation a professional playground audit was conducted in September, 2013 by Exceed Consulting. The purpose of the audit was to provide a summary report, detailing noncompliance aspects on each Shire of Ashburton playground.

A prioritisation list was provided outlining playgrounds in order of priority that require upgrades, repairs, removal or replacement. The report identifies approximate costs (Perth based) to undertake works to ensure each playground complies with the Australian Standards. Council is asked to consider the report and is requested to authorise the Chief Executive Officer to undertake various works to upgrade, repair, remove or replace playgrounds as detailed in the report.

**ATTACHMENT 11.2**

#### **Background**

A request to undertake a playground audit was made after \$180,000.00 was approved in the 2012/13 annual budget for the installation of rubber soft fall at Lions Park Playground, Tom Price and Thalanyji Oval Playground, Onslow. In February 2013 though, it was concluded, that major works may be required to these playgrounds. Installing rubber soft fall to these two playgrounds before repairs or replacement of playground equipment was undertaken was not seen as a viable, financially sound approach to improving the Shire's playgrounds.

Rubber soft fall has been requested by residents, Councillors and Shire of Ashburton employees after several incidents involving foreign objects being found in the sand and the cleanliness of the equipment were reported.

A recommendation was presented to Council on 13<sup>th</sup> March, 2013 to undertake a professional playground audit on all Shire of Ashburton playgrounds prior to any further upgrades (including installation of rubber soft fall) to ensure that the provision of funds were allocated to priority repairs and maintenance. This recommendation was passed by Council.

A professional audit has since been undertaken by Exceed Consulting which has identified and prioritised playgrounds that require upgrade, repair, replacement or removal to ensure playgrounds within the Shire comply with Australian Standards 4685, 4686 & 4422.

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### Comment

The Shire of Ashburton has 11 playgrounds, 1 exercise equipment area, 2 skate parks and 1 water spray park. The playgrounds were audited by Exceed Consulting who have appropriate qualifications to undertake playground equipment inspections and testing.

The audit conducted by Exceed Consulting identified upgrades, repairs, removal or replacement of playgrounds to be performed and what works to the playgrounds and equipment are critical. The audit identified that replacing soft fall at 6 of the Shire's most utilised playgrounds was a high priority. This was consistent with previous requests by residents, Councillors and Shire employees to install rubber soft fall at Lions Park Playground, Tom Price and Thalanyji Oval Playground, Onslow.

A comprehensive report provided by Exceed Consulting covered three areas:

1. A recommendation for each playground, advising works required on playgrounds to pass compliance in accordance with the Australian Standards.
2. A prioritisation list, based on the results of the audit.
3. Cost estimations for upgrades, maintenance, removal or replacement.

In the report, Exceed Consulting recommended that all identified non-complying areas of the playgrounds be rectified, with the following specific points to be addressed. Exceed Consulting advised that these rectification requirements were mandatory and essential for safety:

Priority Rating	Playground	Location	Specific Points to be Addressed	Approximate Pilbara Cost to Rectify
1.	Small Playground – Shop Fronts	Paraburdoo	Remove Playground.	\$1,000.00
2.	Federation Park (Fenced Enclosure)	Paraburdoo	Replace soft fall.	\$60,000.00
3.	Meeka Park Playground, Doug Talbot Park Playground, Lions Park Playground & Thalanyji Oval Playground	Paraburdoo, Tom Price & Onslow	Replace soft fall.	\$340,000.00
4.	Lions Park Playground	Tom Price	Remove playground and replace with new playground with appropriate soft fall.	\$200,000.00
5.	Tjiluna Oval Playground	Tom Price	Remove playground. Note: Tom Price Softball Association may request a replacement.	\$1,000.00

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

6.	Area W Playground (currently there is no playground in this section of town)	Tom Price	Install a playground.	\$250,000.00
7.	Foreshore Exercise Equipment	Onslow	Level ground surface.	\$15,000.00
8.	Foreshore Exercise Equipment	Onslow	Install soft fall around equipment as per the Australian Standards.	\$30,000.00
9.	Foreshore Exercise Equipment	Onslow	Erect sign that identifies that equipment is not for play and is for adult use only.	\$2,000.00
10.	Day Care Centre Playground	Onslow	Request the removal of metal portable play equipment by CSSU	\$0.00
11	Thalanyji Oval Playground	Onslow	Undertake all repairs as recommended.	\$10,000.00
12.	Skate Park	Tom Price	Install grass mounds at rear of jumps.	\$60,000.00
13.	Other Playgrounds	Tom Price, Onslow & Paraburdoo	Undertake all repair works as recommended.	\$30,000.00
<b>TOTAL</b>				<b>\$999,000</b>

It is recommended that Council accept the schedules of works are per the audit report.

### Consultation

Exceed Consulting  
 Executive Manager Community Development  
 Shire of Ashburton Technical Services Department  
 Shire of Ashburton Operations Department

### Statutory Environment

Australian Standard 4685: General safety requirements and test methods  
 Australian Standard 4486: Playgrounds and playground equipment – Development, installation, inspection, maintenance and operation  
 Australian Standard: 4422: Playground surfacing – specifications, requirements and testing

## **MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013**

### **Financial Implications**

\$200,000 has been approved in the 2013/14 Budget for expenditure to playgrounds across the Shire, with this amount to be allocated to identified playgrounds after the Exceed report was received. The proposed schedule of works for 2013/14 is within this budget allocation.

A further \$350,000 has been separately approved in the 2013/14 budget for the Area W redevelopment, with the suggested playground estimated to cost \$250,000 within this allocation.

Acceptance of this schedule of works, as per the recommendation, will result in the following additional spending allocations being required;

2014/14 \$370,000

2015/16 \$255,000

The Shire's Asset Management program is still be finalised, and it is reasonable to assume that each playground will required around \$5,000 (+CPI) each year for regular maintenance and upkeep. In addition, extra costs are also incurred for damage and vandalism, and full replacement value (between \$100,000 and \$300,000 per playground, depending on the size of the playground) will need to be allocated after approximately 10 years.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Distinct and Well Serviced Places

Objective 01- Quality Public Infrastructure

### **Policy Implications**

CORP\_ORG Risk Management Policy

ENG09 – Asset Management Policy

### **Voting Requirement**

Absolute Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Officer's Recommendation

That Council:

1. Approves the following playground upgrades, repairs, removals or replacements, in the following order of priority, and in line with the 2013/2014 budget allocation of \$200,000.
  - a. Erect a sign that identifies the Onslow foreshore exercise equipment is for adult use only, and not for play (\$2,000).
  - b. Remove the small playground at the Paraburdoo Shopping Centre, Paraburdoo (\$1,000).
  - c. Replace sofffall at the Federation Park playground, Paraburdoo (\$60,000)
  - d. Replace sofffall at the Meeka Park playground, Paraburdoo (\$70,000)
  - e. Replace sofffall at the Doug Talbot Park playground, Tom Price (\$70,000)
  - f. Construct a playground in Area W, Tom Price, as part of the separately funded Area W redevelopment.(\$250,000)
  - g. Request the Onslow Day Care Centre (CSSU) to remove their metal portable play equipment. (no cost)
  
2. Consider the following playground upgrades, repairs, removals or replacements, for future budgets.
  - a. In 2014/15
    - i. Allocate \$5,000 per playground across the Shire for maintenance and repairs (\$70,000)
    - ii. Remove and replace the playground and soft fall in the Lions Park, Tom Price (\$300,000)
    - iii. Remove the playground at Tjiluna (Softball oval) Oval, Tom Price (\$1,000)
  
  - b. In 2015/16
    - i. Allocate \$5,000 per playground across the Shire for maintenance and repairs (\$70,000)
    - ii. Level the ground around, and install sofffall under the Foreshore exercise equipment, Onslow (\$45,000)
    - iii. Replace the sofffall and undertake general repairs at the Thalanyji Oval playground, Onslow (\$130,000)
    - iv. Undertake general repairs at the Thalanyji Oval playground, Onslow
    - v. Install grass mounds at the rear of jumps in the Skate Park, Tom Price (\$10,000).

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Council Decision

**MOVED:** Cr D Dias

**SECONDED:** Cr D Wright

**That Council:**

1. Approves the following playground upgrades, repairs, removals or replacements, in the following order of priority, and in line with the 2013/2014 budget allocation of \$200,000.
  - a. Erect a sign that identifies the Onslow foreshore exercise equipment is for adult use only, and not for play (\$2,000).
  - b. Provide a report to council addressing safety issues and in the interim not remove the small playground at the Paraburdoo Shopping Centre, Paraburdoo.
  - c. Replace sofftall at the Federation Park playground, Paraburdoo (\$60,000)
  - d. Replace sofftall at the Meeka Park playground, Paraburdoo (\$70,000)
  - e. Replace sofftall at the Doug Talbot Park playground, Tom Price (\$70,000)
  - f. Construct a playground in Area W, Tom Price, as part of the separately funded Area W redevelopment.(\$250,000)
  - g. Request the Onslow Day Care Centre (CSSU) to remove their metal portable play equipment. (no cost)
2. Consider the following playground upgrades, repairs, removals or replacements, for future budgets.
  - a. In 2014/15
    - i. Allocate \$5,000 per playground across the Shire for maintenance and repairs (\$70,000)
    - ii. Remove and replace the playground and soft fall in the Lions Park, Tom Price (\$300,000)
    - iii. Remove the playground at Tjiluna (Softball oval) Oval, Tom Price (\$1,000)
  - b. In 2015/16
    - i. Allocate \$5,000 per playground across the Shire for maintenance and repairs (\$70,000)
    - ii. Level the ground around, and install sofftall under the Foreshore exercise equipment, Onslow (\$45,000)
    - iii. Replace the sofftall and undertake general repairs at the Thalanyji Oval playground, Onslow (\$130,000)
    - iv. Undertake general repairs at the Thalanyji Oval playground, Onslow
    - v. Install grass mounds at the rear of jumps in the Skate Park, Tom Price (\$10,000).

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster and Bloem voted for the motion**

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### **Declaration of Interest**

Prior to consideration of this Agenda Item Cr Bloem declared a proximity interest in Agenda Item 11.3 in accordance with Section 5.60B of the Local Government Act. The interest being that Cr Bloem is involved in the Tom Price Gym.

Cr Bloem left the meeting at 1.39 pm.

### **11.3 SPENDING PRIORITIES FOR REMAINING MONIES FOR CLEM THOMPSON PAVILION AND OVAL REDEVELOPMENT**

**MINUTE:** 11722

**FILE REFERENCE:** AS.TE.6.13

**AUTHOR'S NAME AND POSITION:** Deb Wilkes  
Executive Manager Community Development

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

**DATE REPORT WRITTEN:** 29 November 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 11.4 (Minute No. 11638) – Ordinary Meeting of Council 18 September 2013  
Agenda Item 15.3 (Minute No. 11469) – Ordinary Meeting of Council 13 March 2013  
Agenda Item 10.06.10 – Ordinary Meeting of Council 15 June 2011

### **Summary**

The Shire of Ashburton recently completed the Clem Thompson Pavilion and Oval project, but there are still some unallocated monies that need to be applied to this project. These monies include \$578,043 that has accumulated in interest over the period of time since the Royalties for Regions grant was received (2010/11).

There are numerous items that either could not be accommodated within the original budget estimate, or were only identified after the project commenced, which are now presented for Council's consideration on the best way to allocate these remaining funds

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Background

In September 2012, the Shire of Ashburton commenced construction of a new Clem Thompson Pavilion and redevelopment of the associated oval. This project was funded from a variety of source, including Royalties for Regions, RTIO, Department of Sport and Recreation, with a contribution from the Shire. It was estimated at \$10M and expected to take 12 months to complete.

The project was completed in November 2013, and at that stage, an overview of the financial situation revealed that the Royalties for Regions grant, which had been received in the 2010/2011 financial year had accumulated interest that needed to be applied to the project.

### Comment

The Clem Thompson Pavilion and Oval redevelopment had an estimated budget of \$10M, meaning several requested, but non-essential items, were excluded to allow these budget constraints to be maintained.

In addition several additional items were only recognised as required once the project build had already commenced. An example of this was that under the original scope of works, the original lighting towers on the Clem Thompson oval were earmarked to be relocated to the new “warm up/touch rugby” field. Once the lights were decommissioned and evaluated it was recognised that they no longer met Australian Standards and could not be used as planned. No budgetary allowance had been made for additional lighting for the warm up field, leaving this area unable to be used in the evening for touch rugby, or other sports.

The Royalties for Regions grant conditions stipulate that the \$578,043 that has accumulated in interest must be spent on the allocated project. Below is a list, in order of priority, of additional works that could be undertaken.

Identified Works	Reason for Inclusion	Estimated cost
1. Asphalt to disabled parking bay and bus parking bay	Required under Disability Australian Standards.	\$50,000
2.Sponsorship/Clem Thompson naming signage	No allowance was made in the original budget and it is a condition of each received grant that appropriate recognition signage is erected.	\$20,000
3.Opening Event	The Shire would like to host a “formal” invitation only opening event to recognise the significance of this project, and well as a general “whole-of-town” event. No budget allocation has been made for either event	\$20,000
4.Mag locks installed on Club rooms	Additional security to ensure Club Rooms cannot be accessed by anyone other than identified Club official's	\$50,000
5.Additional roll-on turf for the Warm up field	This will allow the warm-up oval to be used in the immediate future rather than waiting several months for seeded grass to grow. As the newly aligned oval proper can only accommodate 2 touch rugby playing fields, rather than three as was previously able, this is a priority for the touch rugby association.	\$100,000



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6.Lighting for the warm up filed.	No budget allocation for this as it was anticipated the original lighting towers could be reused. A priority for all night time sports, especially touch rugby	\$65,000
7.Pedestrian gate and footpath next to vehicle access gate	Safety reasons	\$10,000
8.Lights over cricket nets	No original budget allocation and would allow for night time usage	\$20,000
9.Curtains/blinds over club room doors	Privacy issue as all Club room doors are glass and easily seen through, from both inside and outside the pavilion	\$10,000
10.Chilled water fountain	Previous facility had such a feature and it has been requested by those paying sport	\$7,000
11.Ice Machine for ground floor club rooms/players	User request	\$6,000
12.Benches in Club rooms	User request	\$20,000
13.Hooks on Club Room walls	User request	\$2,000
14.Club names on Club Room Doors	User request	\$3,000
15.No smoking signs and Butt Bins		\$7,000
<b>Sub total</b>		<b>\$390,000</b>
Playground	This has been identified as a priority by the user groups. This amount will allow for a playground approximately three times the size of the one at the Tom Price Swimming pool	\$350,000
<b>Sub total</b>		<b>\$740,000</b>
Asphalting of all car park areas around the oval	User request	\$250,000
<b>Total</b>		<b>\$990,000</b>

This comes to a total of \$990,000, exceeding to amount available to the Shire by approximately \$412,000. It is also reasonable to expect that future requests for BBQ's and shaded areas will be made, totaling another \$60,000 (approximately).

As limited money is available, it is suggested that the first 15 items be completed, with all remaining funds being applied to the playground. This will result in a smaller playground than is desirable, and possible additional funding could be secured from external sources, such as Lottery West to increase the funding for the playground.

### Consultation

A/Chief Executive Officer  
Executive Team  
Tom Price Sporting Groups

### Statutory Environment

Nil

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### Financial Implications

Nil

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 02 – Active People, Clubs and Associations

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

### Officer's Recommendation

That Council:

1. Approves the following additional items, in priority order, to be undertaken within the budget parameters of the interest received from the Royalties for Regions funding for the Clem Thompson redevelopment:
  - a. Asphalt to disabled car parking bay and bus parking bay
  - b. Sponsorship/naming signage
  - c. Opening event
  - d. Mag locks on Club room doors
  - e. Additional roll on turf for warm-up field
  - f. Lighting for warm up field
  - g. Pedestrian gate and footpath (next to vehicle access)
  - h. Lights over cricket nets
  - i. Curtains/blinds on club room doors
  - j. Chilled water fountain
  - k. Ice making machine
  - l. Benches in Club rooms
  - m. Hooks on Club room walls
  - n. Club names on Club room doors
  - o. No smoking signage and butt bins
  - p. Playground

That the playground be undertaken as the final item so all remaining monies, including any savings from other items, can be allocated to the playground.

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Council Decision

**MOVED: Cr A Eyre**

**SECONDED: Cr L Rumble**

**That Council:**

- 1. Approves the following additional items, in priority order, to be undertaken within the budget parameters of the interest received from the Royalties for Regions funding for the Clem Thompson redevelopment:**
  - a. Asphalt to disabled car parking bay and bus parking bay
  - b. Sponsorship/naming signage
  - c. Opening event
  - d. Mag locks on Club room doors
  - e. Additional roll on turf for warm-up field
  - f. Lighting for warm up field
  - g. Pedestrian gate and footpath (next to vehicle access)
  - h. Lights over cricket nets
  - i. Curtains/blinds on club room doors
  - j. Chilled water fountain
  - k. Ice making machine
  - l. Benches in Club rooms
  - m. Hooks on Club room walls
  - n. Club names on Club room doors
  - o. No smoking signage and butt bins
  - p. Playground
- 2. That the playground be undertaken as the final item so all remaining monies, including any savings from other items, can be allocated to the playground.**
- 3. Considered the sealing of the Bowling Club/Gym car park be as part as the 2014/2015 budget deliberations.**

**CARRIED 7/0**

**Crs White, Rumble, Dias, Wright, Thomas, Eyre and Foster voted for the motion**

Cr Bloem entered the meeting at 1.44 pm.

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### 12. CORPORATE SERVICES REPORTS

#### 12.1 SHIRE OF ASHBURTON DELEGATIONS OF AUTHORITY FOR 2013

MINUTE: 11723

FILE REFERENCE: OR.DA.00.00

AUTHOR'S NAME AND POSITION: Leanne Lind  
Governance and Policy Officer

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 27 November 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.10.74 Ordinary Meeting of Council  
24 October 2006  
Agenda Item 12.03.12 Ordinary Meeting of Council  
20 March 2007  
Agenda Item 12.02.04 Ordinary Meeting of Council  
19 February 2008  
Agenda Item 12.03.03 Ordinary Meeting of Council  
17 March 2009  
Agenda Item 11.04 Ordinary Meeting of Council  
14 December 2011

#### Summary

The Author has conducted a review of Council's Delegations of Authority Register in consultation with the Chief Executive Officer and Executive Managers. Peer review also took place with the Department of Local Government, WALGA, City of Wanneroo, Gosnells and South Perth.

The delegations of authority are presented to Council in the Delegated of Authority Register 2013 in accordance to s5.42 of the Local Government Act with the recommendation that they be adopted by absolute majority.

**ATTACHMENT 12.1**

#### Background

A workshop was conducted on 20 November 2013 to highlight the outcomes of the review to Councillors. It was also noted at that time that issues raised in the Probity Audit Report 2012 (4.9.1 – Recommendation 20) have been addressed.

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### Comment

The main points for council to consider are:

1. Review of the **Function** to be delegated
2. The **Conditions** associated with the function
3. How those functions are to be **Reported**

The reporting system designed for these delegations has four denotable levels which are:

1. Formally reported to Council via the agenda -  
Section 10.2 Actions Performed Under Delegated Authority For The Month  
of \_\_\_\_\_.
2. To Ward Councillors via EMACCESS
3. Information Bulletin
4. Information recorded in the appropriate file.

During the workshop Cr Rumble asked about the reporting method regarding the appointment of an Action CEO as per – DA04-1 in the attached register. It was agreed that this be discussed with the President to clarify/modify the reporting method involved. This consultation occurred and DA04-1 has been modified accordingly. .

It was highlighted during the workshop that delegations are dynamic in nature as they are developed to meet our evolving community needs plus changes in legislation. Therefore Council should be confident in the knowledge that adjustments can be made of any of the adopted delegations should the need arise.

Other additions and amendments made by the CEO have been highlighted in green in the attached register.

Also the register has been colour-coded to highlight:

1. The section of the delegations **Council** have the **power to delegate** via the Act ie., s5.42 (not colour coded).
2. What the **CEO authorises** as an on-delegation ie., s5.44. This section has been highlighted in blue text.

This is to provide clarity within the sections of the delegations that the Councillors are able responsible for.

At the workshop Councillors were asked to consider all of the suggested delegations of authority to be adopted by absolute majority and provide feedback. Feedback was received from Cr Eyre with no c hanges recommended. No further suggested modifications were received.

### Consultation

Chief Executive Officer  
A/Chief Executive Officer  
Executive Manager – Corporate Services  
A/Executive Manager, Corporate Services  
Department of Local Government  
WALGA  
Various Local Government Governance Officers

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### **Statutory Environment**

Local Government Act 1995

### **Financial Implications**

Nil

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 5 - Inspiring Governance

Objective 3 - Council Leadership

### **Policy Implications**

All policies relating to the listed delegations of authority have been included in the text.

### **Voting Requirement**

Absolute Majority Required

### **Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Dias**

**That Council adopts the delegations of authority as presented in the register as per ATTACHMENT 12.1.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster and Bloem voted for the motion**

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### 12.2 SHIRE OF ASHBURTON COUNCIL APPROVED AUTHORISATIONS

**MINUTE:** 11711

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

**AUTHOR'S NAME AND POSITION:** Leanne Lind  
Governance and Policy Officer

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

**DATE REPORT WRITTEN:** 27 November 2013

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

The Author has conducted a review of the Council's delegations of authority and in doing so the outcome has resulted in the generation of a new set of Authorisations requiring Council approval on an annual basis.

Local governments are responsible for undertaking a number of activities under many different pieces of legislation. Some of these do not allow delegations to the CEO by Council. However Council can authorise employees to undertake these function buy way of authorisations.

The authorisations for approval are presented to Council in the Council Approved Authorisations 2013 Register with the recommendation that they be adopted.

**ATTACHMENT 12.2**

#### **Background**

A workshop was conducted on 20 November 2013 where the Council Approved Authorisations were highlighted.

The Author has conducted a review of the Council's delegations of authority and in doing so the outcome has resulted in the generation of a new set of Authorisation requiring Council approval on an annual basis.

Local government are responsible for undertaking a number of activities under many different pieces of legislation. Some of these do not allow delegations to the CEO by Council. However Council can authorise employees to undertake these function buy way of authorisations.

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Comment

Having a register with Council Approved Authorisations supports the accountability and governance we are working towards as a Shire. It provides decision making at different levels within our internal structure and shows transparency for these processes.

### Consultation

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

### Statutory Environment

Building Act 2011  
Caravan Parks And Camping Grounds Act 1995  
Control Of Vehicles (Off-Road Areas) Act 1978  
Fines, Penalties And Infringement Notices Enforcement Act 1994  
Health Act 1911  
Spear-Guns Control Act 1955

### Financial Implications

Nil

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 5 – Inspiring Governance  
Objective 3 – Council Leadership

### Policy Implications

All policies relating to the listed authorisations have been included in the text.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr D Dias**

**That Council adopted the Council Approved Authorisations 2013 Register as per ATTACHMENT 12.2.**

**CARRIED EN BLOC 8/0**



## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### 12.3 BUDGET AMENDMENT / VARIATION

**MINUTE:** 11724

**FILE REFERENCE:** FI.BU.13.14

**AUTHOR'S NAME AND POSITION:** Natalie Briney  
Budget & Grants Officer

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

**DATE REPORT WRITTEN:** 19 November 2013

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

The 2013/2014 budget was officially adopted by Council on 18 September 2013 and throughout the year variations occur. It is the purpose of this report to bring these to the attention of Council.

#### **Background**

The 2013/2014 budget was officially adopted by Council on 18 September 2013 and throughout the year variations occur. It is the purpose of this report to bring these to the attention of Council.

It is proposed to amend the 2013/2014 budget to reflect various adjustments to the General Ledger with nil effect to the overall budget as detailed below. Due to the nature of these variations, they fall outside the annual budget review.

#### **Comment**

It is recommended the required budget variations to the Adopted Budget for 2013/2014 as outlined below are approved.

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget Figure
<b>1. <u>Technical Services:-</u></b>				
<b><u>Animal Control – East/West</u></b>				
10510800	Dog Pound Tom Price	\$8,934	\$9,677	\$18,612
10517550	Onslow Dog Pound (Upgrade)	\$110,000	<b>-\$9,677</b>	\$100,323

**Reason: The septic tank at the Tom Price Pound was damaged when clearing the firebreaks. As a result the septic was inoperable and needed to be replaced as a matter of urgency. Subsequent excavation found the leach drain system not operating at all. As there is no budget for these works, money from the Onslow Dog Pound Upgrade which has not yet commenced, is suggested to be moved to cover costs.**

<b>2. <u>Technical Services:-</u></b>				
<b><u>SES</u></b>				
New GL to be created	Capital Expenditure Purchase of Plant & Equip	\$0	\$2,200	\$2,200
10500300	Grant Income	\$28,800	<b>-\$2,200</b>	\$31,000

**Reason: The SES was granted additional funding for a Generator worth \$2,200 which was not captured in the 13/14 Budget.**

### Consultation

Executive Manager Corporate Services  
Executive Manager Community Development  
Finance Manager  
Budget and Grants Finance Officer

### Statutory Environment

The Local Government Act 1995 Part 6 Division 4 s 6.8 (1) requires the local government not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –

(b) is authorised in advance by resolution\*

“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

\* requires an absolute majority of Council

### Financial Implications

There are no financial implications as nil effect to the overall budget as detailed above.

### Strategic Implications

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

**MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013**

**Policy Implications**

There are no specific policy implications relative to this issue.

**Voting Requirement**

Absolute Majority Required

**Council Decision**

**MOVED:** Cr L Thomas

**SECONDED:** Cr D Dias

That Council approved the required budget variations to the Adopted Budget for 2013/2014 as outlined below:

GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget Figure
<b>1. <u>Technical Services:-</u></b>				
<b><u>Animal Control – East/West</u></b>				
10510800	Dog Pound Tom Price	\$8,934	\$9,677	\$18,612
10517550	Onslow Dog Pound (Upgrade)	\$110,000	-\$9,677	\$100,323
<b>2. <u>Technical Services:-</u></b>				
<b><u>SES</u></b>				
<i>New GL to be created</i>	<i>Capital Expenditure Purchase of Plant &amp; Equip</i>	\$0	\$2,200	\$2,200
10500300	Grant Income	\$28,800	-\$2,200	\$31,000

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster and Bloem voted for the motion**

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### 12.4 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF OCTOBER & NOVEMBER 2013

MINUTE: 11711

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: 30 November 2013

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

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:

##### October 2013

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

**ATTACHMENT 12.4A**

##### November 2013

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

**ATTACHMENT 12.4B**

#### Consultation

Executive Manager Corporate Service  
Other Executive managers  
Finance Manager  
Finance Coordinator  
Finance Officers  
Consultant Accountant

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### **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  
Goal 5 Inspiring Governance  
Objective 4 Exemplary Team and Work Environment.

### **Policy Implications**

There are no policy implications in this matter.

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Dias**

**That Council:**

- 1. Accepts the Financial Reports for October 2013 ATTACHMENT 12.4A; and**
- 2. Notes the Schedule of Accounts and Credit Cards paid in November 2013 as approved by the Chief Executive Officer in accordance with delegation DA004 Payment from Municipal and Trust Funds as per ATTACHMENT 12.4B.**

**CARRIED EN BLOC 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### 12.5 DISCLOSURE OF CREDIT CARD FACILITY IN 13/14 STATUTORY BUDGET

MINUTE: 11725

FILE REFERENCE: FI.BU.13.14

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 29 November 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 6.1A - Special Council Meeting 3 September 2013

#### Summary

As a part of the review undertaken by the Department of Local Government and Communities (DLGC) concerning the implementation of Probity Audit recommendations it was discovered that Council 2013/14 Budget did not disclose its credit card facility.

The purpose of this item is to amend the 2013/14 Budget to show the details of this facility. In accordance with Regulation 29 of the Local Government (Financial Management) Regulations, the Shire is to include in note 5, its Borrowing information including Credit Card Facility in the Annual Statutory Budget under section 6.20 of the Local Government Act 1995.

#### Background

As a part of the review undertaken by the Department of Local Government and Communities (DLGC) concerning the implementation of Probity Audit recommendation it was discovered that Council 2013/14 Budget did not disclose its credit card facility.

Under section 6.20 of the Local Government Act – *Power to Borrow* states “a local government may borrow or re-borrow; or obtain credit; or arrange for financial accommodation to be extended to the local government in ways additional or other than borrowing or obtaining credit”.

The Shire's Credit Card Facility with Westpac Banking of \$65,000 remained unchanged at the time of Budget preparation, approval & submission.

The 2013/14 Annual Statutory Budget in note 5 - *Information on Borrowings* did not disclose or mention of the continuity of credit card facility remaining available in Financial Year 2013/14. The omission was not deliberate, was an act of consistency as in the past years the credit card facility were not disclosed in the Annual Budgets.

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

The DLGC has asked us to comply with Regulation 29 of the Local Government (Financial Management) Regulations, under section 6.20 of the Local Government Act 1995(LGA), to disclose the Shire's credit card limit of \$65,000 in the Annual Budgets.

Ordinarily a public notice is required under section 6.20 (2) of the LGA to advertise any proposed changes to exercise a *power to borrow* under section 6.20 (1) for any borrowings not include in the Annual Budget for that year.

### **Comment**

The Shire administration been made aware of the reporting requirement for credit card facility to be disclosed under borrowings in note 5 of the Annual Statutory Budget and will endeavor to comply with this for future budgets.

To comply with DLG's directive, following needs to be incorporated in note 5 of the 2013/14 Annual Statutory Budget:

#### **"(e) Credit Card**

Council's credit card facility is with Westpac Bank Corporation. It is expected the total pool of credit limit of \$65,000 will remain during 2013/14 financial year."

The DLGC advised that a public notice is not required at this stage for the proposed change to note 5 of 2013/14 Statutory Budget, as the credit cards are currently in use.n

### **Consultation**

Executive Manager Corporate Service  
Consultant Accountant

### **Statutory Environment**

Section 6.20 Local Government Act 1995, Part 6 – Financial Management, and regulation 29 Local Government (Financial Management) Regulation 1996.

### **Financial Implications**

There are no financial implications in relation to the disclosure of 2013/14 Budget note.

### **Strategic Implications**

Shire of Ashburton 10 year Community Strategic Plan  
Goal 5 Inspiring Governance  
Objective 4 Exemplary Team and Work Environment.

### **Policy Implications**

Council Policy EMP24 controls the activity of credit cards.

### **Voting Requirement**

Absolute Majority Required

**MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013**

**Council Decision**

**MOVED: Cr D Wright**

**SECONDED: Cr A Bloem**

**That Council:**

- 1. Amends the 2013/14 Annual Budget by including the following in note 5 of the 2013/14 Annual Budget:**

***"(e) Credit Card***

***Council's credit card facility is with Westpac Bank Corporation. It is expected the total pool of credit limit of \$65,000 will remain during 2013/14 financial year."***

**CARRIED BY ABSOLUTE MAJORITY 8/0  
Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster and Bloem voted for the  
motion**



## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### 13. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

#### 13.1 UPGRADING OF COASTAL TOURISM LOCATIONS AND IMPROVEMENT OF SELECTED ROADSIDE REST STOPS

MINUTE: 11726

FILE REFERENCE: OR.IG.00.00

AUTHOR'S NAME AND POSITION: Sarah Wilson  
Administration Assistant, Strategic & Economic Development

NAME OF APPLICANT/  
RESPONDENT: Pilbara Regional Council

DATE REPORT WRITTEN: 29 November 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.5 (Minute 11650) – Ordinary Meeting of Council 18 September 2013

#### Summary

The Pilbara Regional Council (PRC) have obtained funding through Royalties for Regions to upgrade coastal tourism locations and improve selected roadside rest stops through the Shire of Ashburton, Shire of East Pilbara, Town of Port Hedland and the Shire of Roebourne. This funding was received in 2012.

The project has been broken into stages, and Council is asked to endorse the relocation of the stop at Hamersley Gorge 24 hour stop and to select an option for cleaning and maintenance across the other endorsed sites.

#### Background

The PRC comprises the Town of Port Hedland and the Shires of Ashburton, East Pilbara and Roebourne. The PRC exists to add value and benefits to the services provided by its member Councils to the Pilbara community, industry and visitors.

At the Ordinary Meeting of Council on 18 September 2013 the proposed sites (as listed below) were carried by an absolute majority.

1. Halfway Bridge (Bellary Creek) located between Paraburdoo and Tom Price
2. Hamersley Gorge 24H stop
3. Old Onslow Township
4. Robe River at North West Coastal Highway

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

The PRC have selected a successful tender for the supply of toilets and a Dump-Ezy caravan dump point will be included at each location as was decided at September's Council meeting.

PRC have also voted to include free WIFI hotspot infrastructure at the sites as part of the project. The infrastructure will utilise Telstra's 3G network and enable 24x7 access for up to 30 concurrent users.

In addition to the supply and installation of the infrastructure, a five year warranty and operations period will be provided (including Telstra access/data usage, infrastructure warranty, theft/vandalism replacement, managed web filtering, security provisioning).

During this five year period, one pro-active replacement of hardware will be undertaken, there is also a 'pool' of five hardware replacements to be utilised across all four Shires in the event of a force majeure event (e.g. cyclone/extreme weather, vandalism).

It is anticipated that the works at the sites will be undertaken between the start of February 2014 and the end of April 2014. This timeline is necessary to meet funding requirements.

### **Comment**

Since the item was last proposed to Council at September's meeting of Council, several factors have been brought to the Shire's attention in regards to the chosen locations.

Halfway Bridge (Bellary Creek) – there are no outstanding issues with this location.

Hamersley Gorge 24 Hour stop – since going to council in September with the initial sites, Department of Parks and Wildlife (DPaW) have expressed interest to relocate the proposed rest stop from Hamersley Gorge 24hour stop, to the upper car parking area, some 2.3km into the park, above the redeveloped Hamersley Gorge lower car park at Hamersley Gorge day use area within Karijini National Park. DPaW have indicated that if Council agree to the proposed change of location they will assume all costs and maintenance.

### **ATTACHMENT 13.1**

The area that was originally proposed for this rest stop is known to face a number of issues including illegal camping, camp fires, firewood collection, industrial waste dumping and other litter, and DPaW feel that with additional infrastructure in this area, these issues will become more prevalent.

Some of the benefits of relocating the rest stop include (from DPaW):

- The construction of shelter and toilet provides the necessary infrastructure to service visitors at this area
- DPaW will be able to service and maintain the new toilet and facility along with current facilities at the gorge car park
- Negative impacts will be removed from the current intersection area and the area managed for national park values; improved visual amenity
- Opportunities to promote and acknowledge the input and contributions from various parties for the various improvements at the site – DPaW has not yet officially promoted current site improvements through media and state government channels and is keen to include future works if agreed to, in a suite of ministerial and other media opportunities
- Formalising car parking and use of the upper car park area for long/oversize vehicles and provision of important visitor service infrastructure at this site

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

- Significantly reduced illegal camping, and reduced risk of bushfire from illegal campfires at the intersection area
- Significant increase to visitor satisfaction at this site – visitor numbers are expected to rise steadily

It is recommended that Council agree to relocate the Hamersley Gorge 24 Hour stop location to the Upper Car Park at Hamersley Gorge.

Robe River location – As was explained when this item was put to Council in September, Ernie Reynolds, Network Manager at Main Roads Gascoyne, has stated that there is already a toilet in place at Robe River, and does not believe that a second toilet is necessary – it is advised Council agree to proceed with the infrastructure, but remove the installation of the toilet block at this location, and continue with the arrangement that Main Roads has in Place. For the purposes of this item it has been assumed that the Council will agree to not install a new toilet given the distances from Onslow and the significant servicing costs.

Old Onslow location – The site is at the entrance to the Old Onslow Reserve (a Shire of Ashburton controlled reserve). This will require staff to travel on unsealed roads in order to maintain and service the facilities. The facility will be a positive adjunct to Council's Tourist Attraction and add a much needed amenity.

As discussed previously the arrangement with PRC is that Council is required to service the toilets and facilities and provide maintenance when required. The PRC has undertaken design and tender on a toilet (Neptune 4000) this is a septic tank system that requires regular removal of the waste. Main Roads and the Shire Administration had expressed a desire for a composting toilet that would not require the regular removal of waste thereby removing the significant costs associated. This was not taken into account by the PRC.

Cleaning requirements – Cleaning of the toilets will be required twice per week which to cover all locations would equate to a minimum of 40 hours per week including travel time to the sites. Please see the table below for details of expected costs.

Casual Rate - Hourly	Weekly Cost	Annual Cost
\$35.70	\$1427.62	\$74236.45

*Hours will be decreased if Council agrees to the Hamersley Gorge being relocated.*

The current cleaning vans will be able to service the stops, however additional maintenance will be required, particularly for the cleaning van that would be servicing the Old Onslow location due to travelling on unsealed roads. It is expected that \$15,000 would be required for fuel and annual vehicle maintenance. Resourcing will need to be further looked at to ensure that current cleaning rosters can accommodate the vans being utilised for the time required.

Pumping and disposal of waste – Several quotes from local contractors have been obtained from within the shire for the pumping of the toilets and disposal of the waste; please see details below – singular service quoted:

Company Name	Hamersley Gorge	Halfway Bridge	Old Onslow
Byblos Constructions	\$2,486.00	\$924.00	-
Lyons & Pearce	\$1,841.00	\$1,841.00	-
Munro Contractors	-	-	\$3,016.64

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

*Hamersley Gorge costs won't be required if Council agrees to the relocation.*

It is expected that the toilets will need to be pumped out at least every two months as per recommendations from Main Roads Gascoyne, the quoted prices above are all inclusive of GST and are per visit.

Rubbish – Within the current plans there is no provision of rubbish bins at these locations however they can be included within the scope of the project.

Halfway Bridge can be collected by the town rubbish truck which travels between Tom Price and Paraburdoo twice a week (they already stop to collect rubbish at the rubbish bin at the main intersection to Tom Price).

Robe River and Hamersley Gorge will be maintained by their respective agreements proposed or in place.

Old Onslow – The Onslow Town Crew could accommodate this requirement however might need to purchase a caged trailer to collect rubbish as required. Monitoring over a period of time will help establish frequency and duration. These costs will be an addition to current indicated costing's.

### Timing:

Site survey and installation planning is being undertaken now, with a view to construction commencing in February in order to meet funding requirements. Council is being asked to endorse these decisions at this Council meeting to support the PRC's timelines.

### **Consultation**

Executive Manager, Strategic & Economic Development – Amanda O'Halloran

Fleet Manager, Operations – Mark Reid

Facilities Manager, Community Development – Mabel Gough

Department of Parks and Wildlife - Alex Bowlay

NS Projects – Ben Watson

Main Roads Gascoyne – Ernie Reynolds

Main Roads Gascoyne – Paul Hoare

### **Statutory Environment**

Not Applicable

### **Financial Implications**

These costs have not been budgeted for in the 2013/14 budget and funds will need to be allocated.

### Cleaning Requirements (all figures are estimated)

Casual Rate - Annually	Vehicle Maintenance/Fuel	Cleaning Products
\$74,236.45	\$15,000	\$5,000

### Contractor costs for pumping toilets/disposing of waste (annually – estimate of costs):

Company Name	Hamersley Gorge	Halfway Bridge	Old Onslow
Byblos Constructions	\$14,916	\$5,544	-
Lyons & Pearce	\$11,046	\$11,046	-
Munro Contractors	-	-	\$18,099.84

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Hamersley Gorge

Description	Costs
Casual Rate - Annually	\$34,236.00
Vehicle Maintenance/Fuel	\$15,000.00
Toilet Waste Removal	\$11,046.00
Cleaning Products	\$ 5,000.00
<b>TOTAL</b>	<b>\$65,282.00</b>

*If Council wasn't to approve the relocation – Council would incur these costs.*

### Halfway Bridge

Description	Costs
Casual Rate - Annually	\$25,000.00
Vehicle Maintenance/Fuel	\$15,000.00
Toilet Waste Removal	\$ 7,500.00
Cleaning Products	\$ 5,000.00
<b>TOTAL</b>	<b>\$52,500.00</b>

### Old Onslow

Description	Costs
Casual Rate - Annually	\$25,000.00
Vehicle Maintenance/Fuel	\$15,000.00
Toilet Waste Removal	\$18,100.00
Cleaning Products	\$5,000.00
<b>TOTAL</b>	<b>\$63,100.00</b>

*Please Note : Asset Management and Town Crew costs for waste collection have not been calculated at this time.*

*Whilst there may be opportunities to contract this work out – given the distances and servicing requirements – it is assumed that there are minimal savings to be gained.*

This expenditure equates to either a 0.5% increase in rates or significant savings to other cost centres will need to be made to accommodate costs.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 03 – Well-Managed Tourism

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

### Policy Implications

Nil

### Voting Requirement

Absolute Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Council Decision

**MOVED: Cr D Dias**

**SECONDED: Cr A Bloem**

### That Council:

1. **Support the relocation of the Hamersley Gorge Rest Stop to the upper car park area at Hamersley Gorge.**
2. **Support omitting the toilet block facility at Robe River, but to continue with the remaining infrastructure for this location.**
3. **Accept the financial implications outlined recognising the need to find savings to accommodate these figures being allocated at the half yearly budget review and future ongoing budgets.**

**CARRIED 8/0**

**Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster and Bloem voted for the motion**

**Declaration of Financial Interest**

In accordance with Section 5.69 (3) (a) of the Local Government Act Cr Bloem, Cr Dias, Cr Rumble and Cr Foster declared a financial interest in Agenda Item 13.2. The nature of their interest being Cr Bloem is an employee of Rio Tinto Pty Ltd, Cr Dias is an employee of Rio Tinto and shareholder having a total value exceeding \$10,000, Cr Rumble is a shareholder having a total value exceeding \$10,000 and Cr Foster has a partner employed by Rio Tinto Pty Ltd.

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow disclosing members Cr Bloem, Cr Dias, Cr Rumble and Cr Foster to debate and vote on Agenda Item 13.3. The Minister's written approval for Councillors Foster and Bloem to participate in the discussion and vote in relation to this agenda item was obtained prior to the Council Meeting. The approval was granted subject to the following conditions:

1. the approval is only valid for the ordinary meeting of Council to be held on 20 November 2013;
2. the declaring members declare the nature and extent of their interest at the Council meeting when these matters are considered together with the approval provided;
3. the CEO is to provide a copy of the Department's letter advising of the approval to each declaring member; and
4. the CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when these matters are discussed.

The Director General did not consider it necessary to allow Councillors Rumble and Dias to participate in the discussion and decision making in this instance and has declined to approve the request for them to participate.

The CEO read out this letter received from the Department of Local Government.

RECORDED ON REGISTER OR.CR.04.00

Crs Dias and Rumble left the meeting at 1.47 pm.

**13.2 FOLLOW UP ON REVISED CONCEPT DESIGN FOR PARABURDOO HUB**

**MINUTE:** 11727

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

**AUTHOR'S NAME AND POSITION:** Anika Serer  
Strategic Revitalisation and Relationship Manager

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

**DATE REPORT WRITTEN:** 2 December 2013

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

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### INTEREST:

### PREVIOUS MEETING

### REFERENCE:

Agenda Item 13.3 (Minute No . 11694) – Ordinary Meeting of Council 20 November 2013

Agenda Item 13.3 (Minute No. 11673) - Ordinary Meeting of Council 16 October 2013

Agenda Item 13.3 - Ordinary Meeting of Council 18 September 2013

Agenda Item 13.2 (Minute No. 11611) - Ordinary Meeting of Council 21 August 2013

Agenda Item 12.3 (Minute No. 11550) - Ordinary Meeting of Council 5 June 2013

Agenda Item 12.6 (Minute No. 11351) - Ordinary Meeting of Council 21 November 2012

Agenda Item 15.3 (Minute No. 11294) - Ordinary Meeting of Council 19 September 2012

Agenda Item 15.1 (Minute No. 11100) - Ordinary Meeting of Council 14 December 2011

### Summary

The proposed design for the consolidation of the recreation components of the Paraburdoo Community Hub was considered by Council at the Ordinary Meeting (OCM) held on 20 November 2013. At that time Council requested the CEO to instruct Avoca Design to co-locate the Childcare Centre in the recreation building design in consultation with the Paraburdoo CHUB Working Group.

The revised plans were requested to be tabled at the OCM to be held on 11 December 2013 for endorsement, and then used to prepare a business case for submission in January 2014 to the Pilbara Development Commission (PDC) seeking the shortfall in funding.

The purpose of this report is to update Council on the progress of the design work and other matters relevant to funding and development of the proposed Paraburdoo Community Hub (CHUB)

### Background

Existing recreation and community facilities in Paraburdoo have generally reached the end of their usable life. In response to this, the Paraburdoo Community Hub concept plan was developed by the Shire and informed by extensive community consultation and stakeholder engagement.

The Community Hub concept design, prepared by Roxby Architects, was endorsed by Council at the November 2012 Council Meeting. It aimed to address the needs of the Paraburdoo Community through the provision of new buildings in a centralised location including a 73 place childcare centre (including out-of-school care), not-for-profit neighbourhood centre; multi-purpose sports facility with indoor sports pavilion; sporting clubhouse; pool and oval user facilities; and upgraded external areas.

The total cost of these proposed facilities was estimated by quantity survey at around \$21 million, plus headworks and contingency allowance. The design provided for the childcare, neighbourhood and recreation facilities to be independent of each other, and enabled a staged approach to construction.



## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

The overall design, feasibility and operation costs of the Hub was assessed by ABV Leisure Consultancy Services to ensure efficient and effective delivery of services and the general sustainability of services and facilities. Key findings in the report presented by ABV highlighted duplication of recreation facilities in the design, including duplicated function and meeting rooms, unnecessary change rooms, inappropriate storage buildings and it was suggested that co-location of facilities could create better efficiencies with potential construction and operational savings.

The report was presented to the Rio Tinto/Shire of Ashburton Partnership Governing Committee meeting held on 29 July 2013 (Shire representation on the Committee includes the Shire President, Deputy Shire President and Acting CEO as well as appropriate Executive Managers). The Committee recommended that the recreation and Shire administration components of the Hub be reviewed in conjunction with ABV, a recognised design firm specialising in recreation facilities, and a consolidated design commissioned that took into consideration the findings of the report.

Funding for the childcare centre component and initial headworks for the Hub has been identified (\$4.8m) and is in the process of being secured. At the August 2013 Ordinary Meeting Council approved the construction of headworks and the childcare centre to proceed as the first stage of the Hub upon confirmation of identified funding.

As the original concept design (prepared by Roxby Architects) had been endorsed by Council, it was subsequently agreed at the August 2013 meeting to undertake the review and consolidation of the recreation and Shire administration components of the project in accordance with the findings of ABV and the Partnership Governing Committee's recommendation.

In accordance with Council's resolution a Paraburdoo CHUB Working Group comprising of Councillor Dias, Councillor Rumble, Ben Laidlaw/Shontay Cardew (Rio Tinto), Audrey Martin-Hill (PDC), Deb Wilkes and Mabel Gough (Community Development Department) and Anika Serer (Strategic & Economic Development Department) was formed to direct the design work and review changes.

Avoca Design was engaged to undertake the design work, and ABV Leisure Consultancy has worked with the Working Group to inform the design rationale, operating models and estimated construction costs. High level estimates have been provided by ABV Leisure Consultancy and Neil Butler Quantity Surveying Services, however these will require further information and review to provide more accuracy.

The draft construction cost estimate provided by Neil Butler for the revised recreation facility, oval user storage shed and pool storage is \$16,618,926 (excl GST). This is \$3,133,926 more than the estimates for recreation facilities in the original design.

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

<b>Overall Hub Cost Estimates</b>		
<b>Facility</b>	<b>Original Design Cost Estimate</b>	<b>Revised Design Cost Estimate</b>
Headworks/Preliminaries	\$ 0.93 million	\$ 0.93 million (no change)
Child Care Centre (funded)	\$ 3.87 million	\$ 3.87 million (no change)
Neighbourhood Centre	\$ 2.73 million	\$ 2.73 million (no change)
Multi-Purpose Sports Facility	\$ 7.22 million	\$16.62 million (combined facilities)
Sporting Clubhouse	\$ 1.21 million	
Shared Pool and Oval Facilities	\$ 1.67 million	
Upgraded External Areas	\$ 3.39 million	
Contingency	\$ 1.45 million	\$ 1.45 million
	<b>\$22.47 million</b>	<b>\$25.6 million</b>

Some of these additional expenses, such as demolition works and replacing the enclosure for the pool plant/storage, are unavoidable and have been picked up in the overall design review. Other costs have been incurred through the expansion of the design brief by the Working Group to include facilities such as a new gym, larger function area and elevated spectator area:

1. Allowance for demolition of existing pool facilities	\$ 155,000
2. Relocation/decommission of pool balance tank	\$ 77,500
3. Addition of gym	\$1,561,327
4. Increase in administration/office areas from 94sqm to 214sqm	\$ 446,400
5. Addition of raised spectator terrace (200sqm)	\$ 232,500
6. Central circulation area	\$1,339,231
7. Pool plant/storage room	\$ 455,700
<b>Total</b>	<b>\$4,267,658</b>

The draft operation costs developed by ABV Leisure Consultancy indicate a first year deficit of \$1,031,708. It should be noted that existing pool operations and salaries totalling \$654,680 have been included in this, and therefore the total *additional* cost for the new facility is \$377,028 in the first year. Further investigation into potential leasing revenue and user fees is required to ensure the income is optimised. Depreciation is also included which is linked to the actual construction costs.

Rio Tinto has indicated that an application for funding of up to \$6 million toward the completion of the recreation facilities and neighbourhood centre would be considered. PDC had indicated at the Working Group Meetings that an amount of around \$5 million may be available in their next funding round. This is a total of \$11 million identified potential funding toward the project.

The completion of the remaining stages of the Hub, if the Childcare Centre/preliminary headworks proceeds as Stage 1, is estimated to cost \$20,800,000 (excl GST). There is a deficit of \$9.8 million required to deliver the project based on the revised design presented by the Working Group.

Investigation has not been able to source additional significant funding and therefore Council's further instruction was sought at the OCM on 20 November 2013. Council directed that discussion with PDC indicated that there may be additional funds available for this project but the design needed to co-locate the childcare centre into the recreation facility to maximise savings (ie revise the design to form one multi-purpose building). The proposed design was to be presented to Council at the December OCM.

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Comment

In accordance with Council's resolution at the November 2013 OCM, Avoca Design was requested to provide a design with the childcare centre co-located with the recreation facility.

### ATTACHMENT 13.2

Neil Butler Quantity Surveying Services has provided a very high-level estimate for savings that may be obtained through the co-location of the facilities, at \$300,000 plus GST. It should be noted that this is an indicative calculation only, based on sketches that are not to scale and do not provide detail on construction material, etc.

The Partnership Governing Committee (PGC) met on 28 November 2013, at which time the status of the Paraburdoo CHUB and proposed design changes were discussed. At this time the issue was raised that there appeared to be a difference between the expectations of Rio Tinto and PDC, as major funding providers, in the design and deliverables of the CHUB.

The potential realignment of the childcare centre into the recreation facility does not meet with Rio Tinto's expectation that this would proceed as Stage 1 of the project early in 2014, and there are concerns that the size/capacity of the facility may be decreased. On the other hand, discussions held by the Shire President with the Chairman of PDC indicate they have concerns the childcare facility is too large for the size of the town and additional savings may be made through rationalising and co-locating the facility into one central building.

The Shire President, CEO and General Managers from Rio Tinto have arranged to meet with the Chairman and CEO of PDC on Wednesday 4 December 2013 to discuss the misalignment of the stakeholders expectations/input to the design, and seek clear direction on the value of funding that is available for the construction of the CHUB (subject to application). This meeting is vital to achieving alignment on the scope and form of the facilities in the CHUB, which will allow a design to then finalised.

The deadline for submitting a Business Case to PDC for funding is 13 January 2013, and unfortunately this cannot be commenced until a design (and estimated construction costs & operating models) are agreed. To enable this work to progress it is considered appropriate to request the CEO be authorised to undertake the finalisation of the design following the outcomes of the meeting on 4 December 2013, prepare and submit the business case.

### Consultation

Councillor Rumble

Councillor Dias

Chief Executive Officer

Executive Manager – Strategic & Economic Development

Executive Manager – Community Development

Rio Tinto/Shire of Ashburton Partnership Governing Committee

Rio Tinto/Shire of Ashburton Partnership Management Group

Audrey Martin-Hill – Pilbara Development Commission

Ben Laidlaw – Rio Tinto

Shontay Cardew – Rio Tinto

ABV Leisure Consultancy Services

Anthony Murphy – Avoca Design

### Statutory Environment

None Identified

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### Financial Implications

1. The construction cost of the Child Care Centre and initial headworks for the overall development is estimated at \$4.66 million (excl GST) has already been approved by Council as Stage 1 of the Paraburdoo Community Hub;
2. Stage 1 has been funded by a contribution by Rio Tinto of \$3 million, \$300,000 from Shire of Ashburton and \$1.5 million from RDL. The RDL component was originally secured by Rio Tinto for the childcare facility but approval is being undertaken for transfer to Shire;
3. Rio Tinto have indicated an application for up to \$6 million may be considered for the completion of all components of the Paraburdoo Community Hub;
4. PDC have indicated that an amount of around \$5 million may be available subject to application, with potential for a greater sum (up to an assumed \$8-10m in total – which will be clarified at the 4 December meeting with the PDC, Shire President and CEO);
5. The Paraburdoo Community Hub has been identified in the Long Term Financial Plan for construction between 2013 – 2015, subject to funding.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022:

Goal 01 – Vibrant and Active Communities

Objective 01 – Connected, Caring and Engaged Communities

Objective 02 – Active People, Clubs and Associations

Goal 02 – Enduring Partnerships

Objective 02 – Enduring Partnerships with Industry and Government

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Objective 03 – Well Planned Towns

### Policy Implications

AMP1 – Asset Management Policy

FIN12 – Purchasing and Tender Policy

FIN04 – Buy Local – Regional Price Preference Policy

These policies will be taken into consideration throughout the project.

### Voting Requirement

Absolute Majority Required

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### Officer's Recommendation

That Council:

1. Delegates authority to the CEO to finalise the design, construction and operating costs of the Paraburdoo Community Hub (CHUB) taking into account the outcome of discussions held with the Shire President, Rio Tinto and Pilbara Development Commission on 4 December 2013;
2. Develop and submit a business case to Pilbara Development Commission no later than 13 January 2014 seeking funding for the construction of the Paraburdoo CHUB; and
3. Report to Councillors on the outcomes of the meeting, final design and business case.

### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr A Eyre**

That Council:

1. **Delegates authority to the CEO to finalise the design, construction and operating costs of the Paraburdoo Community Hub (CHUB) taking into account the outcome of discussions held with the Shire President, Rio Tinto and Pilbara Development Commission on 4 December 2013;**
2. **Develop and submit a business case to Pilbara Development Commission no later than 13 January 2014 seeking funding for the construction of the Paraburdoo CHUB; and**
3. **Report to Councillors on the outcomes of the meeting, final design and business case.**
4. **Recognise it may need to contribute between \$2 and \$3 Million towards the Paraburdoo CHUB project and this funding be considered in the midyear budget review.**

**CARRIED BY ABSOLUTE MAJORITY 5/1  
Crs White, Wright, Foster and Bloem voted for the motion  
Cr Thomas voted against the motion**

Crs Dias and Rumble entered the meeting at 1.58 pm.

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Amanda O'Halloran, Jim Kelly and Anika Serer left the meeting at 1.59 pm.

### 13.3 RFT 18/13 SUPPLY OF RUNWAY GROOVING FOR ONSLOW AERODROME RUNWAY

**MINUTE:** 11728

**FILE REFERENCE:** AS.TE.18.13

**AUTHOR'S NAME AND POSITION:** Megan Walsh  
A/Aerodrome Manager

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

**DATE REPORT WRITTEN:** 29 October 2013

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

On the 26<sup>th</sup> October 2013 the Shire of Ashburton called for tenders for the supply of Services for runway grooving at the Onslow aerodrome. Tenders closed on the 13<sup>th</sup> November 2013.

One tender submission was received

Grooving for the Onslow runway is a requirement under the Civil Aviation Safety Regulation (CASR), Manual of standards Part 139, Runway surfaces, 6.2.9.2

#### **Background**

Civil Aviation Safety Authority's (CASA) Manual of Standards 139 (MOS) states that the runway should have a minimum of 1mm of texture (from the tip of the stone to the bitumen holding it in) or meet the friction requirements as specified by International Civil Aviation Organisation (ICAO). Dense-graded asphalt, as laid at Onslow Airport, by its nature will not meet these requirements hence grooving is required. A sprayed seal (such as the old Onslow runway) will meet the texture requirements.

Asphalt was chosen over a sprayed seal because it is stronger, requires less maintenance, and because of the necessity to use salt water during the pavement construction. Asphalt will resist any movements in the pavement due to salt much better than a sprayed seal will.

Asphalt has at least twice the life of a sprayed seal and although initially costly (including the grooving cost) the whole-of-life costs including maintenance are similar or cheaper than that of a sprayed seal.

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CASA expect to see the asphalt runway grooved or for the airport operator to prove that the surface meets or exceeds the friction requirement. A friction tester would likely have to be brought from the East Coast and it is very likely that the runway, as it is at present (ungrooved) would fail. Not meeting the texture or friction requirements would likely bring about a non-conformance notice from CASA and possibly shut down operations due to this being an important safety requirement.

### **Comment**

The purpose of runway 'safety' grooving is to eliminate hydroplaning and skidding on wet runways. Safety grooving is a proven technique originally developed by NASA and is now commonplace in airports around the world.

Runway grooving consists of parallel transverse channels (grooves) which are cut into the pavement surface. Grooving improves the macro-texture of the pavement surface, reduces water film thicknesses during rainfall and provides an escape channel for water that may become trapped between the pavement surface and an aircraft tyre. These effects reduce the potential for aircraft hydroplaning under wet conditions. Grooving may also improve aircraft braking performance on a wet runway as compared to a wet non-grooved runway.

Tenderers were required to submit a proposal that meet the following requirements

- 2-21.FAA Specification for Runway Grooving
- CASA MOS (139)
- RFT 18/13 Scope and specifications

One tender submission was received from Concut Runway Grooving Pty Ltd for the lump sum amount of \$295,152 excl. GST. The tender submission was lacking in information and content, however research and further advice from AMS (Aerodrome Management Services) have indicated that Concut Grooving to be the only known supplier of runway grooving in Australia.

The following costs have been excluded from Concut Runway Grooving tender submission and will be additional costs to the project (Principal supplied works).

#### **a) Survey Points**

To ensure the grooves are installed correctly a surveyor will be required to set out start and end point (guide points so the grooves are cut in the right direction) for the Contractor. This is estimated to cost \$5000.

#### **b) Standby Rates and forced evacuation rate**

\$500 per hour

#### **c) Water charges.**

The grooving process requires up to 50,000 litres of fresh water each night (approximately 14 nights to complete). Due to the current restrictions on the Onslow water stand pipe Shire officers have been exploring alternative fresh water options and are currently waiting on advice from the Water Corporation. Water costs can vary significantly depending on the option chosen. This is depending on supply available in Onslow and discussions with the Water Corporation, which are currently pending. The following water options are currently being explored.

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### Option 1

#### All Water supplied by Onslow water stand pipe.

This cost is subject to water availabilities in Onslow. Limit restrictions are in place as the current capacity for the Onslow standpipe is only 70,000 litres per day. With current approved uses in place for other organisation the Project could only take up to 10,000 – 30,000 litres per day. Currently waiting on Water Corporation approval our way forward

Water Onslow stand Pipe	Approximately 700,000 Litres 50,000litres per day @14days	\$3000
Slurry Dump area	Made to particular specifications: 20m x20m with a ramp for truck reserve up to	\$10,000
	TOTAL	\$13,000

### Option 2

#### Source water requirements out of Onslow and transport to Onslow.

If water cannot be sourced in Onslow then 20,000 litres per day will require to be transported to Onslow on a daily basis for approximately 14 days. A holding pond will need to be constructed to hold the water post transport. We are currently waiting on Water Corporation advice as to where the water can be sourced from.

Water	Supply & transport 20,000 litres per day @14days	\$42,000
	30,000 litres per day Onslow standpipe	\$1470
Holding pond (reservoir)	Lined with plastic 20m x20m with a ramp for truck reserve up to	\$20,000
Slurry Dump area	Made to particular specifications: 20m x20m with a ramp for truck reserve up to	\$10,000
	TOTAL	\$63,470

### Option 3

#### Slurry Fox Water Recycle System

Concut Grooving offer a water recycling system (Slurry Fox) TENDER option which enables water from the slurry process to be separated from the slurry and recycled. This process requires 2 separate onsite lined holding dams. Initially for the first two days 50,000litres of water would be required to build up the reservoir but then after that only 20,000 to 30,000 litres would be required a night which could be obtained from the Onslow stand pipe.



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Water costs	40,000 litres Days 1 & 2 Transported to Onslow	\$6,000
	360,000 Litres of water Days 3-14 Onslow standpipe	\$1260.00
Slurry Fox	Includes operators, generators, pumps and sundry equipment required to operate machine	\$73,798.00
2 x holding ponds	Lined with plastic 20m x20m with a ramp for truck reserve up to	\$40,000
	<b>TOTAL</b>	<b>\$121,058</b>

### Consultation

AMS (Aerodrome Management Services)  
Strategic Project Engineer  
CASA Aerodrome Inspector  
Water Corporation  
Corporate Services Support Officer Shire of Ashburton  
Executive Manager Strategic and Economic Development Shire of Ashburton

### Statutory Environment

Local Government Act 1995 s 3.57  
Local Government Act 1995 s 5.42 and 5.43  
Local Government (Functions and General) Regulations 1996 Pt.2 Div.2  
Civil Aviation Act 1988

### Financial Implications

The total contracted price is budgeted to cost (excluding tender exclusions and G ST) \$295,152.00.

With the works anticipated to commence in the cyclone season a provisional contingency rate of \$33,000 (standby/contingency rate) has been requested by the Tenderer. The standby/contingency rate will only be used in the event of a cyclone or rain.

A provision of up to \$126,058 will need to be allocated to cover the worst case scenario for works and costs associated with water and survey works.

Grooving was quoted/ estimated to cost \$250,000 in the Airport Upgrade budget (PIP2), however due to the restrictions in obtaining fresh water the costs have increased.

Therefore the grooving may impact the Shire budget directly to a cost of \$ 204,210.00. This cost is not included in the funding from Chevron/ Department of State Development and negotiation to source funds will be required.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 04 'Distinctive and Well Serviced Places'  
Objective 01 – Quality Public Infrastructure:  
Objective 02- Accessible and Safe Towns  
Objective 03 - Well Planned towns

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### Policy Implications

Shire of Ashburton - Purchasing and Tender Policy FIN12  
Shire of Ashburton – ENG09 “asset Management policy”

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED: Cr L Rumble**

**SECONDED: Cr A Eyre**

**That Council:**

**Subject to the Chief Executive Officer negotiating or locating suitable funding sources that will meet the tender cost, standby/contingency rate and tender exclusions (water options) with Chevron and the Department of State Development, award the contract to Concut Runway Grooving Pty Ltd for the amount of \$295,152.00.**

- 1. Authorise the Chief Executive Officer and Shire President to execute the relevant contract documentation and affix the Shire’s common seal to the contract.**
- 2. Approve additional funds up to \$159,058.00 for the standby/contingency rate, survey costs and the proposed water options.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**  
**Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster and Bloem voted for the motion**

**14. TECHNICAL SERVICES REPORTS**

**14.1 PLANNING APPLICATION FOR TEMPORARY CONSTRUCTION FACILITIES IN THE FORM OF WAREHOUSING, WORKSHOP AND LAYDOWN AREA TO SUPPORT THE CONSTRUCTION OF THE GORGON PROJECT LNG PLANT ON RESERVE 11648, BARROW ISLAND**

**MINUTE:** 11711

**FILE REFERENCE:** IS.BARW.000  
RD.OG.02.03  
Planning Application 13-22

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

**NAME OF APPLICANT/RESPONDENT:** Chevron Australia Pty Ltd  
State of Western Australia

**DATE REPORT WRITTEN:** 26 November 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.09.54 - Ordinary Meeting of Council 15 September, 2009  
Agenda Item 13.10.65 - Ordinary Meeting of Council 27 October, 2009

**Summary**

Application for Planning Approval has been received from Chevron Australia for temporary construction facilities in the form of warehousing, workshop and laydown area on approximately 4.3878 hectares to support the construction of the Gorgon Project LNG plant at Barrow Island.

The development is subject to the Barrow Island Act 2003 (and Schedule 1) along with the Environmental Protection Authority's (EPA's) extensive assessment. In this regard, the development sought is in keeping with areas of existing development and within disturbed areas on the Island. In addition, the Department Parks and Wildlife as reserve managers has advised that it does not object to the Application as sought.

It is recommended that conditional Planning Approval subject to the matters outlined in the Report.

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### **Background**

Barrow Island is an 'A' Class Reserve (11648) with WA Oil Pty Ltd holding petroleum leases (L10, EP/61 and EP/62) as per the Petroleum Act 1936 and is administered by the Department of Mines and Petroleum.

Barrow Island is situated approximately 85km offshore from Onslow. Hydrocarbons have been extracted from the island since the 1960's. The Gorgon Project is located on a 'greenfield' site and includes offshore infrastructure, pipelines, an onshore gas processing facility consisting of domestic gas and Liquefied Natural Gas (LNG) facilities, an LNG load-out jetty, materials off-loading facility, domestic gas export pipeline and associated accommodation and support infrastructure.

The Barrow Island Act allows for the Gorgon project to clear up to 300 hectares on Barrow Island, providing significant constraints with the amount of land available for development. Council has in recent times considered (and approved) a number of Planning Applications from Chevron for Barrow Island.

The site of the existing Construction Village works is located approximately 3.5km south of the LNG Plant and 7 km north east of the airport site. It is more than 1 km from the coast and shielded by coastal dunes behind Yacht Club Beach North and South. The Construction Village plot area has been assigned to 23 Hectares, with a buildable envelope of 17.4 Hectares. The proposed location for Cluster 11 and 12 were cleared during the original site works, and have been used as storage and laydown areas during construction. The area is provided with infrastructure and utilities and is connected into the stormwater drainage system.

### Existing Federal, State and Local Government Approvals

In August 2009, the Western Australian Government approved the construction of facilities for the development of the Greater Gorgon Gas Fields on the North-West Shelf, and the processing and export of the gas at a liquefied natural gas plant to be constructed on Barrow Island, subject to matters defined to ensure environmental protection.

Also in August 2009, the Federal Environment Minister gave conditional approval to the Gorgon expansion proposal for Barrow Island pursuant to the *Environment Protection and Biodiversity Conservation Act 1999*.

### September 2009

At its meeting on 15 September, 2009, planning approval was issued to upgrade the existing airstrip at Barrow Island in the form of *"...repairing and resurfacing the runway, extending aprons and taxiways, modifying the terminal building and improving aviation fuel facilities. Upgrades to the Barrow Island Airport are required to improve drainage of the airstrip, ensure ongoing safety, security and passenger comfort and to accommodate the predicted increase in aircraft traffic"*.

### October 2009

27 October 2009, the Council of the Shire of Ashburton granted planning approval for the construction of the Construction Village and Fly Camp to provide accommodation for a workforce of up to 3300 workers to construct the Gas Processing Facility and Associated Support Infrastructure on Barrow Island. The original application included reference to an area within the Construction Village marked as the 'Future Accommodation Footprint', which had been set-aside for additional Accommodation Clusters.

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### March 2012

On 15 March 2012 the Pilbara Joint Development Assessment Panel issued planning approval for proposed additional accommodation clusters within the existing construction village, Reserve 11648, Barrow Island in an area referred to by Chevron as '19C'.

### **Proposal**

Application for Planning Approval has been received from Chevron Australia for temporary construction facilities in the form of warehousing, workshop and laydown area on approximately 4.3878 hectares to support the construction of the Gorgon Project LNG plant at Barrow Island.

### **ATTACHMENT 14.1**

In relation to the Applicant has advised as follows:

*"The scope of the work involves clearing and construction of a Temporary Laydown Area and installation of a Warehouse and Workshop at the south west side of the LNG Site. The site will comprise the following:*

- *Single storey workshop, single storey warehouse, office, cribroom and toilet;*
- *Temporary laydown area for short term storage of construction materials, containers and other goods; and*
- *Fences, drainage and other infrastructure services."*

*"The area for the proposed Workshop - Warehouse and Temporary Laydown Area is currently vacant, tenure has been applied for, and there are no objections from the relevant State Government agencies. The proposed use is to support activities involved in the construction of the Gorgon Project LNG Plant, by providing space, covered storage areas, and a workshop for fabrication activities."*

*The Department of Parks and Wildlife, as the managing agency over Barrow Island, has been consulted and has no objection to the proposed inclusion of the 4.3878 hectares into Chevron's Construction and Laydown Licence on Barrow Island (Attachment 3). The Office of the Environmental Protection Authority (EPA) has confirmed that the proposed development complies with Ministerial Statement 800 and does not require any additional environmental approvals..."*

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### **Comment**

The application is to be determined in accordance with the provisions of Part 5 of the Shire of Ashburton Local Planning Scheme No.7 ('Scheme').

The subject site is reserved 'Conservation, Recreation and Nature Land Reservation' under the Scheme.



The following clauses provided for in the Scheme are relevant:

- Clause 1.6 Scheme Objectives
- Clause 2.1 Local Planning Policies
- Clause 3.1 (Reserve) Categories
- Clause 3.2 Use and Development of Reserves
- Clause 5.1 Requirement for Planning Approval
- Clause 5.7 Advertising of Applications
- Clause 5.8 Consultation with Other Authorities
- Clause 5.9 Matters to be Considered
- Clause 5.10 Determination of Application

Reserved Land:

The Scheme provision relevant to 'reserves' is as follows:

*"Use and Development of Reserves*

*3.2.1 A person shall not carry out any development on, other than the erection of a boundary fence defined or accepted by Local Government, or change the use of a reserve without first applying for and obtaining the planning approval of the Local Government in accordance with Part 5.*

*3.2.2 Where an application for planning approval is made with respect to land within a reserve, the Local Government shall have regard to the ultimate purpose intended for the reserve and Local Government shall confer with the organisations it considers relevant to that purpose and the proposed use or development.*

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

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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.*

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.*

3.2.7 *In the case of land reserved under the Scheme for the purpose of a public authority, the Local Government is to consult that authority before making its determination.”*

As the land is reserved under the Scheme, it is open for Council to advertise any application, which is not in accordance with the purpose of the Reserve. However, the development sought is in keeping with areas of existing development and within disturbed areas on the Island. Accordingly, it is recommended that the application not be advertised by either the Scheme or Council Policy.

External Referrals/Notices Required by the Scheme:

Clause 3.2.5 of the Scheme requires that the Shire is to have regard to any “.....*other legislation and/or the advice from the relevant land owner/manager.*” The development is subject to the Barrow Island Act 2003 (and Schedule 1) along with the Environmental Protection Authority’s (EPA’s) extensive assessment. In this regard, the development sought is in keeping with areas of existing development and within disturbed areas on the Island. In addition, the Department Parks and Wildlife as reserve managers has advised that it does not object to the Application as sought.

Through the formal environmental approval process, there is recognition that clearing and development of the LNG plant, construction village and ancillary laydown areas will be undertaken.

### **Consultation**

Chief Executive Officer  
Department of Environment Regulation

### Public Consultation

Community consultation was undertaken due to the extensive nature of the proposal and the extent of vegetation to be removed. This was undertaken via public notice in the Western Australian and the Pilbara Times newspapers and no objections were received. However, even with the absence of objections it is clear from various media sources that this proposal does not have the full support of the community. This is largely due to the land being an A Class reserve and the perception by some that the development proposed is not environmentally appropriate for the land nor does it reflect the purpose of the reserve.



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### **Statutory Environment**

Shire of Ashburton Town Planning Scheme No. 7 ( 'Scheme'). The land is reserved "*Conservation, Recreation and Natural Landscapes*" under the Scheme.

The Scheme requires that all land uses not associated with the maintenance and protection of the Island require the consent of Council.

### **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

### **Policy Implications**

There are no policy implications relative to this issue.

### **Voting Requirement**

Simple Majority Required

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### Council Decision

**MOVED:** Cr P Foster

**SECONDED:** Cr D Dias

**That Council:**

**1. APPROVE Planning Application Shire Ref: 13-22 for temporary construction facilities in the form of warehousing, workshop and laydown area on approximately 4.3878 hectares to support the construction of the Gorgon Project LNG plant at Barrow Island, Reserve 11648, Barrow Island (accompanying plans as provided as Attachment 14.1) in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 and the following conditions:**

- 1. This Planning Consent lapses if the development is not substantially commenced by 10 December 2015.**
- 2. The land use and development shall be undertaken generally in accordance with the approved plans, in a manner that is deemed to comply with the satisfaction of the Shire of Ashburton.**
- 3. Prior to the commencement of the development, a fire management plan and emergency evacuation plan shall be prepared by the applicant and adopted by Council and thereafter implemented to the satisfaction of the Shire of Ashburton.**
- 4. All storm water produced on the site shall be disposed of either to an underground drainage system or disposed of on the site, but in either case the means of disposal must be to the satisfaction as directed by the Shire. Plans must be submitted prior to issue of a building licence showing details of the drainage layout, showing the pipes direction, invert levels, grade size and the locations of any pits.**
- 5. A geotechnical report covering the development area being prepared by the applicant at the applicant's cost and to the satisfaction of the Shire of Ashburton. The report to be lodged with the building licence application, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.**
- 6. A comprehensive effluent plan and drainage plan shall be submitted to the satisfaction of the Shire of Ashburton and such plan(s). All works to be constructed as per the approved plan.**
- 7. The operator is solely responsible for the removal of all litter and rubbish and shall ensure that the Island is retained in pristine condition at all times.**

**Advise the applicant as follows:**

- a) In relation to Condition (3), it is recommended that prior to the submission of the Fire Management Plan and Emergency Evacuation Plan, the Applicant discuss the proposal with DFESA and SES.**
- b) In the "Conservation, Recreation and Natural Landscapes" Reserve, approval is required for most land uses and building construction.**

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Council's Planning Department should be contacted for further information.

- c) 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).
- d) The issuing of development approval for the development pursuant to Shire's Planning Scheme does not constitute approval to use the Operation/Construction Facility unless all matters relating to Local Government (Miscellaneous Provisions) Act 1960 (as amended) have been addressed.
- e) 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>.
- f) 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 Regulation in accordance with the Environment Protection Act 1986.
- i) This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Department of the Environment (Australia) of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999.

CARRIED EN BLOC 8/0

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### 14.2 REQUEST BY THE DEPARTMENT OF LANDS FOR COMMENT - APPLICATION FOR LICENCE TO OCCUPY CROWN LAND FOR LAYDOWN - WHEATSTONE PROJECT - SECTION 91 LAND ADMINISTRATION ACT 1997- CHEVRON AUSTRALIA PTY LTD

**MINUTE:** 11711

**FILE REFERENCE:** RD.OG.2.5.2  
Rec 1323276

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

**NAME OF APPLICANT/RESPONDENT:** Department of Lands

**DATE REPORT WRITTEN:** 30 November 2013

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

The Department of Lands (DoL) has sought the views of the Council with respect to an application for licence to occupy Crown Land for laydown purposes associated with Chevron Australia's Wheatstone LNG/Domestic Gas Plant project. Specifically, the laydown area is to be in association with an existing licence Chevron has for use of Crown land as an access road. The requested term is for 3 years. The roads referred to as AR2 and AR3 were permitted as part of a Planning Approval issued by the Pilbara Joint Development Assessment Panel (Pilbara JDAP) on 30 November 2011.

The access is intended to be 'temporary' and Chevron as part of the original Planning Application that established AR2 and AR3 advised that "...when the permanent Primary Access Road is operational, AR2 and AR3 will be no longer used by the Project as the main access route to the Wheatstone LNG site." Part of AR2 is located within Reserve 35118 which is vested in the Shire for 'Historic Site and Buildings' (Old Onslow Townsite).

The Old Onslow Townsite is registered as place 3444 on the Western Australian Register of Heritage Places. The Heritage Council of Western Australia (HCWA) conservation area consists of a town site area, the line of a former tramway and jetty area. The registered area associated with the former jetty consists of both land and sea bed areas. The site is also listed on the Shire of Ashburton's municipal inventory, and the Shire is responsible for managing the site.

Whilst the proposal is not generally opposed, it is recommended that Council only support the licence to occupy Crown Land for laydown purposes where it is not located within Reserve 35118 and where only where it is within the Ashburton North Strategic Industrial

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Area Special Control Area as defined under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). The information provided by Chevron and DoL is very general in nature. Hence any response from Council should advise that if a licence is issued by State Lands, a detailed planning application will be required before any works commence and a planning approval (presumably from the Shire) will need to issue pursuant to the Scheme for the purpose of 'laydown.'

### **Background**

The Ashburton North Strategic Industrial Area (ANSIA) covers an area of approximately 8000 hectares and represents a possible hydro-carbon gas hub of both state and national significance.

Specifically, the location is being developed by Chevron Australia P/L (Chevron) for its Wheatstone Liquid Natural Gas (LNG) project. It is also proposed that that additional land be developed for use by, as yet to be identified, hydro-carbon related or other 'strategic' industries including a second LNG site.

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

Council granted development approval for the first development within the ANSIA, being BHPB's proposed Macedon Domestic Gas Plant, which is expected to be completed in early 2015. This project is relatively small in the context of the overall development of the precinct but will still have significant impact on a town the size of Onslow.

Planning for the proposed ANSIA is complex with a range of major issues requiring consideration. If the benefits of individual developments are to be optimised, then this needs to be assessed against the possible adverse impacts on other development within the precinct as well as surrounding areas, including Onslow. Any application to rezone or develop must be consistent with the approved *ANSIA Structure Plan* which was prepared on behalf of the State of Western Australia by Chevron and was adopted by Council and endorsed by the Western Australian Planning Commission (WAPC) in October 2011.

The 'vision' and 'objectives' of the ANSIA Structure Plan relevant to this Application before the Pilbara JDAP include as follows:

#### *"6.1 VISION*

*The strategic vision for the ANSIA is:*

*To create a major hydrocarbon processing hub of State and National significance, fostering a secure environment for major gas processing industries, surrounded by infrastructure, services and related industries to deliver maximum benefit from the resource to the community, at both micro and macro levels, in a sustainable manner.*

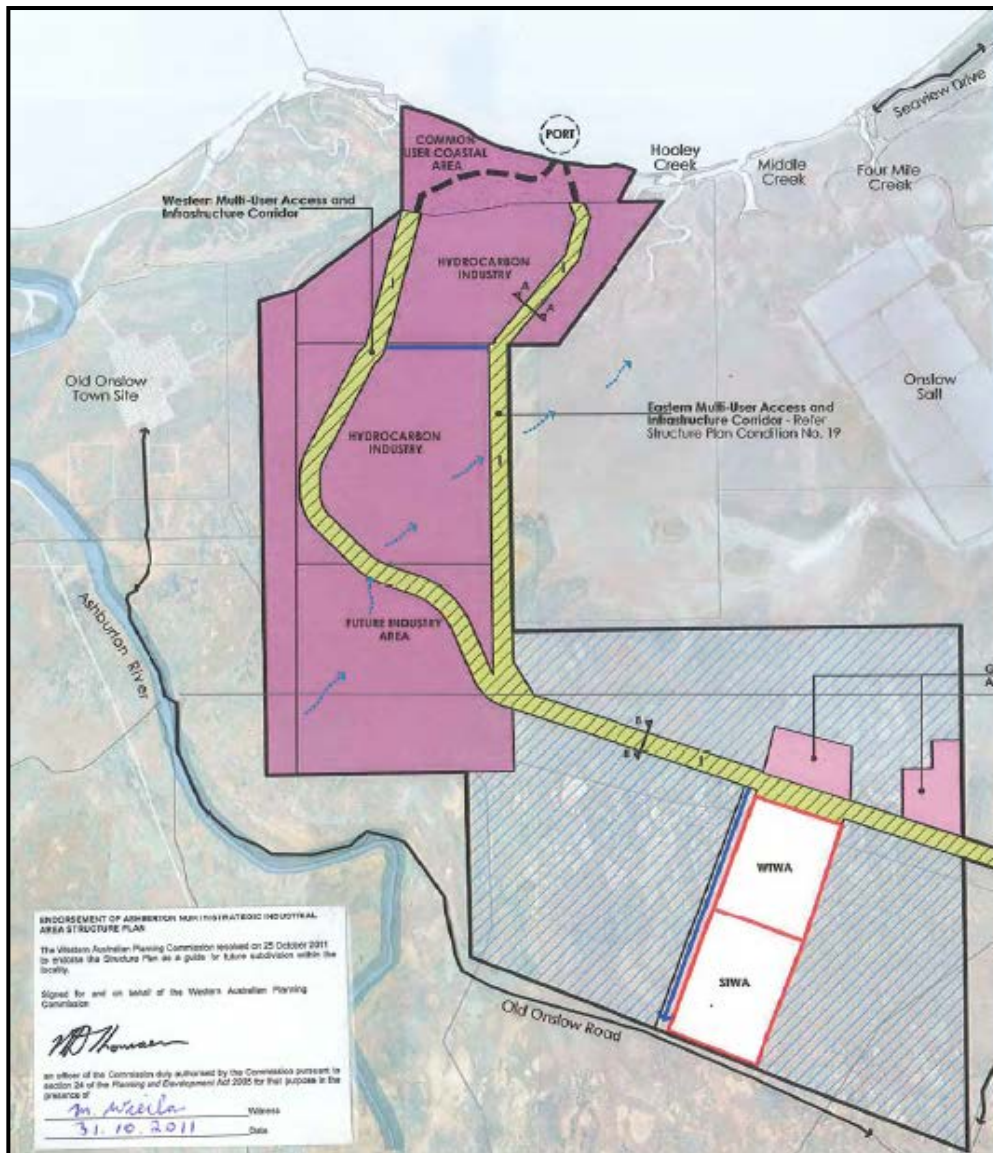
#### *"6.2 OBJECTIVES*

##### *6.2.1 DEVELOPMENT OBJECTIVES*

*The ANSIA Structure Plan provides an integrated planning framework, designed to guide individual development initiatives to achieve the following objectives:*

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

- *Ensure land will be specifically allocated for long term industrial development of regional, state or national significance, primarily to facilitate major hydrocarbon processing industries, and also industries that realize productivity and efficiency gains through proximity to the LNG plants located within the ANSIA.*
- *Ensure land will be specifically allocated for industrial development that supports the ongoing operation of hydrocarbon activities within the ANSIA and the Port/CUCA.*
- *Ensure development is subject to arrangements that clearly demonstrate how arrangements will be in place to limit the social and hard infrastructure impacts on Onslow. In particular, proponents are to be responsible for the accommodation of all workers (including the direct workforce, contractors, subcontractors and authorised visitors who have direct involvement with the development) are housed either at the ANSIA or Council approved accommodation.*



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### Extract of Ashburton North Strategic Industrial Area as defined in the ANSIA Structure Plan

Condition 5 of the *ANSIA Structure Plan* states:

*“Council shall not resolve to approve any use or development, or support any subdivision of land until a Development Plan is endorsed by the Shire and adopted by the WAPC in accordance with LPS7. The matters to be addressed by the Development Plan are identified within section 8.3 of the ANSIA Structure Plan report and defined by the ANSIA SCA of the Scheme.*

*Notwithstanding the above, prior to the approval of a Development Plan, the Shire may approve limited provision of roads, services and Transient Workforce Accommodation where it is satisfied that approval is in accordance with the vision and objectives of the ANSIA Structure Plan, as well as the SCA of LPS7.”*

The ‘*Wheatstone Development Plan*’ was adopted for final approval by the Council of the Shire of Ashburton on 20 June 2012. The ‘*Wheatstone Development Plan*’ has also been endorsed by the Western Australian Planning Commission.

The following issues regarding construction management have been addressed within the *Wheatstone Development Plan*:

- Accommodation and management of the construction workforce;
- Construction traffic;
- Social impacts;
- Local water management strategy;
- Construction and environmental management;
- Fire prevention and control plan; and
- Mosquito hazard.

#### Amendment No. 10

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

#### Previous Pilbara JDAP Planning Applications associated with Chevron’s Wheatstone development

##### Pilbara JDAP /20110482

Approved 30 November 2011 for access road and transient workforce accommodation comprising as follows:

- temporary construction offices and infrastructure;
- power generation;
- concrete batch plant;
- water intake and treatment;
- temporary water pipeline;
- waste water treatment and disposal;
- diesel storage;
- compaction phase seawater intake (located in CUCA);
- temporary access roads AR1, AR2, AR3, and AR4;

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- site works associated with the construction village;
- initial construction village (104 rooms) and associated infrastructure (potable and waste water treatment, landscaping, car parking, fuel storage, truck turnaround and laydown area, fencing, and drainage); and
- fly village (502 rooms) and associated infrastructure (potable and waste water treatment, landscaping, car parking, fuel storage, truck turnaround and laydown area, fencing, drainage, recreation facilities).

at Lots 152, 153 and 238 (Reserve 6944), Onslow Road, Ashburton North, Shire of Ashburton  
On 28 June 2012, the Pilbara JDAP approved amendments to the road construction component of DAP Approval DP20110482 (Form 2 Application) issued by the Pilbara JDAP on 30 November 2012.

### DAP Ref: 20120285

Approved on 28 June 2012 for the construction of a primary access road at Lot 564 (on Deposited Plan 71346) and Lot 574 (on Deposited Plan 71345), Onslow Road, Ashburton North, Shire of Ashburton.

### DAP Ref: 20120332

Approved on 28 June 2012 for Transient Workforce Accommodation village comprising:

- 3802 beds and associated facilities;
- food and beverages;
- kitchen and dining facilities;
- wet mess;
- services and facilities;
- maintenance, bulk linen, fire station & buggy park;
- training facility;
- convenience retail facility for village occupants;
- left luggage store;
- ambulance bay/triage;
- sport and recreation;
- multi use field;
- multi use court;
- horseshoe range;
- covered pavilions;
- indoor recreation facility;
- gymnasium;
- bbq shelters;
- indoor/outdoor cricket; and
- pool.

at Lot 564 (on Deposited Plan 71346) and Lot 574 (on Deposited Plan 71345), Onslow Road, Ashburton North, Shire of Ashburton.

### Pilbara JDAP Ref:20120333

Approved on 28 June 2012 for the expansion of the Wheatstone Transient Workforce Accommodation ('fly village') at Lot 1577 (on Deposited Plan 72843), Onslow Road, Ashburton North, Shire of Ashburton.



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### Pilbara JDAP Ref:20120415

Approved on 27 August 2012 for the construction of site works and temporary construction facilities associated with the Wheatstone LNG and Domestic gas plant at Lot 567 (on Deposited Plan 71345) Onslow Road, Ashburton North, Shire of Ashburton.

### Pilbara JDAP Ref: 20130008

Approved on 27 February 2013 for the construction of a bridge over 'Quick Mud Creek' to allow uninterrupted access along a private road at Lot 519 (on Deposited Plan 69198) Onslow Road, Ashburton North, Shire of Ashburton.

### Pilbara JDAP 20130107 (P)

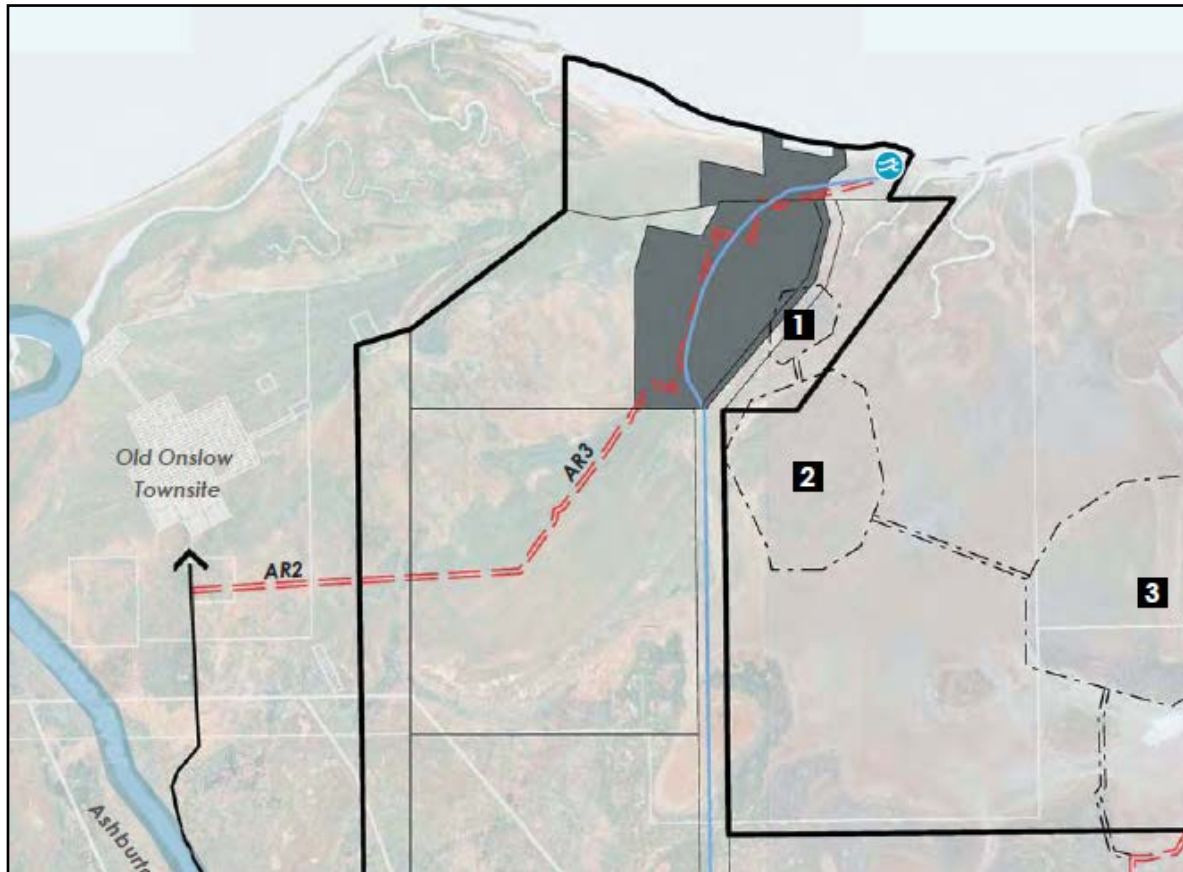
Approved 24 April 2013 for the construction of infrastructure comprising: fibre optic communications cabling, water and wastewater pipelines portions of:

- Lot 567 DP 71345;
- Lot 563 DP 71346 ;
- Lot 573 DP 71345 ;
- Lot 519 DP 69198 ;
- Lot 509 DP 69198 ;
- Lot 560 DP 71346 ; and
- Lot 1577 DP 72843.

### **Proposal**

The Department of Lands (DoL) has sought the views of the Council with respect to an application for licence to occupy Crown Land for laydown purposes associated with Chevron Australia's Wheatstone LNG/Domestic Gas Plant project. Specifically, the laydown area is to be in association with an existing licence Chevron has for use of Crown land as an access road.

DoL has advised the access roads in question are AR2 and AR3 which were approved as part of a Planning Approval issued by the Pilbara Joint Development Assessment Panel (Pilbara JDAP) on 30 November 2011.



**Extract from Chevron's Pilbara JDAP 20110482 Application (June 2012)  
locating AR2 and AR3.**

DoL also advise as follows:

*"The types of materials that are likely to be stored at the proposed laydown area include, but are not limited to:*

- *HDPE pipe (bulk and spooled);*
- *Steel reinforcement, rebar;*
- *Other steel/metal products;*
- *Concrete products and embeds (eg culverts, cyclone tie-downs blocks)*
- *Mobile construction equipment (eg lightning towers, generators);*
- *Other construction equipment;*
- *Various crated materials (eg valves, fittings); and*
- *Other construction materials, including rock and sand material, cable reels, cyclone tie down equipment.*

*It is not proposed to install any permanent fixtures or facilities in the laydown area; however the following mobile equipment maybe utilised:*

- *Mobile lightning towers (trailer mounted);*
- *Portable chemical toilets ("portaloo");*
- *Barricading at the AR2 / Old Onslow road intersection to prevent public access to or from the laydown area at that location; and*
- *Temporary shade structures, generally involving a light steel or scaffold frame with shade cloth or tarpaulin cover.*

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*The applicant has agreed to install and inspect regularly appropriate sediment and erosion control measures to reduce potential for impacts beyond the Licence boundary. The requested term is for 3 years."*

### ATTACHMENT 14.2

#### **Comment**

The Old Onslow Townsite is registered as place 3444 on the Western Australian Register of Heritage Places. The Heritage Council of Western Australia (HCWA) conservation area consists of a town site area, the line of a former tramway and jetty area. The registered area associated with the former jetty consists of both land and sea bed areas. The site is also listed on the Shire of Ashburton's municipal inventory, and the Shire is responsible for managing the site.

The access is intended to be 'temporary' and Chevron as part of the original Planning Application that established AR2 and AR3 advised that "...when the permanent Primary Access Road is operational, AR2 and AR3 will be no longer used by the Project as the main access route to the Wheatstone LNG site." Part of AR2 is located within Reserve 35118 which is vested in the Shire for 'Historic Site and Buildings' (Old Onslow Townsite).

Whilst the proposal is not generally opposed, it is recommended that Council only support the licence to occupy Crown Land for laydown purposes where it is not located within Reserve 35118 and where only where it is within the Ashburton North Strategic Industrial Area Special Control Area as defined under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').

The information provided by Chevron and DoL is very general in nature. Hence any response from Council should advise that if a licence is issued by State Lands, a detailed planning application will be required before any works commence and a planning approval (presumably from the Shire) will need to issue pursuant to the Scheme for the purpose of laydown.'

It is also appropriate that DoL seek the views of the Heritage Council of Western Australia on the application before it.

#### **Consultation**

Chief Executive Officer

#### **Statutory Environment**

Land Administration Act 1997

Planning and Development Act 2005

#### **Financial Implications**

There are no financial implications relative to this matter.

#### **Strategic Implications**

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

#### **Policy Implications**

There are no Policy implications relative to this matter.

#### **Voting Requirement**

Simple Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Council Decision

**MOVED:** Cr P Foster

**SECONDED:** Cr D Dias

### That Council:

1. In regard to correspondence received from Department of Lands (DoL) dated 14 November 2013 ( ATTACHMENT 14.2) seeking Council's views as to whether there is any objection to an application for licence to occupy Crown Land for laydown purposes associated with Chevron Australia's Wheatstone LNG/Domestic Gas Plant project, that Council respond as follows:
  - a) Council understands that the access is intended to be 'temporary' and Chevron as part of the original Planning Application that established AR2 and AR3 advised that *"...when the permanent Primary Access Road is operational, AR2 and AR3 will be no longer used by the Project as the main access route to the Wheatstone LNG site."*
  - b) Part of AR2 is located within Reserve 35118 which is vested in the Shire for 'Historic Site and Buildings' (Old Onslow Townsite).
  - c) The Old Onslow Townsite is registered as place 3444 on the Western Australian Register of Heritage Places. The Heritage Council of Western Australia (HCWA) conservation area consists of a town site area, the line of a former tramway and jetty area. The registered area associated with the former jetty consists of both land and sea bed areas. The site is also listed on the Shire of Ashburton's municipal inventory, and the Shire is responsible for managing the site.
  - d) Whilst the proposal is not generally opposed, Council will only support the licence to occupy Crown Land for laydown purposes where it is not located within Reserve 35118 and where only where it is within the Ashburton North Strategic Industrial Area Special Control Area as defined under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').
  - e) The information provided by Chevron and DoL is very general in nature. Hence should a licence be issued, a detailed planning application will be required before any works commence and a planning approval (presumably from the Shire) will need to issue pursuant to the Scheme for the purpose of 'laydown'.
  - f) Council recommends that DoL seek the views of the Heritage Council of Western Australia on the application before it.

**CARRIED EN BLOC 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### 14.3 PROPOSAL BY LANDCORP TO CHANGE THE PURPOSE AND COMPOSITION OF PART RESERVE 19291, ONSLOW ROAD ONSLOW TO BE FOR THE PURPOSE OF DRAINAGE AND COMMON

MINUTE: 11715

FILE REFERENCE: RE.ON.R.19291

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

NAME OF APPLICANT/RESPONDENT: LandCorp

DATE REPORT WRITTEN: 30 November 2013

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

PREVIOUS MEETING REFERENCE: Item 13.10 (Minute No. 11497) - Ordinary Meeting of Council 10 April 2013

#### Summary

Land Corp is seeking the Council's support in changing the purpose and composition of part Reserve 19291 being part Lot 500 on Deposited Plan 53870 for the purpose of drainage and common, subject to final advice from Department of Lands.

LandCorp propose to create two reserves, one for 'drainage' and the other to remain with the purpose of 'Common' and under a management order to the Shire of Ashburton. This will then help define the boundaries of the proposed drainage channel and enable the necessary drainage infrastructure for the overall expansion of Onslow as being undertaken by LandCorp.

It is recommended that Council:

- a) Agrees to the excision of portion of Reserve 19291 being Lot 500 on Deposited Plan 53870 for the purpose of 'Drainage'; and
- b) Agrees to part Reserve 19291 being Lot 500 on Deposited Plan 53870 being for the purpose of 'Common and Drainage.'

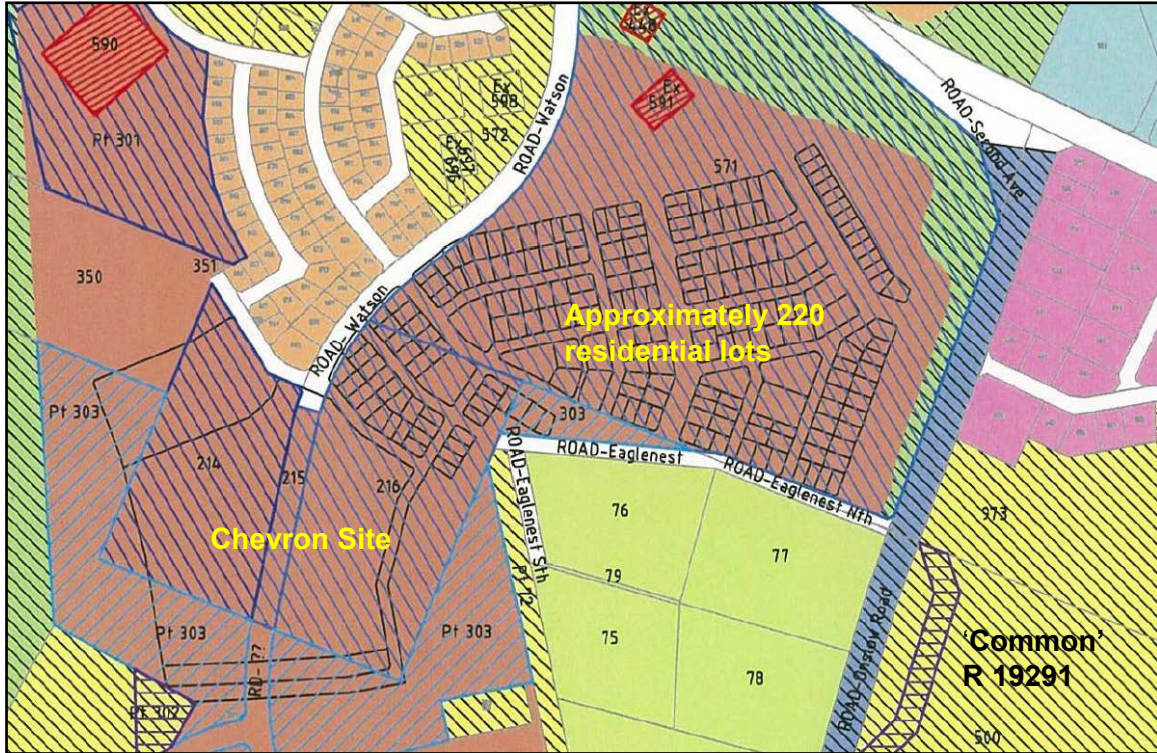
#### Background

The Onslow Townsite Strategy (2011) prepared by the Shire of Ashburton and Department of Planning, identifies a potential population of 3,500 people by 2021, fuelled by the growth of the resources sector in the north-west of Western Australia.

The potential for development of Onslow was somewhat addressed in LandCorp's 'Onslow Expansion Stage One Development Plan' ('Development Plan') was prepared by LandCorp and provides a new access to the town from Onslow Road to the north of Eagle Nest Road, as well as an extension of Eagle Nest Road to intersect with Watson Drive, and continue to McGrath Avenue.

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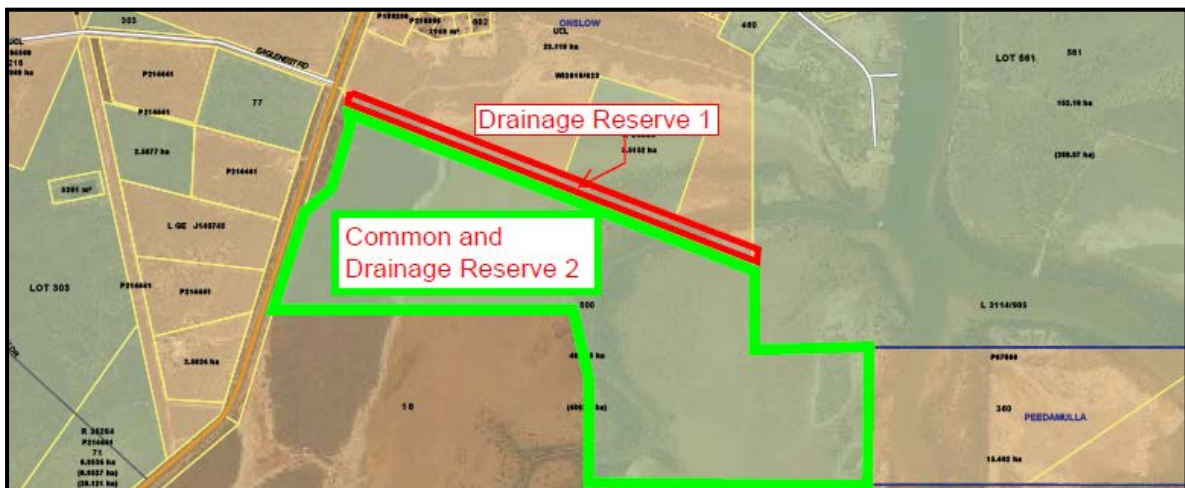
Based on the Development Plan, the Western Australian Planning Commission has issued Subdivision Approval for a 9ha site for Chevron Australia's Wheatstone LNG/domestic gas facility operational workers village along with approximately 220 residential lots and areas of open space generally as follows:



At the ordinary meeting of 10 April 2013, Council addressed several issues associated with the development of the 'expansion area' along with the development of a portion of Reserve 19291 for drainage purposes.

## Proposal

LandCorp propose to create two reserves, one for 'drainage' and the other to remain with the purpose of 'Common' and under a management order to the Shire of Ashburton as depicted below:



## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

LandCorp is seeking the Council's support in changing the purpose and composition of part Reserve 19291 being part Lot 500 on Deposited Plan 53870 for the purpose of drainage and common, subject to final advice from Department of Lands.

### **Comment**

Reserve 19291 was established in 1926 for the purpose of 'Common' and is vested with the Shire of Ashburton.

By changing the purpose and composition of part Reserve 19291 being part Lot 500 on Deposited Plan 53870 for the purpose of drainage and common, LandCorp consider that this will then help define the boundaries of the proposed drainage channel and enable the necessary drainage infrastructure for the overall expansion of Onslow as being undertaken by LandCorp.

No objection is offered to LandCorp's request to change the purpose and composition of part Reserve 19291 being part Lot 500 on Deposited Plan 53870 from 'Common' as depicted in **ATTACHMENT 14.3** and it is recommended that Council:

- a) Agrees to the excision from part of Reserve 19291 being Lot 500 on Deposited Plan 53870 for the purpose of 'Drainage'; and
- b) Agrees to part Reserve 19291 being Lot 500 on Deposited Plan 53870 being 'for the purpose of 'Common and Drainage.'

### **Consultation**

Chief Executive Officer  
Executive Manager, Technical Services  
Acting Economic & Land Development Manager

### **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 changing the purpose 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

**MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013**

**Council Decision**

**MOVED: Cr A Eyre**

**SECONDED: Cr D Wright**

**That Council:**

- 1. With respect to LandCorp's request to change the purpose and composition of part Reserve 19291 being part Lot 500 on Deposited Plan 53870 from 'Common' as depicted in ATTACHMENT 14.3 to the Administration Report, the Council:
  - a) Agrees to the excision from part of Reserve 19291 being Lot 500 on Deposited Plan 53870 for the purpose of 'Drainage'; and**
  - b) Agrees to part Reserve 19291 being Lot 500 on Deposited Plan 53870 being 'for the purpose of 'Common and Drainage'.****

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster and Bloem voted for the motion**



## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### 14.4 MODIFICATION TO LOCAL PLANNING POLICY LPP15 PARKING & SETBACK - FIRST AVENUE, ONSLOW

**MINUTE:** 11711

**FILE REFERENCE:** PS.PS.00.00  
LPP15

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

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

**DATE REPORT WRITTEN:** 30 November 2013

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

**PREVIOUS MEETING REFERENCE:** Item 14.3 (Minute No. 11677) - Ordinary Meeting of Council 16 October 2013  
Item 13.6.25 - Ordinary Meeting of Council 16 June 2009

#### **Summary**

Some portions of the road pavement for First Avenue, Onslow has been construction outside the defined road reserve and is situated on private land. This ranges from a few millimetres to just under a metre. In June 2009, Council has adopted Local Planning Policy LPP15 Parking & Setback – First Avenue, Onslow ('LPP 15') which provides the opportunity for the Shire to resolve the issue of the road reserve and the constructed road whilst providing the opportunity for landowners to have carparking within the setback.

The Policy Statement of LPP15 states in part that "... Access to the rear ROW is supported. Any Planning Approval will include a ROW upgrading contribution."

This is not necessarily the case as the Shire has appointed a consultant to address the condition, capacity and legal status of the Right of Ways (ROW's) and ensure that planning policies are in place to properly manage this infrastructure over time. In addition, the Shire has in the recent past not supported access to the ROW's and this has been supported in decisions by the Pilbara Joint Development Assessment Panel.

Accordingly, it is recommended that Council modify the Policy Statement to read:

"Until the Council has determined how ROW's are accessed, developed and managed vehicle access to the rear ROW is not supported."

Should Council agree to the modification, the revised LPP would be advertised for public comment for 21 days.

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### Background

Some portions of the road pavement for First Avenue, Onslow has been construction outside the defined road reserve and is situated on private land.

This ranges from a few millimetres to just under a metre. In June 2009, Council has adopted *Local Planning Policy LPP15 Parking & Setback – First Avenue, Onslow ('LPP 15')* which provides the opportunity for the Shire to resolve the issue of the road reserve and the constructed road whilst providing the opportunity for landowners to have carparking within the setback.

The Policy Statement of *LPP15* states in part that "... Access to the rear ROW is supported. Any Planning Approval will include a ROW upgrading contribution."

### ATTACHMENT 14.4

The Policy Statement of *LPP15* was originally determined in 2009 prior to the extensive number and extent of development proposals that have been before both Council and the Pilbara Joint Development Assessment Panel. Accordingly, because the ROW's are under width for 2-way traffic (most are 5m wide), not sealed or lit, such vehicular access has not been supported by the Administration or Council.

The Administration has appointed a consultant (Whelans) to address the condition, capacity and legal status of the Right of Ways (ROW's) and ensure that planning policies are in place to properly manage this infrastructure over time. In addition, the Shire has in the recent past not supported access to the ROW's and this has been supported in decisions by the Pilbara Joint Development Assessment Panel.

### Proposal

It is the view of the Administration that *LPP15* be modified to read:

*"Until the Council has determined how ROW's are accessed, developed and managed vehicle access to the rear ROW is not supported."*

### Comment

Onslow has a network of ROW's which typically run along the rear of properties many also contain services and utilities. The Shire wishes to understand the condition, capacity and legal status of these laneways and ensure that planning policies are in place to properly manage this infrastructure over time.

The suggested modification more correctly reflects the view of Administration with respect to vehicular access to the ROW and can be updated once the 'Whelans' study and recommendations are finalised.

The recommended 'modified' *LPP15* is included as **ATTACHMENT 14.4**.

### Consultation

Chief Executive Officer

### Statutory Environment

Shire of Ashburton Local Planning Scheme No. 7.

Clause 2.3.1 of the Scheme requires that an amended or revoked local planning policy be advertised for community consultation for a minimum of 21 days.

### Financial Implications

None anticipated.

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### Strategic Implications

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

### Policy Implications

None anticipated.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr P Foster

**SECONDED:** Cr D Dias

**That Council:**

1. **Adopt the draft modifications to *Local Planning Policy LPP15 Parking & Setback – First Avenue, Onslow* as provided for in ATTACHMENT 14.4 as a Local Planning Policy under the provisions of Cl. 2.3 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').**
- 2.. **Request the Chief Executive Officer to prepare a further report to Council once advertising is complete.**

**CARRIED EN BLOC 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### 14.5 DRAFT LANDCORP ONSLOW EXPANSION DEVELOPMENT PLAN AND DRAFT AMENDMENTS NO. 21 AND 22 TO PLANNING SCHEME NO. 7 FOR FINAL APPROVAL

**MINUTE:** 11711

**FILE REFERENCE:** PS.TP.7.21  
PS.TP.7.22

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

**NAME OF APPLICANT/RESPONDENT:** LandCorp

**DATE REPORT WRITTEN:** 1 December 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.3 (Minute 11092) - Ordinary Meeting of Council 14 December 2011.

The following Agenda Items were associated with the Onslow Townsite Strategy:

Agenda Item 13.05.28 - Ordinary Meeting of Council 16 May 2010.

Agenda Item 13.12.88 - Ordinary Meeting of Council 16 December 2009.

#### **Summary**

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 development needs for Onslow.

One of the clear outcomes from the 'charette' was the need for expanded residential and open space opportunities for Onslow.

The planning consultant associated with the 'charette' prepared an overall 'Vision Plan' for Onslow which although not adopted by Council has been represented by LandCorp in the form of a brochure.

At the Ordinary meeting of 14 December 2011, Council adopted for community consultation, Amendment No's 21 and 22 to the Shire's Town Planning Scheme No 7 ('Scheme') that reflect the development of an expanded Onslow in the Planning Scheme as follows:

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- Draft Amendment 21 comprises parcels of land including land referred to as 'horse lots' fronting on to Onslow Road. The Amendment seeks to have land zoned 'Urban Development' without a prescribed density coding, for the intended use as future urban development. The density of subdivision and development is reflected in the draft Development Plan
- Draft Amendment 22 comprises lots and parcels currently zoned 'Urban Development' within the current Onslow Townsite. The Amendment seeks to remove the prescribed density coding and have it reflected in the draft Development Plan. Modifications to the Scheme are considered necessary to ensure that the density provisions of a development plan can be implemented.

Both Amendments and the draft Development Plan were referred to the EPA which advised that the proposed scheme amendment should not be assessed. The Amendments were then advertised for 42 days and six (6) submissions to Amendment 21 and seven (7) submissions to Amendment 22 received (excluding the EPA advice).

The submissions are addressed in a Schedule to this Report. Most notable of the submissions is from Chevron Australia which seeks to downplay the statutory relevance of the associated Development Plan. Whilst the Administration does not agree with Chevron's view, it is recommended that the Development Plan be formally 'referred' in the Scheme, thus avoiding any potential legal challenge from Chevron.

It is recommended that Council adopt Amendments No. 21 and No. 22 for final approval with modifications (as provided for in the Schedule of Submissions). It is also recommended that Council adopt the Development Plan.

### 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 development needs for Onslow. One of the clear outcomes from the 'charette' was the need for expanded residential and open space opportunities for Onslow. LandCorp has prepared an overall 'Vision Plan' that has been prepared as an outcome for the 'charette' and in conjunction with key stakeholders and the community for the town of Onslow.

It is emphasised that the 'Vision Plan' has not been adopted by the Shire or the State and is represented by LandCorp in the form of a brochure.

At the Ordinary meeting of 14 December 2011, Council adopted for community consultation, Amendment No's 21 and 22 to the Shire's Town Planning Scheme No 7 ('Scheme') that reflect the development of an expanded Onslow in the Planning Scheme as follows:

- Draft Amendment 21 comprises parcels of land including land referred to as 'horse lots' fronting on to Onslow Road. The Amendment seeks to have land zoned 'Urban Development' without a prescribed density coding, for the intended use as future urban development. The density of subdivision and development is reflected in the draft *Onslow Expansion Development Plans ('Development Plan')*.
- Draft Amendment 22 comprises lots and parcels currently zoned 'Urban Development' within the current Onslow Townsite. The Amendment seeks to remove the prescribed density coding and have it reflected in the draft *Development Plan*. Modifications to the Scheme are considered necessary to ensure that the density provisions of a development plan can be implemented.

Both Amendments and the draft *Development Plan* were referred to the EPA which advised that the proposed scheme amendment should not be assessed.

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Proposal

The development of land reflected by draft Amendments No's 21 and 22 are identified in the draft *Onslow Expansion Development Plans ('Development Plan')* associated with the above draft Amendments. A draft *Development Plan* is proposed and provides the strategic planning direction and development provisions for both draft Amendments No's 21 and 22. The draft *Development Plan* shows potential residential densities (RCoding) for the respective precincts.

**ATTACHMENT 14.5A**  
**ATTACHMENT 14.5B**  
**ATTACHMENT 14.5C**

### Comment

The objective of the *Development Plan* is to provide the Shire with a comprehensive plan and associated report to facilitate the future subdivision and development of Onslow.

Draft Amendment No. 21 comprises parcels of land including land referred to as 'horse lots' fronting on to Onslow Road and proposes to amend the zoning of land as follows:

- Rezoning Part Lots 301, 41, 303 and 571 from "Conservation, Recreation and Nature Landscape Reserve" to "Urban Development";
- Rezoning Lot 448 from "Conservation, Recreation and Nature Landscape Reserve" to "Urban Development";
- Rezoning Lots 76, 77, 78,75, 74, 73, 80, 71, 70 and 69 from "Rural Living" to "Urban Development";
- Rezoning Portions of the Eagles Nest Road and Macedon Road Reserves to "Urban Development";
- Rezoning Part Lot 302 and Reserve 219198 from "Public Purposes – Waste Disposal and Treatment" to "Urban Development";
- Rezoning Lot 129 from "Public Purposes – Waste Disposal and Treatment" to "Urban Development";
- Rezoning Lot 72 from "Public Purposes – Water and Drainage" to "Urban Development"; and Amend the Scheme maps accordingly.

Justification for the proposed amendment can be summarised as follows:

- It is consistent with the vision and objectives of the Onslow Townsite Strategy
- It will facilitate the expansion of Onslow as well as meet anticipated housing demand generated by development of the ANSIA;
- It is in accordance with the State and local planning framework including Appendix 7 of the Scheme and relevant Statements of Planning Policy;
- Environmental assessments have revealed that the flora, fauna and vegetation present or likely to be present within the subject area do not appear to form any statutory constraint to development; and
- The land is geotechnically capable of being developed for the types of land use and activity envisaged as part of this Amendment and subsequent Development Plan.

This Amendment directly relates to the proposed *Development Plan* for Onslow that has been submitted concurrently with this Amendment and Amendment No. 22. It is expected that these three documents will be considered in conjunction with one another.

The Amendment No. 21 will facilitate the expansion of Onslow to meet the anticipated demand, and provide the opportunity for the Council to assess in greater detail the feasibility of development through the *Development Plan* and subdivision processes.

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Draft Amendment No. 22 seeks to amend the Scheme as follows:

- Remove the current density coding from land currently zoned 'Urban Development';
- Modify Clause 6.6 of TPS7 relating to the removal of any prescribed density coding in the 'Urban Development' zone; and
- Modify Clause 6.8 of TPS7 relating to the removal of discretion associated with the preparation of a Development Plan within the 'Urban Development' zone,

Justification for the proposed amendment can be summarised as follows:

- It is consistent with the vision and objectives of the Onslow Townsite Strategy;
- It will facilitate the expansion of Onslow as well as meet anticipated housing demand generated by development of the ANSIA;
- It is in accordance with the State and local planning framework including Appendix 7 of the Scheme and relevant Statements of Planning Policy;

Amendment No. 22 relates directly to the draft *Development Plan* for Onslow that has been submitted concurrently with this Scheme Amendment and Amendment No. 21.

Both Amendments and the draft *Development Plan* were advertised for 42 days and six (6) submissions to Amendment 21 and seven (7) submissions to Amendment 22 received (excluding the EPA advice). Submissions received for Amendment 21 and the draft *Development Plan* are addressed in a Schedule to this Report as **ATTACHMENT 14.5D**.

Submissions received for Amendment 22 and the draft *Development Plan* are addressed in a Schedule to this Report as **ATTACHMENT 14.5E**.

Most notable of the submissions is from Chevron Australia which seeks to downplay the statutory relevance of the associated *Development Plan*. Whilst the Administration does not agree with Chevron's view, it is recommended that the *Development Plan* be formally 'referred' in the Scheme, thus avoiding any potential legal challenge from Chevron.

### Conclusion

Both Amendments and the *Development Plan* serve to enable the expansion of Onslow in a planned and sustainable manner.

It is recommended that Council adopt Amendments No. 21 and No. 22 for final approval with modifications (as provided for in the Schedule of Submissions). It is also recommended that Council adopt the *Development Plan*.

### Consultation

Chief Executive Officer  
Executive Manager, Technical Services  
Executive Manager Strategic & Economic Development

Advertising and referral of draft Amendments No. 21 and 22 along with draft *Development Plan* was undertaken for 42 days the following manner:

#### Referral to the following Organisations/Agencies:

- Buurabalayji Thalanyji Aboriginal Corporation
- Chevron Australia Pty Ltd
- Department of Fire and Emergency Services
- Department of Health

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- Department of Aboriginal Affairs
- Department of Mines & Petroleum
- Department of Regional Development & Lands
- Department of State Development
- Department of Water
- Heritage Council of Western Australia
- Horizon Power
- Main Roads WA
- Onslow Salt Pty Ltd
- Water Corporation
- Horizon Power

### Signage

A sign was placed on the corner of Onslow Road and Eagle Nest Drive (erected for a minimum of 42 days).

### **Statutory Environment**

*Planning and Development Act 2005*

*Shire of Ashburton Local Planning Scheme No. 7.*

Advertising under the Planning and Development Act and Regulations is a minimum of 42 days. Town Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and Town Planning Regulations. The decision on whether to adopt an amendment is solely that of Council. Upon adoption by Council the amendment is referred to the Environmental Protection Authority (EPA) after which public advertising of the proposal occurs. After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications (this is where this 'draft Amendment' currently sits in the process).

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

### *Environmental Protection Act*

Referral to the Environmental Protection Authority (EPA) is required to determine the level of environmental assessment under Part IV Division 3 of the *Environmental Protection Act 1986*. The EPA can determine that proposed scheme amendments should not be assessed under (EP Act) but nevertheless provided advice and recommendations.

Under the Section 41 of EP Act, decision-making authorities (including the Shire or a JDAP) are not to make any decision that would allow the proposal to be implemented until the EPA assessment of the proposal and the Minister for the Environment's decision making is complete. Section 41 of the EP Act would not prevent the advertising or referral of a planning application however it would prevent a decision on an application until the Minister for the Environment determines the environmental assessment.

### **Financial Implications**

Costs directly associated with the formal assessment of the proposed Amendment will be recouped in itemised fees, as specified in Schedule 1 Part 2 of the *Town Planning (Local Government Planning Fees) Regulations 2000* and Council's adopted Fees and Charges.



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### Strategic Implications

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

### Policy Implications

There are no policy implications relevant to this matter.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr P Foster

**SECONDED:** Cr D Dias

**That Council:**

#### **(A) ONSLOW EXPANSION DEVELOPMENT PLAN**

1. **Adopts the 'Schedule of Submissions ATTACHMENTS 14.5D & 14.5E prepared in response to the advertising of the draft *Onslow Expansion Development Plan*.**
2. **Adopts the draft *Onslow Expansion Development Plan* for final approval pursuant to the requirements of Clause 6.4, Appendix 7 and Appendix 11 of the Scheme subject to the draft Onslow Expansion Development Plan being modified in accordance with 'Schedule of Submissions ATTACHMENTS 14.5D & 14.5E.**
3. **Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of Ashburton on documentation.**
4. **Refer the adopted draft *Onslow Expansion Development Plan* to the Western Australian Planning Commission with a request for endorsement as a framework for the future land use and development of the land subject of draft Amendment No. 21 and Amendment No 22.**

#### **(B) LOCAL PLANNING SCHEME AMENDMENT NO. 21**

1. **Endorses the Schedule of Submissions ATTACHMENT 14.5D prepared in response to the community consultation undertaken in relation to Amendment No. 21.**
2. **Pursuant to Part V of the Planning and Development Act 2005 ("Act"), and having considered the submissions lodged during the advertising period, adopt for final approval draft Amendment No. 21 to the Shire of Ashburton Local Planning Scheme No. 7 ("Scheme") by rezoning of land as follows:**
  - a) **Rezoning:**
    - i. **Lot 301 (Conservation, Recreation & Nature Landscape reserve - portion only);**
    - ii. **Lot 41 (Conservation, Recreation & Nature Landscape reserve -**

- portion only);
- iii. Lot 303 (Conservation, Recreation & Nature Landscape reserve - portion only);
- iv. Lot 571 (Conservation, Recreation & Nature Landscape reserve - portion only);
- v. Lot 448 (Conservation, Recreation & Nature Landscape reserve);
- vi. Eagles Nest Road Reserve (Road Reserve);
- vii. UCL 214441 (Rural Living zone);
- viii. Lot 76 (Rural Living zone);
- ix. Lot 77 (Rural Living zone);
- x. Lot 78 (Rural Living zone);
- xi. Lot 75 (Rural Living zone);
- xii. Lot 74 (Rural Living zone);
- xiii. Lot 73 (Rural Living zone);
- xiv. Lot 129 ( Public Purposes – Waste Disposal and T treatment reserve);
- xv. Lot 80 (Rural Living zone);
- xvi. Lot 72 (Public Purposes – Water and Drainage reserve );
- xvii. Lot 71 (Rural Living zone);
- xviii. Lot 70 (Rural Living zone);
- xix. Lot 69 (Rural Living zone);
- xx. Reserve 219198 (Public Purposes – Waste Disposal and Treatment reserve - portion only); and
- xxi. Lot 302 ( Public Purposes – Waste Disposal and T treatment reserve - portion only)

to 'Urban Development zone.

b) Amending the Scheme Maps accordingly.

3. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of Ashburton on documentation.
4. That the Council refer Amendment No. 21 to the Scheme, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
5. That, where notification is received from the Western Australian Planning Commission that a modification of the Amendment is required prior to approval of the Amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless the modification affects the intent of the Amendment, in which case it shall be referred to the Council for consideration.

**(C) LOCAL PLANNING SCHEME AMENDMENT NO. 22**

1. Endorses the Schedule of Submissions ATTACHMENT 14.5E prepared in response to the community consultation undertaken in relation to Amendment No. 22.
2. Pursuant to Part V of the Planning and Development Act 2005 ("Act"), and having considered the submissions lodged during the advertising period,

adopt for final approval draft Amendment No. 22 to the Shire of Ashburton Local Planning Scheme No. 7 ("Scheme") by:

a) Inserting new Clause 6.6.4 of the Scheme to read as follows:

*"6.6.4 Notwithstanding any other provision of the Scheme, where a development plan is prepared and approved in accordance with this Scheme over land zoned 'Residential' or Urban Development' and where it provides density coding in accordance with the Residential Design Codes, servicing, development and subdivision will be in accordance with the R Code density of the development plan."*

b) Amending Clause 6.8 of the Scheme to read as follows:

***"6.8 Urban Development Zone***

***6.8.1 Before considering any proposal for subdivision or the residential development of land within the Urban Development Zone (not including a single dwelling), the Local Government will require the preparation of a Development Plan for the entire development area or any part or parts as is considered appropriate by Local Government and which will define the relevant R Coding for individual precincts.***

***6.8.2 Before considering any proposal for development of land (other than residential) within the Urban Development Zone, the Local Government may require the preparation of a development plan for the entire development area or any part or parts as is considered appropriate by Local Government.***

***6.8.3 Applications for development for land zoned Urban Development and which could be potentially contaminated through previous land uses shall not be determined by the Local Government unless issues relating to possible soil and groundwater contamination are first resolved to the satisfaction of the Department of Environmental Protection.***

***6.8.4 In considering any proposal for subdivision or development of land within the Urban Development Zone, the Local Government shall have regard to any existing or proposed extractive industry operations within the zone, and may require or recommend to the WAPC staging of development or subdivision to minimise land use conflict during the life of the extractive industry operation."***

c) Amending the Scheme Maps by removing reference to the Residential Design Codes density to the Urban Development zone.

d) Inserting new Clause 6.4.12 into the Scheme to read as follows:

**"6.4.12 The following Development Plans have been adopted under the Scheme by the local government and Western Australian Planning Commission:**

**6.4.12.1 Onslow Townsite Expansion Development Plan, as contained within Appendix 12 of the Scheme."**

**e) Insert new Appendix 12 into the Scheme to read as follows:**

**"Appendix 12 Development Plans adopted under the Scheme by the local government and Western Australian Planning Commission."**

- 3. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of Ashburton on documentation.**
- 4. That the Council refer Amendment No. 22 to the Scheme, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.**
- 5. That, where notification is received from the Western Australian Planning Commission that a modification of the Amendment is required prior to approval of the Amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless the modification affects the intent of the Amendment, in which case it shall be referred to the Council for consideration.**

**CARRIED EN BLOC 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### **Declaration of Interest**

Prior to consideration of this Agenda Item Cr Eyre declared a indirect financial interest in Agenda Item 14.6 in accordance with Section 5.61 of the Local Government Act. The interest being that Cr Eyre is a board member of the Small Business Association West Pilbara.

Cr Eyre left the meeting at 2.00 pm.

### **14.6 PLANNING APPLICATION - TWELVE (TWO STOREY) MULTIPLE DWELLINGS AT LOT 969 CAMERON AVENUE, ONSLOW**

**MINUTE:** 11716

**FILE REFERENCE:** ON.CA.969  
Planning Application 13-15

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

**NAME OF APPLICANT/RESPONDENT:** Applicant: DA Burke Builders  
Owner: Onslow Salt Pty Ltd

**DATE REPORT WRITTEN:** 2 December 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.7 (Minute 11289) - Ordinary Meeting of Council 19 September 2012.

### **Summary**

Land subject of the Application for Planning Approval comprises Lot 969 Cameron Avenue, Onslow which has an area of 2024m<sup>2</sup> and is zoned Residential R12.5/30. The application comprises a twelve (two storey) multiple dwellings with car parking and landscaping. The design provides for a rendered finish with metal pitched roofing. Each unit is provided with external private recreational areas and no central open space is sought. Access to the dwellings is via an internal access road with a two-way traffic arrangement.

Clause 6.6.1 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') enables the higher R30 density to apply when connection to reticulated sewerage is available. The minimum density for R30 development under the Residential Design Codes (RCodes) is an average of one unit per 300m<sup>2</sup> (and minimum of one unit per 270m<sup>2</sup>). The Application was widely advertised and no objections were received.

The Application reflects the provisions of the 'Deemed to Comply' standards of RCodes, and approval is recommended.

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### Background

The subject site comprises Lot 969 Cameron Avenue, Onslow which has a combined area of 2024m<sup>2</sup>, and is occupied by a single dwelling. The land slopes from the north to south. Cameron Avenue is a sealed carriageway constructed to a good standard. The site is serviced with underground power, sewer and water. Residential land adjoins to the east and west with land to the south vacant and reserved for education purposes. However it is likely that the ultimate development of this land will be for sporting purposes and include the Onslow aquatic centre.

At the Ordinary Meeting of 12 September 2012, Council issued planning approval for six (two storey) group dwellings which is still valid (i.e. is yet to expire).

### Proposal

The application comprises a twelve (two storey) multiple dwellings with car parking and landscaping. The development comprises:

- 8 two bedroom units; and
- 4 single bedroom units.

The design provides for a 'stone rendered' finish with metal pitched roofing. Each unit is provided with external private recreational areas and no central open space is sought. Access to the dwellings is via an internal access road with a two-way traffic arrangement.



**ATTACHMENT 14.6A** comprises the plans and elevations of the proposed development.

### Comment

The site is zoned Residential R12.5/30 under the *Shire of Ashburton Local Planning Scheme No. 7* ('Scheme'). Clause 6.6.1 of the *Shire of Ashburton Local Planning Scheme No. 7* ('Scheme') enables the higher R30 density to apply when connection to reticulated sewerage is available. In this regard, sewer is available to the site.

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Other *Scheme* provisions relevant to residential development include:

*“6.7.2 Notwithstanding clauses 3.5.1 and 4.7.1 of the Residential Planning Codes every dwelling shall be provided with a store room of not less than four square metres in floor area for the purposes of storing domestic outdoor items during cyclones. The store room shall be fully enclosed and have direct ground level access from outside the building with no direct internal access from the dwelling. It may form part of the main building structure or be a permanent outbuilding.”*

In relation to Clause 6.7.2, each dwelling is provided with a store room accessible from the carport or service court with a minimum area exceeding the 4m<sup>2</sup> minimum.

*“6.7.3 Applications for development under the R Codes for land zoned Residential and which could be potentially contaminated through previous land uses shall not be determined by the Local Government unless issues relating to possible soil and groundwater contamination are first resolved to the satisfaction of the Department of Environmental Water and Catchment Protection.”*

In relation to Clause 6.7.3, the Shire has no record of contamination or reason to believe that the site could be potentially contaminated through previous land uses. With respect to Clause 5.9 ‘Matters to be Considered’, the following matters are considered relevant:

*“The Local Government, in considering an application for planning approval, shall have due regard to the following:*

- (a) the aims and provisions of this Scheme and any relevant Town Planning Scheme operating in the district including any regional planning Scheme;*
- (c) any approved Statement of Planning Policy of the Commission;*
- (d) any relevant policy or strategy of the Commission or any other relevant planning policy adopted by the Government of Western Australia or the Commonwealth of Australia;*
- (e) any Policy Statement, strategy development plan or plan adopted by the Local Government under the provisions of this Scheme;*
- (g) the conservation and management of the natural environment including:
  - (ii) likely risk of the land being subject to flooding, tidal inundation, subsidence, landslip, bushfire or other natural phenomena;**
- (h) the capacity of the site and surrounding locality to support the development including:
  - (i) access, egress, unloading, manoeuvring and parking of vehicles*
  - (ii) traffic generated from the development*
  - (iii) need for public transport services*
  - (iv) public and utility infrastructure and community services*
  - (v) whether adequate provision has been made for access for pedestrians, cyclists and disabled persons*
  - (vi) impact of the development on the amenity of the locality**

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- (v) *any relevant submissions or objections received or sought on the application.*
- (vi) *any other planning consideration that Local Government considers relevant*
  
- (i) *any local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 6.14, and any other plan or guideline adopted by the Local Government under the Scheme;*
- (l) *the compatibility of a use or development with its setting;*
- (m) *any social issues that have an effect on the amenity of the locality;*
- (o) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (p) *whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;*
- (s) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (v) *any other considerations which the Local Government considers relevant to the Scheme purpose and aims in clauses 1.5 and 1.6;*
- (w) *any relevant submissions or objections received or sought on the application; and*
- (x) *any other planning consideration that Local Government considers relevant.”*

With respect to Clause 5.9 (h) (iv) the Water Corporation has generally advised the Shire that no additional connections are available using the existing infrastructure and supply. Any consideration of the proposal should take into account the advice from the Water Corporation as to whether reticulated water supply is available to the land. Accordingly, should Planning Approval issue, it should be contingent on the availability of reticulated water.

### Key Planning Issues

The Application generates both strategic and site specific matters that need to be addressed as follows.

### RCodes/ Multi Unit Housing Code requirements

The Application is assessed against the RCodes for the design of group and multiple housing developments.

### **ATTACHMENT 14.6B**

The Application reflects the provisions of the ‘Deemed to Comply’ standards of RCodes and as such, it would not be possible to oppose the application on grounds associated with the RCodes.



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### Car Parking and Access:

In relation to 'car parking', the development generates a need for 17 car spaces (14 for residents and 3 for visitors). Plans accompanying the application provide for 23 spaces. Each unit is allocated a space that is undercover. Car spaces 3 and 4 will need to be widened to 3m due to the spaces adjoining a fixed structure which impedes vehicle access.

### Amenity/Miscellaneous

Information and assessment is required that addresses the air-conditioning systems whereby cassette and/or split air-conditioning systems are not simply placed outside dwellings as an afterthought which can result in poor amenity for neighbours and occupants.

Another aspect of local and onsite amenity is the need to control the 'reverse beepers' of the numerous vehicles within the town. This should be addressed in a management plan by the Applicant and as a condition of planning approval. Any fencing along the front boundary of the lot should be a 'feature fence' designed and constructed to promote the 'high quality' of the development.

### **Conclusions**

From the information provided, the Application appears to reflect the provisions of the 'Acceptable Development' standards of *R Codes*, however modifications to the plans/elevations will be required. The development could be substantially improved through variation of diversity of unit building materials and easily accessible parking arrangements.

### **Consultation**

Chief Executive Officer

The Application was advertised by a sign on site and notification to adjoining and opposite land owners. No objections were received. Submissions were received from the Department of Housing offering no objection and one from Horizon Power advising that it had "... no objections with the proposed location or proposal."

### **Statutory Environment**

*Shire of Ashburton Local Planning Scheme No. 7 ('Scheme')*  
*State Planning Policy 3.1 – Residential Design Codes*

Under the *Scheme*, the land is zoned Residential R12.5/30 and sewer is available. Clause 6.6.1 enables the responsible authority to consider an application for group and multiple dwelling development to a density of R30. Accordingly, the Application is assessed under Clause 6.6.1 of the *Scheme*.

### **Financial Implications**

None anticipated.

### **Strategic Implications**

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

### **Policy Implications**

None Anticipated

### **Voting Requirement**

Simple Majority Required

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### Council Decision

**MOVED:** Cr L Rumble

**SECONDED:** Cr D Dias

**That Council:**

**1. APPROVE Planning Application Shire Ref: 13-15 for twelve (two storey) multiple dwellings at Lot 969 Cameron Avenue, Onslow generally in accordance with plans as provided in ATTACHMENT 14.6A to the Shire Report (modified by conditions of this Approval) and in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 and the following conditions:**

- 1. The use shall not commence until the landowner has entered into an agreement with the Water Corporation for the supply of sufficient reticulated water to the land in order to serve the development upon the advice of the Water Corporation and to the satisfaction of the responsible authority.**
- 2. The development is to be generally carried out in accordance with the plans provided with the Application and modified to the requirements of the responsible authority as follows:**
  - i All parking/access designed in accordance with the provisions of the Shire of Ashburton Local Planning Scheme No. 7 ( 'Scheme'), and reversing areas designed to avoid buildings and structures;**

**Plans are to be reconfigured to the satisfaction of the responsible authority taking into the above requirements and when endorsed by the responsible authority shall become the amended plans.**

- 3. This Planning Approval lapses if the development is not substantially commenced by 11 September 2017.**
- 4. Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the responsible authority and when endorsed by the responsible authority shall become the amended plans:**
  - i. A geotechnical report covering the development area being prepared by the applicant at the applicant's cost and to the satisfaction of the responsible authority. The report to be lodged, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.**
  - ii. A Stormwater Management Plan prepared by a certified practicing Hydraulic Engineer to be prepared in conjunction with the Local Authority which shall include an analysis of the existing hydrology of the site, having regard to and addressing the method of disposal and management of stormwater.**
  - iii. As part of the Stormwater Management Plan the following matters to be addressed:**
    - (a) the existing capacity of the Town's stormwater infrastructure and**

its ability to cope with the additional demand placed upon it by the proposed development; and

- (b) the method, flow rate and volume of stormwater proposed for connection/discharge into the Town's stormwater system.
- iv. All approved drainage and stormwater infrastructure shall be installed during construction and prior to the completion of the development, and thereafter maintained and operated in accordance with the approved Stormwater Management Plan at the applicant/owner's cost.
- v. The submission of a landscape plan to the satisfaction of the responsible authority. The Plan should indicate:
  - a) the location and type of fencing to be installed; and
  - b) the location and type of reticulation to be installed; and the location and type of paving to be installed (including 'alleyways' within the dwelling development).

The Plan should also include:

- a) a plant schedule nominating each species;
- b) the spacings of each species;
- c) the numbers of plants required; and
- d) the size of each plant to be used at the time of planting, together with the anticipated height of each plant at maturity.

The Plan shall identify and include planning of the adjoining road verge.

- vi. A Staging and Construction Management Plan shall be prepared to the satisfaction of the responsible authority and endorsed to this Planning Approval. This plan is to address:
  - a) staging of the development;
  - b) noise;
  - c) accommodation of builders/site workers;
  - d) hours of construction;
  - e) traffic management;
  - f) parking management to allow operation of the existing commercial development;
  - g) access management;
  - h) management of loading and unloading of vehicles;
  - i) heavy vehicle access;
  - j) dust;
  - k) protection of trees (to be retained); and
  - l) any other relevant matters.

The requirements of this plan are to be observed at all times during the construction process.

- 5. Prior to occupation of the development the following shall be undertaken to the requirements of the responsible authority where once approved, the arrangements will be endorsed to this Planning Approval.

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- i. Management and strategy arrangements shall be submitted addressing the means by which garbage and recycling arrangements will be established in such a manner that it will not negatively impact the amenity of the locality.
- ii. Management of audible reversing warning systems. Arrangements that prohibit such systems or establish management arrangements that vehicles are reversed into parking spaces.
- iii. The landscaping and reticulation as identified this Approval is to be established in accordance with the approved plan(s) prior to occupation of the development and thereafter maintained to the satisfaction of the responsible authority.
- iv. All external fixtures and garbage bin pads, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street or negatively impact on the amenity of the locality.
- v. An internal and external lighting plan detailing all security and safety lighting in communal areas. The lighting shall be installed in full in accordance with the development hereby approved, and thereafter maintained.
- vi. Details on mail boxes and fencing, including colour, texture and materials of the development. Fencing along the front boundary of the lot shall be a 'feature fence', visually permeable, designed and constructed to the satisfaction of the responsible authority. All mail boxes and fencing is to be erected in accordance with the approved details and thereafter maintained.
- vii. Details on the external drying area where the clothes drying facilities are fully installed and screened from view from Cameron Avenue.
- viii. All parking and maneuvering areas (on and off the site) shall be constructed at the cost of the developer and be bitumen sealed, concrete or brick paved to the satisfaction of the responsible authority.

### Advice Notes

- i. Consent from the Shire of Ashburton will be required for construction of the crossover.
- ii. 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).
- iii. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Applicants 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

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Indigenous Affairs on 9235 8000 or at the following website:  
<http://www.dia.wa.gov.au/Heritage/default.aspx>.

**CARRIED 7/0**

**Crs White, Rumble, Dias, Wright, Thomas, Foster and Bloem voted for the motion**

Cr Eyre and Amanda O'Halloran entered the meeting at 2.01 pm.

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### Declaration of Interest

Prior to consideration of this Agenda Item Cr Foster declared a financial interest in Agenda Item 14.7 in accordance with Section 5.60A of the Local Government Act. The interest being that Cr Foster is an employee of the Department of Transport.

Cr Foster left the meeting at 2.01 pm.

### **14.7 BEADON CREEK HARBOR, ONSLOW - COUNCIL DIRECTION SOUGHT ON 'STRATEGIC PLANNING' APPROACH FOR THE HARBOUR**

**MINUTE:** 11717

**FILE REFERENCE:** RE.BD.R.30711  
Rec:1323261

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

**NAME OF APPLICANT/RESPONDENT:** Department of Transport

**DATE REPORT WRITTEN:** 1 December 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 14.10 (Minute: 11630) - Ordinary Meeting of Council 18 September 2013  
Agenda Item 13.7 - Ordinary Meeting of Council 18 September 2013  
Agenda Item 13.5 (Minute No. 11557) – Ordinary Meeting of Council 05 June 2013

### **Summary**

At the Ordinary Meeting of 18 September 2013, the Administration sought the views of Council in relation to the need for a "strategic plan" for the Beadon Creek harbour and which reflected a transparent planning, environmental and community consultation process.

As an initial response, the Department of Transport ('DoT') has met with Shire Administration and sought to commence a process of 'structure planning' approach. The DoT has prepared an 'Interim Plan for the Permitted Uses within the Beadon Creek Boat Harbour' ('interim plan') for permitted uses in the harbour (Reserve 30711).

It is recommended that Council advise the DoT that a detailed "strategic plan" for the Beadon Creek harbour will need to be prepared based on the Western Australian Planning Commission's "Structure Plan Preparation Guidelines" and for the DoT to undertake a process of consultation with the Onslow community.

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

On the basis of what has been provided by the DoT, it is recommended that the DoT be advised that:

- i. the 'Interim Plan for the Permitted Uses within the Beadon Creek Boat Harbour' as prepared by the DoT is only suitable to be used as guide for applications for planning approval insofar as it relates to proposals within 'precincts' 4 and 5;
- ii. the remaining 'precincts' will need a far greater process of planning, environmental assessment and community consultation before Council can reasonably be expected to consider applications in these area; and
- iii. as a matter of urgency, a detailed "strategic plan" for the Beadon Creek harbour will need to be prepared based on the Western Australian Planning Commission's "Structure Plan Preparation Guidelines" and for the DoT to undertake a process of consultation with the Onslow community.

### **Background**

The Beadon Creek harbour is under the care and control of the Department of Transport (DoT). Historically, the harbour has been a very low-key cargo entry for the pastoral sector, a fishing harbour and a recreation area for Onslow and in particular, its Indigenous community. The harbour is defined as Reserve 30711.

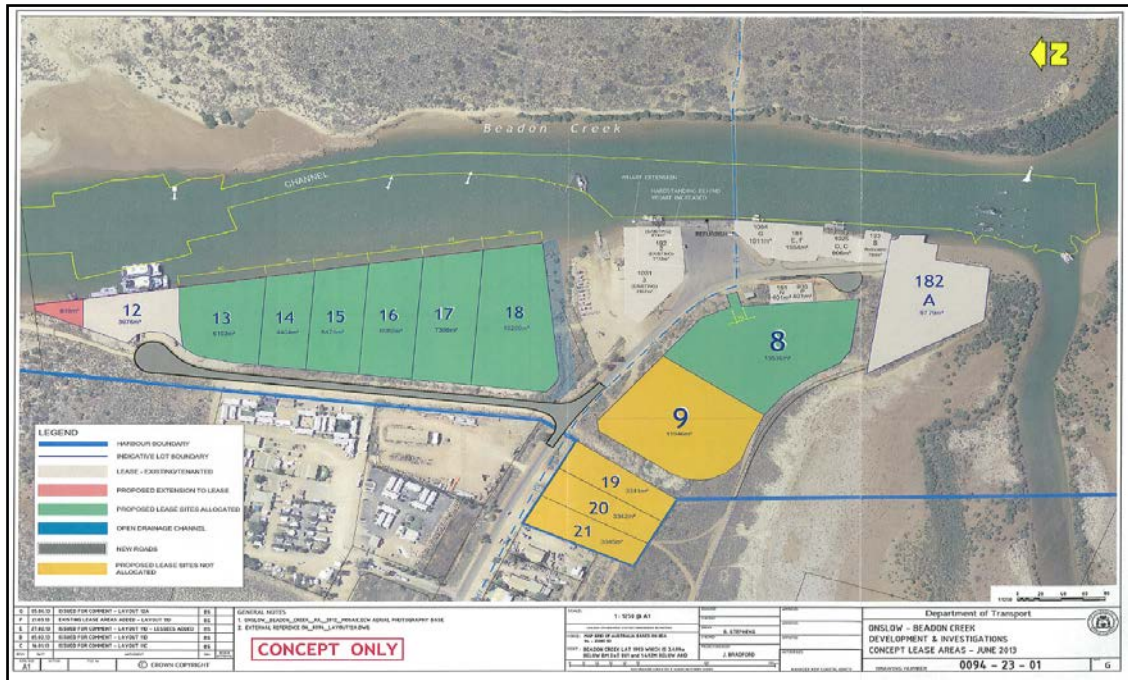
The Administration has been made aware of 'confidential' concept plan prepared by the DoT that shows industrial use and development within 20 metres of existing accommodation at the 'Beadon Bay Caravan Park.'

DoT has prepared at least seven 'concepts' that have had no statutory, environmental or community input into their design. As far as the Shire is aware, the 'concepts' merely represent a commercial estate venture to develop the harbour area for leasehold purposes.

Representations to the Administration and Council from industrial and resource operators keen to develop facilities at the harbour have included an iron ore stockpile and a waste transfer station. These proposals have reflected the DoT's 'confidential' concept plan of that time and indicated the likely intent of the DoT to develop along the lines of that plan.

The following 'concept plan' included represents one of many 'concepts' prepared by the DoT for the development of Beadon Creek Port and which JAG Marine has relied upon for the Application before Council:

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013



At the Ordinary Meeting of 18 September 2013, the Administration sought the views of Council on whether in relation to this and other proposals at the Beadon Creek harbour, a “strategic plan” is required before Council is in a position to determine such proposals. Council resolved as follows:

*“That Council:*

1. *Write to the Minister for Planning, the Minister for Regional Development, Minister for Transport and the Minister for Environment expressing the absolute need for the Department of Transport (DoT) to immediately undertake a ‘strategic plan’ for the harbour.*
2. *Write to the DoT and known proponent/applicants advising that until the DoT prepare a professionally ‘strategic plan’ that has community input and addresses, environmental and land use conflicts, Council is unlikely to approval applications at the Beadon Creek harbour.”*

The Administration undertook to carryout Council’s instructions and as a result and as an initial response, the Department of Transport (‘DoT’) has met with the Administration and sought to commence a process of ‘structure planning’ for the Beadon Creek Harbor. Also at the same meeting, Council addressed a proposal concerning the Marine Tourism of Western Australia (MTWA) development site at the harbour and resolved as follows:

*“That Council:*

1. *Give in-principle support to the Marine Tourism of Western Australia (MTWA) Development and write to the Department of Transport requesting that Lots 13 and 14 be allocated for “Tourism Use”.*
2. *Appoint a delegation consisting of the Shire President and the CEO to meet with the Minister of Transport to request the preparation of a development plan that addresses the development potential of the harbour and which installs access for community needs.”*



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### Proposal

As a response to the Council's resolution of 18 September 2013 (in relation to a "strategic plan"), the DoT has prepared an 'Interim Plan for the Permitted Uses within the Beadon Creek Boat Harbour' ('interim plan') for permitted uses in the harbour (Reserve 30711).

### ATTACHMENT 14.7A

The interim plan establishes five (5) precincts at the harbour and defines uses that would be acceptable (the DoT defines them as 'Permitted Use'):

The DoT advised that the interim arrangement will be:

#### "1. Setbacks

*The required setbacks in relation to the development of fixed structures within areas 1 and 5 as shown on the attached Permitted Use Plan are:*

- Area 1 50m from the existing Tourism zone boundary
- Area 5 50m from the existing Tourism zone boundary

#### 2. Hours of Operation

*The hours of operation in the Boat Harbour Reserve will generally only be within the hours of daylight"*

The DoT also acknowledge that the documentation "...is only intended for use until such time that a Development Plan can be completed."

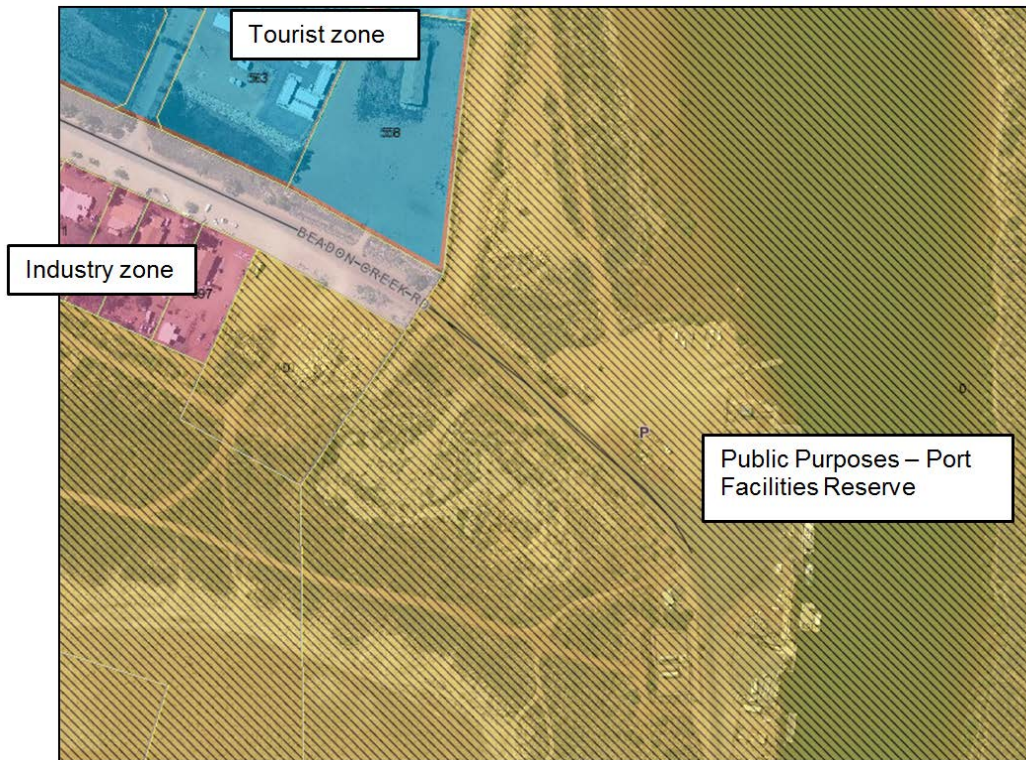


Extract from DoT 'interim arrangement'

### Comment

Beadon Creek harbour areas is reserved under the Scheme for 'Public Purposes- Port Facilities.'

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013



The application is to be determined in accordance with the provisions of Part 5 of the Scheme. The following clauses provided for in the Scheme are relevant:

- Clause 1.6 Scheme Objectives
- Clause 2.1 Local Planning Policies
- Clause 3.2 Use and Development of Reserves
- Clause 4.2 Zoning Table
- Clause 5.1 Requirement for Planning Approval
- Clause 5.8 Consultation with Other Authorities
- Clause 5.9 Matters to be Considered
- Clause 5.10 Determination of Application
- Clause 6.10 Commercial zones

Under the Scheme, the following provisions apply:

*“3.2.2 Where an application for planning approval is made with respect to land within a reserve, the Local Government shall have regard to the ultimate purpose intended for the reserve and Local Government shall confer with the organisations it considers relevant to that purpose and the proposed use or development.”*

*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.”*

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

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

Clause 7.3.8 of the Scheme specifically relevant to Coastal Hazard Area for Onslow states:

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

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

*"The developer undertakes to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events."*

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

### Key Planning Issues

The planning arrangements for the harbour generates both strategic and site specific matters and which include:

- *Flood and Storm Surge;*
- *Potential impact on amenity and conflict with nearby Tourist zoned land (developed and non-developed); and*
- *Process of 'structure planning.'*

The key planning issues areas are as follows:

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Flood and Storm Surge

The use and the works proposed at the harbour may be limited by the requirements of Clause 7.3.8 of the Scheme. However, should Planning Approval issue, the Council would be obliged to include reference to the endorsement required under Clause 7.3.8 (e).

### Potential impact on amenity and conflict with nearby Tourist zoned land (developed and non-developed)

The Council has expressed in the strongest of terms the need to ensure that the DoT only allows use in the harbour area that are compatible with uses available in the Tourist zone land.

In a previous application at the harbor (within precinct 4) the Department of Environment Regulation (DER) provided the following comment:

*“DER is aware that the proposed site is in close proximity to Beadon Creek. During both construction and operation of the facility the proponent will be required to implement measures which minimise emissions and discharges from the facility which have the potential to impact on Beadon Creek. Although the activities are not prescribed they are still subject to the general provisions of the Environmental Protection Act 1986 and Environmental Protection (Unauthorised Discharges) Regulations 2004 which state materials listed in Schedule 1 are not to be discharged to the environment.”*

### Process of ‘structure planning’

There are policy implications relative to this issue but which relate to the overall development of the Beadon Creek harbour. As noted, as an initial response to Council’s request for a sound strategic approach to the development of the harbour, DoT has met with the Administration and sought to commence a process of ‘structure planning’ which although in its earliest stages.

Although the ‘structure planning’ is in its early stages, it is considered sufficient to consider applications for laydown & utility yard to support marine services operations generally within precincts 4 and 5 of Reserve 30711.

However, it is considered that the information provided in the ‘interim plan for precincts 1, 2 and 3 is insufficient to enable Council to determine applications. In this regard, it is necessary that a well-developed plan that has addressed community concerns would need to be prepared and adopted by Council and perhaps the Western Australian Planning Commission (WAPC).

In this regard, it would be appropriate for the DoT to prepare a planning approach in consultation with the Administration and which addresses the WAPC’s “Structure Plan Preparation Guidelines”. (**ATTACHMENT 14.7B**)

### **Conclusion**

On the basis of what has been provided by the DoT, it is recommended that DoT’s interim plan be used as a guide for Council when determining any applications for planning approval in areas identified in Reserve 30711 but only in relation to precincts 4 and 5. For precincts 1, 2 and 3, a process of developing a ‘structure plan’ and community consultation will be required.

### **Consultation**

Chief Executive Officer

The DoT’s interim plan has not been advertised or referred to any agency. However, a ‘structure plan; as prepared by the DoT would be widely circulated with the Onslow community and referred to all relevant agencies.

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### Statutory Environment

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

### 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

### Policy Implications

As noted in this Report, there are policy implications relative to this issue but which relate to the overall development of the Beadon Creek harbour.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr L Thomas

**SECONDED:** Cr D Wright

**That Council:**

1. **Advise the Department of Transport (DoT) that:**
  - i. **the *'Interim Plan for the Permitted Uses within the Beadon Creek Boat Harbour'* as prepared by the DoT is only suitable to be used as guide for applications for planning approval insofar as it relates to proposals within 'precincts' 4 and 5;**
  - ii. **the remaining 'precincts' will need a far greater process of planning, environmental assessment and community consultation before Council can reasonably be expected to consider applications in these area; and**
  - iii. **as a matter of urgency, a detailed "strategic plan" for the Beadon Creek harbour will need to be prepared based on the Western Australian Planning Commission's "Structure Plan Preparation Guidelines" and for the DoT to undertake a process of consultation with the Onslow community.**

**CARRIED 7/0**

**Crs White, Rumble, Dias, Wright, Thomas, Eyre and Bloem voted for the motion**

Cr Foster entered the meeting at 2.02 pm.

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### **Declaration of Interest**

Prior to consideration of this Agenda Item Crs White declared a financial interest in Agenda Item 14.8 in accordance with Section 5.60A of the Local Government Act. The interest being that Cr White has donated and loaned moneys to the Onslow Rodeo Grounds.

Cr White left the meeting at 2.02 pm.  
Cr Rumble took the chair at 2.02 pm.

### **14.8 ONSLOW RODEO GROUNDS (RESERVE 39070)**

**MINUTE:** 11718

**FILE REFERENCE:** RE.OA.R.39070

**AUTHOR'S NAME AND POSITION:** Deb Wilkes  
Executive Manager, Community Development

Rob Paull  
Principal Town Planner

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

**DATE REPORT WRITTEN:** 3 December 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.3 Minute 11393 Ordinary Meeting of Council 12 December 2012.

### **Summary**

The Onslow Rodeo Grounds (Reserve 39070) is vested in the Shire and leased to the Onslow Rodeo Club. Over a number of years the Club has allegedly allowed filling of various areas of the Reserve, culminating in illegal asbestos dumping which the Shire is pursuing.

At the ordinary Meeting of 12 December 2012, the Council resolved to seek an independent environmental 'audit' of the Reserve up to \$20,000 to:

- determine what has been disposed of on the site;
- address the Club's future development proposals;
- the planning and environmental process to achieve such plans; and
- any other matter relevant to the Shire, Council and Club.

This Shire sourced quotations from appropriate consultants however in the process of pursuing the 'audit' it was indicated from the Department of Environment and Conservation that Reserve 39070 may be subject to a more formal and significantly more stringent assessment under the Contaminated Sites Act 2003.

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The Shire Administration has now been advised that the Department of Environment Regulation has placed a memorial under S59 of the Contaminated Sites Act 2003 that places limitations on the development of the Reserve. It would appear that the 'audit' as earlier considered by Council will now require a more substantive assessment and is likely to cost in the vicinity of \$50,000.

Accordingly, it is recommended that the Council undertake an independent environmental 'audit' of the Reserve leading to a detailed site investigation up to the value of \$50,000 to:

- determine what has been disposed of on the site;
- address the classification as 'Possibly contaminated - investigation required'
- whether the site is safe for use from any contaminants on or within the site; and
- any other matter relevant to the Council and the Department of Environment Regulation that would enable the withdrawal of Memorial M400302.

### Background

The Onslow Rodeo Grounds (Reserve 39070) is vested in the Shire and leased to the Onslow Rodeo Club. Over a number of years the Club has allowed filling of various areas of the Reserve culminating in illegal asbestos dumping which the Shire is pursuing. A meeting with the Club and Shire staff was undertaken in October 2012 where the Club agreed that it will not add to any filling of the site that is not 'clean fill' and that it would consult with the Shire's Construction Manager/Capital Works Supervisor before any further filling is undertaken.



**Aerial photograph courtesy of Landgate 2012**

At the ordinary Meeting of 12 December 2012, the Council resolved to seek an independent environmental 'audit' of the Reserve as follows:

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- “1. *Direct the Acting Chief Executive Officer to undertake an independent environmental ‘audit’ of Reserve 39070 to:*
  - *determine what has been disposed of on the site;*
  - *address the Club’s future development proposals;*
  - *the planning and environmental process to achieve such plans; and*
  - *any other matter relevant to the Shire, Council and Club.*
2. *In relation to 1. above, Directs funding for the environment audit of Reserve 39070 be from account 140114 of up to \$20,000 and it be recognised as over budget expenditure.”*

This Shire sourced quotations from appropriate consultants however in the process of pursuing the ‘audit’ it was indicated from (then) Department of Environment and Conservation that Reserve 39070 may be subject to a more formal and significantly more stringent assessment under the Contaminated Sites Act 2003.

Accordingly, implementation of the ‘audit’ was temporarily held back until the issue of the Contaminated Sites Act 2003 had been resolved as it might have led to the ‘audit’ being repeated at additional cost to Council.

### **Proposal**

The Shire Administration has been advised that the Department of Environment Regulation (DER) has placed a memorial under S59 of the Contaminated Sites Act 2003 that places limitations on the development of the Reserve.

### **ATTACHMENT 14.8**

Correspondence from the Contaminated Sites Branch of the DER states:

*“In accordance with section 59 of the Contaminated Sites Act 2003 (the Act), please be advised that, on instruction by Department of Environment Regulation(DER), a memorial has been registered against the Certificate(s) of Title listed below, under section 58 of the Act, for the site consisting of 1 parcel(s) of land including the following:*

- *Memorial M400302 ML. LOT 127 ON PLAN 186673 as shown on certificate of title LR3054/945 known as 127 Onslow Rd, Onslow WA 6710*

*The memorial records the site classification as ‘Possibly contaminated - investigation required’.*

*Given that a memorial has been registered against the site, under section 58(6) of the Act, the Western Australian Planning Commission may not approve the subdivision of the land under Section 35 of the Planning and Development Act 2005, or the amalgamation of that land with any other land without seeking, and taking into account, the advice of DER as to the suitability of the land for subdivision or amalgamation.*

*Furthermore, a responsible authority (e.g, Local Government Authorities) may not grant approval under a scheme for any proposed development of the land without seeking, and taking into account, advice from DER as to the suitability of the proposed development.”*

It would appear that the ‘audit’ as earlier considered by Council will now require a more substantive assessment and is likely to cost in the vicinity of \$50,000.

Accordingly, it is recommended that the Council now undertake an independent environmental ‘audit’ of the Reserve leading to a detailed site investigation up to the value of \$50,000 to:

- determine what has been disposed of on the site;



## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

- address the classification as *'Possibly contaminated - investigation required'*
- whether the site is safe for use from any contaminants on or within the site; and
- any other matter relevant to the Council and the Department of Environment Regulation that would enable the withdrawal of Memorial M400302.

### **Comment**

This is a matter of genuine public health issue and importantly, the Shire is responsible for ensuring that any tenant does not negatively impact a Reserve and that they comply with State environmental and planning laws.

### **Consultation**

Chief Executive Officer

### **Statutory Environment**

Land Administration Act  
Environment Protection Act  
Contaminated Sites Act

### **Financial Implications**

Funding for the environment audit and detailed site investigation of Reserve 39070 is urgently required to ensure public safety is maintained. No budget provision exists but funds can be allocated to account 140114 (Consultant/Project costs) of up to \$50,000 and it be recognised as over budget expenditure if it cannot be accommodated within the mid-year budget review

There is some possibility that current Administration staff may have the expertise/resources to conduct the audit but this would need to be further investigated

### **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, which relate to this matter.

### **Voting Requirement**

Simple Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr D Wright**

**That Council:**

- 1. Authorise the Chief Executive Officer to undertake an independent environmental 'audit' and detailed site investigation of Reserve 39070 to:**
  - **determine what has been disposed of on the site;**
  - **address the classification as 'Possibly contaminated - investigation required'**
  - **whether the site is safe for use from any contaminants on or within the site; and**
  - **any other matter relevant to the Council and the Department of Environment Regulation that would enable the withdrawal of Memorial M400302.**
- 2. In relation to 1. above, Directs investiage if the audit is able to conducted using current staff resources and expertise, and if not, direct funding, of up to \$50,000, for the environment audit and detailed site investigation of Reserve 39070 be taken from account 140114 (consultant/project costs) of up to \$50,000 and that it be recognised as over budget expenditure.**

**CARRIED 7/0**

**Crs Rumble, Dias, Eyre, Wright, Foster, Bloem and Thomas voted for the motion**

Jim Kelly entered the meeting at 2.03 pm.

Cr White entered the meeting at 2.04 pm.

Cr White resumed the chair at 2.04 pm.

**MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013**

**15. OPERATIONS REPORTS**

There were no Operation Reports for this meeting.

**16. COUNCILLOR AGENDA ITEMS**

There were no Councillor Agenda items for this meeting.

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

**Council Decision**

**MOVED: Cr A Eyre**

**SECONDED: Cr I Dias**

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

**17.1 NAMELESS FESTIVAL PUBLIC HOLIDAY**

**CARRIED 8/0**  
**Crs White, Rumble, Dias, Foster, Wright, Thomas, Eyre and Bloem voted for the motion**

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### 17.1 NEW BUSINESS - NAMELESS FESTIVAL PUBLIC HOLIDAY

**MINUTE:** 11729

**FILE REFERENCE:** CS.CE.01.00

**AUTHOR'S NAME AND POSITION:** Deb Wilkes  
Executive Manager Community Development

**NAME OF APPLICANT/  
RESPONDENT:** Councillor Peter Foster

**DATE REPORT WRITTEN:** 10 December 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 18.1 (Minute No. 11295) – Ordinary Meeting of Council 19 September 2012

#### **Summary**

In September 2012, Councillor Peter Foster put forward an agenda item requesting consideration be given to moving the Queens Public Holiday from its present date, to one that aligns with the Nameless Jardunmunha Festival, held in August each year.

This was supported in principal by Council with a request that public consultation be undertaken.

#### **Background**

On 22 November 2013, correspondence from the Department of Local Government advised that submissions for proposed changes of Queens Birthday date for 2014, needed to be lodged with the Department of commerce prior to 13 December 2013.

A questionnaire asking if residents "would like the Queen's Birthday Public Holiday changed to the Monday immediately after the Nameless Jardunmunha Festival was distributed to the Tom Price primary and high schools, RTIO, and the Tom Price CAG; questionnaires were handed out at a Welcome to Town event, and were available at the Community Development office and the Library. The closing date for responses was COB Friday 6 December 2013.

#### **Comment**

Almost 120 questionnaires were returned (including three via email), with the following responses  
99 stated "yes" and 30 stated "no" to the proposed change.

#### **Consultation**

CEO  
Executive Management Team  
Tom Price Community

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Statutory Environment

Section 8 of the Public and Bank Holidays Act (1972) allows the Governor of WA to proclaim another day instead of the Queen's Birthday holiday. The Department of Commence – Labour relations administers this Act.

### Financial Implications

Costs associated with advertising the change of date

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01– Vibrant and active communities

Objective 04 – A rich cultural life

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr P Foster

**SECONDED:** Cr A Eyre

**That Council:**

- 1. Supports the proposal to change the Queen's Birthday Public Holiday in 2014 from 20 October, to 11 August, and authorises a submission to be sent the Department of Commence to request this change.**
- 2. That the stated geographic boundary for the change of Queens Birthday Public Holiday be within a 10km radius of the boundary of the Tom Price town site.**

**CARRIED 8/0**

**Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster and Bloem voted for the motion**

## 18. 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.*

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Wright

That Council close the meeting to the public at 2.11 pm pursuant to sub section 5.23 (2) (d) of the Local Government Act 1995.

CARRIED 8/0

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Declaration of Interest

Prior to consideration of this Agenda Item Crs White and Dias declared a financial interest in Agenda Item 18.1 in accordance with Section 5.60A of the Local Government Act. The interest being that Crs White and Dias own shares in BHP.

Crs White and Dias left the meeting at 2.12 pm.

Cr Rumble took the chair at 2.12 pm.

### **18.1 NEW BUSINESS OF URGENT NATURE - CONFIDENTIAL - LODGEMENT TO THE STATE ADMINISTRATIVE TRIBUNAL BY CHEVRON AUSTRALIA - APPLICATION FOR REVIEW OF PLANNING APPROVAL - CHANGE THE USE OF MACEDON TRANSIENT WORKFORCE ACCOMMODATION CAMP (COMPRISING 380 ROOMS, ASSOCIATED FACILITIES AND SERVICES) TO ENABLE SOLE OCCUPATION BY CHEVRON WHEATSTONE CONSTRUCTION AND COMMISSIONING / MAINTENANCE WORKERS AT LOT 500 ONSLOW ROAD, ASHBURTON NORTH**

**MINUTE:** 11719

**FILE REFERENCE:** RD.OG.2.7

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

**NAME OF APPLICANT/  
RESPONDENT:** Chevron Australia  
State of Western Australia

**DATE REPORT WRITTEN:** 7 December 2013

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

**PREVIOUS MEETING  
REFERENCE:** Confidential Agenda Item 14.4 (Minute No. 11704) -  
Ordinary Meeting of Council 20 November 2013  
Confidential Agenda Item 14.6 (Minute No. 11678) -  
Ordinary Meeting of Council 16 October 2013  
Confidential Agenda Item 14.6 (Minute No. 11655) -  
Ordinary Meeting of Council 18 September 2013  
Agenda Item 13.07.37 - Ordinary Meeting of Council 13  
July 2010  
Agenda Item 9.08.01 - Special Meeting of Council 4  
August 2010  
Note: Whilst not listed here, numerous other reports  
associated with the ANSIA and Chevron's Wheatstone  
development have been presented to Council and the  
Pilbara Joint Development Assessment Panel

Please refer to Confidential Item Attachment under separate cover.

## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Council Decision

**MOVED:** Cr A Eyre

**SECONDED:** Cr D Wright

#### That Council:

1. Note the application for review lodged by Chevron Australia Pty Ltd ('Chevron') to the State Administrative Tribunal against Council's Planning Approval for a change of the use from the Macedon Transient Workforce Accommodation Camp ('Brolga Camp' comprising a maximum of 380 beds, associated facilities and services) to enable sole occupation by the Chevron Wheatstone construction and commissioning workforce at Lot 500 Onslow Road, Ashburton (Ref: 20130270 (P)).
2. Direct the Chief Executive Officer as follows:
  - i) To take steps as necessary to immediately request the Minister for Planning to intervene in Chevron's application for review of Planning Approval Ref: 20130270 (P) by either:
    - a) A submission pursuant to S245(2) of the Planning and Development Act 2005 ('Act'); or
    - b) call in the application to SAT for review pursuant to S246;as the matters raised by Chevron in the review are fundamental to the outcome of Amendment No. 17 to the Shire of Ashburton Local Planning Scheme No. 7 on the basis that should SAT accept that the camp operation be extended beyond the period established for Macedon's use, it will contrast the strategic direction of the land as identified in Amendment No. 17. In addition, the 'indemnity' sought by Council protects the State as well as the local government in the event of a catastrophic mishap at the Ashburton North Strategic Industrial Area.
  - ii) Advise Chevron that it is the view of Council that until the application to review Planning Approval Ref: 20130270 (P) is determined, Chevron has no opportunity to occupy the transient workforce accommodation camp subject of Planning Approval Ref: 20130270 (P).
  - iii) To make arrangements for the Shire to be represented at the Directions Hearing and attend any mediation so arranged, reporting outcomes back to Council as appropriate.
  - iv) In consultation with the Shire President, prepare a press release outlining Chevron's review of Planning Approval Ref: 20130270 (P) and Council's defence of Chevron's action.

**CARRIED 6/0**

**Crs Rumble, Fernandez, Wright, Thomas, Eyre and Bloem voted for the motion**

Crs White and Dias entered the meeting at 2.29 pm  
Cr White resumed the chair at 2.29 pm.



## MINUTES - ORDINARY MEETING OF COUNCIL 11 DECEMBER 2013

### Council Decision

**MOVED: Cr D White**

**SECONDED: Cr D Dias**

**That Council opened the meeting to the public at 2.29 pm.**

**CARRIED 8/0**

### **19. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 22 January 2014, at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price commencing at 1.00 pm.

### **20. CLOSURE OF MEETING**

The Shire President closed the meeting at 2.30 pm.